

**Application Recommended for Approval with Conditions  
Daneshouse With Stoneyholme**

**FUL/2023/0332**

Town and Country Planning Act 1990

Erection of solar farm comprising 1978 panels, transformer housing, CCTV and boundary fencing

Crow Wood Hotel Crow Wood Holme Road Stoneyholme

**Background:**

The development is presented to committee as it is for major development in the Green Belt.

Crow Wood is a multi use sports, health, hotel and leisure facility which is located approximately 0.6m from Burnley town centre. The site has grown from its first development in 2000 with the sport, leisure, and equestrian facilities followed by a 76 bed hotel in 2019 and more recently the extension to the leisure facilities in 2022.

This application is for a ground mounted solar array located within a field to the north of the hotel with access from an unadopted lane which serves a collection of properties along Holme Road. The site sits outside the development boundary for the borough and lies wholly within designated Green Belt. Approximately 460m to the north is the Borough of Pendle

The site is relatively flat in nature sitting at a higher level to the River Calder which sits to the west. Directly to the north of the site is a designated Woodland Network (policy NE1) which creates a strong natural buffer. The eastern and southern aspects of the site are predominantly open with views from the rear of the hotel (southern) and along the access lane (east). The wider site is surrounded by pasture, predominantly sheep and cattle grazing within the Crow Wood estate and there are fields used for horse livery, connected to the Crow Wood livery stables on Holme Road opposite the Site, and further stables nearby.

The application is driven by the significant high energy demand for the leisure and hotel and associated uses, with the applicant being keen to create on- site self sufficient, renewable energy.



**Extract 1:** source [www.google.com](http://www.google.com) showing approximate location of the site



**Extract 2:** source [www.google.com](http://www.google.com) The site is just one field away from the rear of the hotel



**Photo 1:** pano of the site taken in May 2023 looking from the east



**Photo 2:** Crow Wood woodland walk



**Photo 3:** View looking south towards the rear of the hotel

Field location of the solar array



**Photo:** August 2023 taken from the 2<sup>nd</sup> floor landing of the hotel looking northwards to the site

### Screening Opinion

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a screening opinion was submitted by the applicant reference ESR/2023/0055 which was assessed by the Council which deemed the development not to be EIA development.

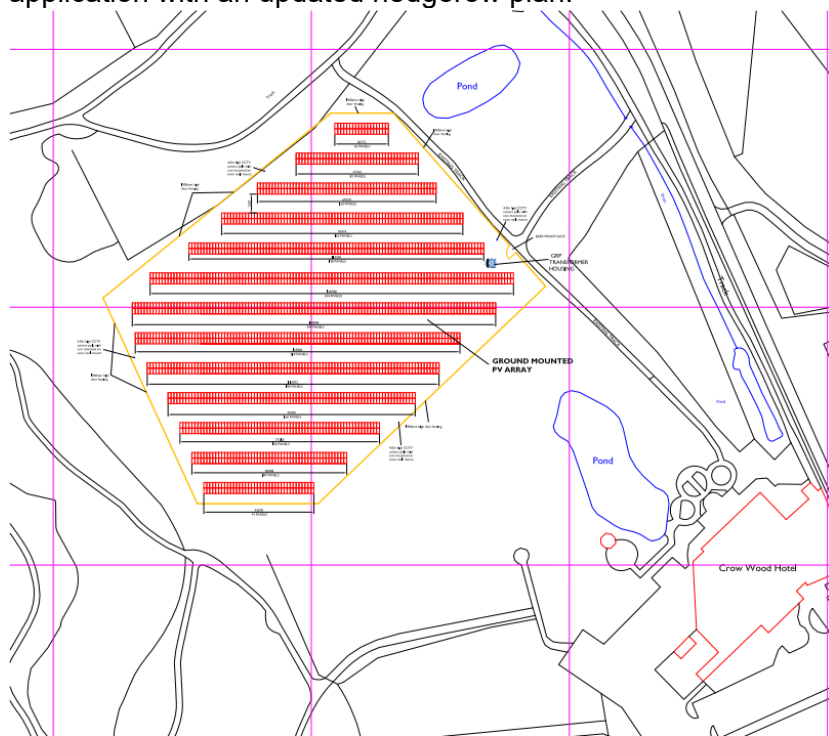
## Proposal

The application seeks consent for a ground mounted solar farm consisting of 1978 solar panels, boundary fencing, transformer and housing, CCTV and associated access. The solar panels would have the capacity to create 1.121 kw which during the spring and summer months will power the wider Crow Wood site with the potential for 20% energy back to the grid. During the winter there will be some need to use the electricity from the grid.

The application has been supported with:

Planning statement  
Extended Phase I Habitat Survey Report  
Great Crested Newt Surveys  
Flood Risk Assessment  
Landscape and Visual Assessment

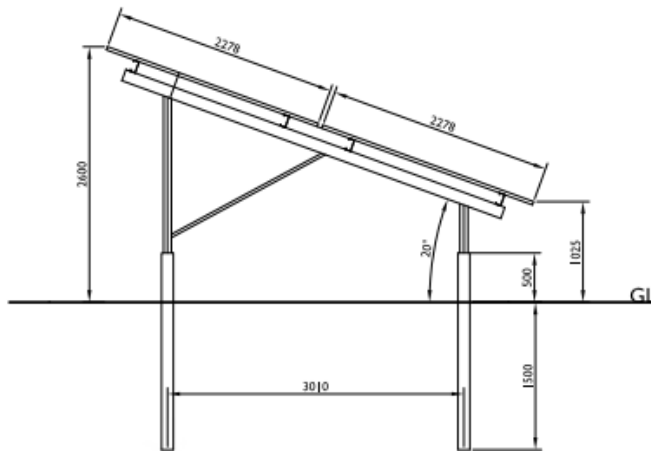
The Council also requested a topographical survey to assess the land levels but this was not forthcoming. Questions over landscaping have been discussed during the process of the application with an updated hedgerow plan.



Plan extract: showing the extent of the solar panels

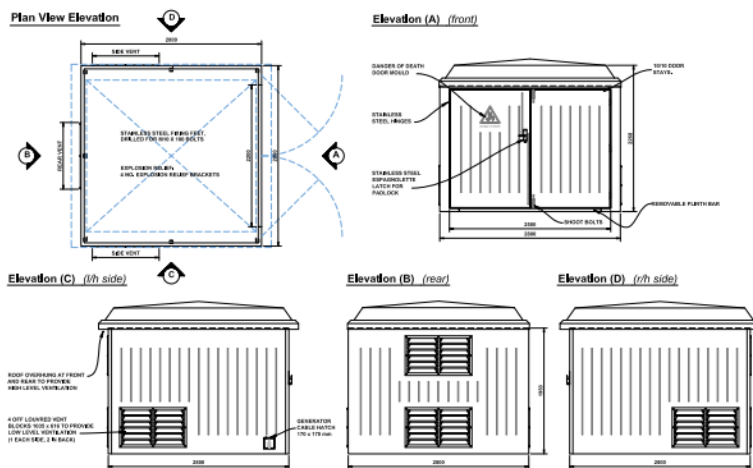
The shortest section of panels will measure approximately 20m and will consist of 36 panels. At its widest the longest section of panel will be 140m and will consist of 244 panels. Plans show that the gap between the rows will be 7.3m which is a result of the panels being at a slightly higher angle to minimise the shading which would be created from shorter gaps between.

Plan details



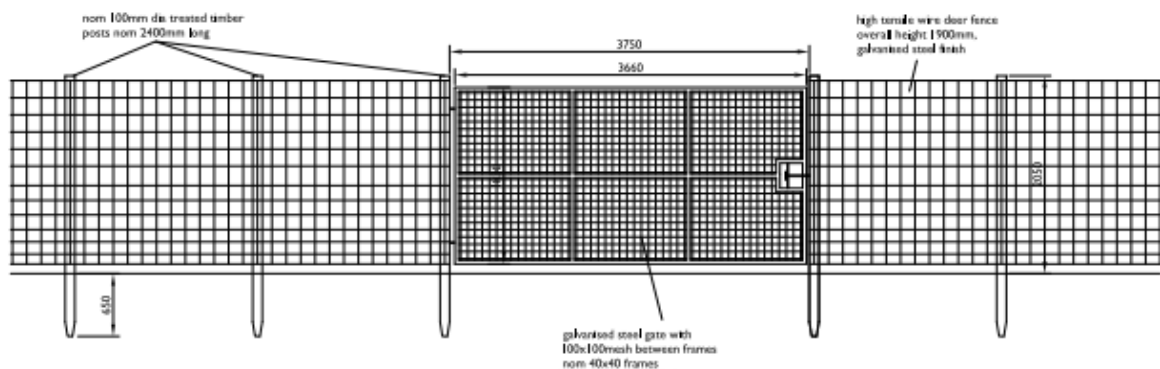
**SOLAR PANEL SIDE ELEVATION**

The total height of a typical panel is 2.6m with the main frame being 3m.



**TRANSFORMER HOUSING 1:50**

The Transformer building will be located to the east of the site and will be 2.6m square and will have a dark green finish





The photo extract has been taken from the applicants supporting statement. A 1.9m high deer fence will be created around the whole site with a single deer proof gate at the opening with the access track

Deer fence taken from applicants supporting information

### CCTV

There will be a total of 4, 4.9m high CCTV poles with CCTV

### Life Span

The agent has detailed a 10 week programme for construction and the overall operational lifespan of the development will be 40 years.

### Grid Connection

The supporting statement details that electricity usage on the wider Crow Wood site is consistent over the year. The proposed solar development will utilise the existing infrastructure to connect to the local grid network. All electricity generated will be utilised on site. The grid connection will remain the power generated will offset that drawn from the grid network providing a degree of security to the business.

### Access

Access to the site will be taken from Holme Lane which runs to the west of the site serving a collection of properties to the north. The site will be approximately 82m to the west of the lane. The supporting information notes that no there is no requirement for the existing lane.

## **Relevant Policies:**

### Burnley's Local Plan 2018

The most relevant policies to the site are:

- Burnley's Local Plan July 2018
- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- SP7 – Protecting the Green Belt
- NE3 – Landscape Character
- NE5 – Environmental Protection
- IC1 – Sustainable Travel
- IC3 – Car Parking Standards
- CC1 – Renewable and Low Carbon Energy

Air Quality Management: Protecting Health and Addressing Climate Change  
Supplementary Planning Document (SPD) (Adopted December 2020)

National Planning Policy Framework September 2023

Burnley Council Green Belt Review June 2016

Although the hotel does not feature on the map, this application site and the wider Crow Wood site is located within parcel 4 of the Green Belt Review.

**Site History:** various for the wider Crow Wood site

FUL/2021/0749 – Proposed Extension to leisure facilities Approved 13/5/22 following referral to the S of S

CND/2019/0485: Discharge of condition 19 (Car Park Management Plan) and Condition 21 (Noise Assessment) of planning permission APP/2017/0329: Granted

CND/2019/0391: Discharge of Condition 5 (landscaping) and Condition 22 (lighting details) of planning permission APP/2017/0329: Granted

APP/2017/0608: Approval of details reserved by Conditions 14, 15 & 23 on Planning Permission APP/2017/0329: Granted

APP/2017/0329: Minor material amendment to previously approved scheme for proposed erection of a hotel with associated parking, servicing, and landscaping and approval of matters reserved by condition. (Amendments include changes to siting/design and materials to be used): Granted

FUL/2016/0247 – erection of a hotel with associated parking, servicing and landscaping  
Granted

APP/1999/0343: Development of single storey sport and leisure building on the footprint of existing farm buildings; four outdoor floodlit tennis courts; construction of 52 stables; food stores; indoor and outdoor riding arenas; woodland planting and mounding landscaping and associated parking and new road access – Granted in 2000 (Sec of State, on Call-In).

APP/2000/0602: Construction of stables, feed stores, hay and bedding store (in place of equivalent facilities already approved) – Granted.

APP/2001/0917: Erection of 17 floodlights (6m height) to external tennis courts – Granted.

APP/2003/0043: Construction of additional car park creating 36 spaces in existing paddock – Refused.

APP/2003/0588: Erection of additional hall and conservatory – Granted.

APP/2004/0514: Retention of 66 additional car spaces to serve leisure centre – Granted.

APP/2005/0935: Erection of domed air structure over two existing external tennis courts – Refused.

APP/2006/0960: Erection of outdoor riding arena – Granted.

APP/2010/0220: Proposed change of use of two outdoor tennis courts to 5-A-Side

football pitches and two 5-A-Side football pitches on land currently used as paddocks. Erection of perimeter fencing and flood-lighting to the four pitches, development of car parking on the side of existing tennis courts and construction of changing pavilion – Granted.

APP/2010/0439: Proposed development of five 5-a-side football pitches with fencing and changing pavilion and additional floodlights on land currently used as tennis courts and paddock. The enclosure of a 60x20m outdoor riding arena (existing), the construction of a 60x30m outdoor riding arena and construction of a parking area for horseboxes – Granted.

APP/2010/0660: Proposed development of five 5-a-side football pitches with fencing and changing pavilion and additional floodlights on land currently used as tennis courts and paddock. The construction of a 60x20m indoor riding arena (to replace outdoor arena), construction of a 60x30m outdoor riding arena and construction of a parking area for horseboxes (resubmission APP/2010/0439) – Granted.

APP/2011/0153: Proposed change of part of agricultural storage building to retail use to facilitate the operation of an equine saddlery, supplies and apparel business – Granted.

APP/2011/0552: Erection of 1st floor extension over new outdoor pool/sauna/terrace and adjacent hot tub/beach hut with associated additional car parking – Granted.

APP/2015/0226: Proposed erection of garden terrace extension with pergola retractable roofing system and single-storey covered bar area with solid roof – Granted.

### **Consultation Responses:**

#### **LCC Highways – no objection**

*There is however a concern regarding the volume of traffic that is likely to be created during the construction and installation process.*

*Should you wish to support the application we would look for the following condition to be added to your decision notice. Other details regarding the construction management plan should include a breakdown of the volume and routing of the construction traffic. Where practicable we would look for non-local deliveries to be made via junction 11 the M65.*

#### *a) Construction Management Plan (CMP).*

*No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved plan / statement shall provide:*

- 24 Hour emergency contact number.*
  - Details of the parking of vehicles of site operatives and visitors.*
  - Details of loading and unloading of plant and materials.*
  - Arrangements for turning of vehicles within the site.*
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.*
- Measures to protect vulnerable road users (pedestrians and cyclists).*
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.*
  - Wheel washing facilities.*
  - Measures to deal with dirt, debris, mud, or loose material deposited on the highway*



because of construction.

- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

Note: Construction Management Plan.

- There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- All references to public highway include footway, carriageway, and verge.

### **Local Lead Flood Authority – no objection subject to condition**

The Lead Local Flood Authority has no objection to the above application subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

Condition(s)

Condition 1 – Development is in accordance with the submitted Flood Risk Assessment and Surface Water Sustainable Drainage Strategy

The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (17/04/2023, AEG02105\_BB12\_Burnley\_07, Aegaea). The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

### **United Utilities – no objection subject to conditions**

Comments dated 10<sup>th</sup> August 2023

Following our review of the submitted Flood Risk Assessment, and Drainage Strategy prepared by AEGAEA, Ref: AEG02105\_BB12\_Burnley\_07, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

Prior to the commencement of development, details of a sustainable surface water drainage

*scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:*

*(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*

*(ii) No surface water shall be permitted to discharge directly or indirectly to the public sewer network;);*

*(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*

*(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*

*(v) Foul and surface water shall drain on separate systems.*

*The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.*

*Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.*

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

*Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:*

*a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*

*b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

*The development shall subsequently be completed, maintained and managed in accordance with the approved plan.*

*Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.*

*No construction shall commence until details of the means of ensuring the 1370mm Combined sewer that is laid within the access road leading to the site boundary, is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the access route and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.*

*Reason: In the interest of public health and safety and to ensure protection of essential services.*

**Pendle Borough Council - objects summarised as follows:**

Based on the information that has been submitted the development is inappropriate and the development falls considerably short of the very special circumstances that must exist for a development to comply with the NPPF.

- The VSC that have been put forward (40 year lifespan and the development not being conspicuous) should not be given weight
- The impact on the landscape and the impact on the green belt have been mixed up and should be considered independently.
- The supporting information doesn't state why this scheme is demonstrably different to any generic alternative energy scheme.
- object to the proposal, as it falls significantly short of what would realistically be considered 'very special circumstances', having no evidence of benefits to the local community

### **GMEU – no objection**

*The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, barn owl, badger, other wildlife, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.*

#### **Bats**

*Two trees with bat roosting potential are located adjacent to the site. Disturbance is theoretically possible during construction due to the noise and vibration caused by the pile driving of the supports for the solar panels. Whilst this risk is low any disturbance would be an offence. Therefore I recommend a reasonable avoidance working method statement is produced for works deemed to be close enough to these trees. Eg timing of works etc. The details can be conditioned along the following lines.*

*Prior to development either:*

*a bat mitigation and avoidance strategy for works near the mature oaks along the southern boundary or;*

*Further survey that demonstrates bats are not present will be provided and agreed in writing by the LPA*

#### **Barn Owl & Other Nesting Birds**

*A barn owl box is present near to the proposed development. Barn owl are protected under schedule 1 of the Wildlife & Countryside Act 1981 (as amended) If occupied during construction there would be a risk of disturbance and abandonment of the nest. There is also as very low risk that other birds may nest in the adjacent plantation woodland. I therefore recommend a condition along the following lines is applied to any permission.*

*No works shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey of the adjacent plantation and barn owl box by a suitably experienced ecologist has been carried out immediately prior to development and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.*

*Great Crested Newts Surveys of the ponds found no evidence of great crested newts. I have no reason to doubt the findings as the ponds are all relatively new and isolated. No further information or measures are required.*

*Badger No setts were found or evidence that badger were present was recorded. Badger could however forage across the site. I agree however that the construction site is very unlikely to be high risk for these species given no significant excavations are proposed. I am satisfied that all that is required is an informative along the following lines.*

*The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed. It is also an offence to wilfully kill, injure, ill treat, take or possess a badger or attempt to do so*

### Other Wildlife

*No evidence of any other wildlife was identified but as for badger, species such as hedgehog and common toad could cross the site on occasion. I am however satisfied that given the nature of the works and habitat present that the risks are very low and that no further information or measures are required*

### Contributing to and Enhancing the Natural Environment

*Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in minor permanent impacts to the existing low ecological value grassland, along with temporary disturbance to the remainder. No soft landscape or ecological enhancement proposals have been made, but as noted by the ecological consultant, net gain could be relatively easily achieved by managing the grassland post development as other neutral grassland. ie introduction of wildflowers and reduced maintenance. Prior to determination I recommend confirmation how the site will be managed so as to achieve biodiversity net gain*

*No specific species mitigation measures appear to be required, though enhancement through bird box provision on adjacent trees could be provided.*

*The details of biodiversity enhancement measured can likely be conditioned once assurance that they will occur has been provided.*

### **Coal Authority – no objection**

The application site does fall within the defined Development High Risk Area; however, I can confirm that the nature of development is exempt from Version 7, January 2023 of the Coal Authority's Guidance for Local Planning Authorities.

### **Environment Agency**

**Parish Council** – no comments received.

**Public comments** – 1 received.

- contrary to green belt policy

### **Planning and Environmental Considerations:**

#### **The principle of development**

The site is wholly located within designated Green Belt. The Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts being their openness and permanence.

Para 138 of the NPPF states

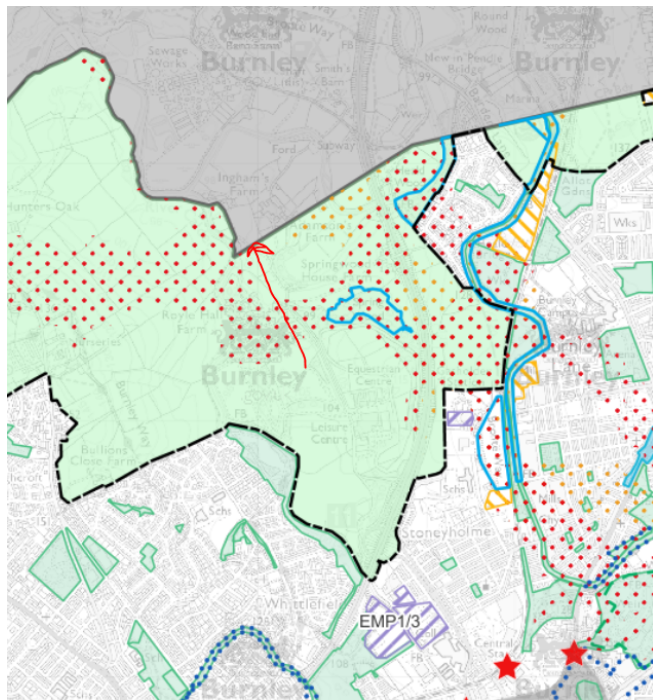
*Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The Council has assessed the proposals against each of these purposes:

- a) Crow Wood is separated from the nearby urban area by the M65 and the wider Crow Wood site is an established leisure development. The proposal involves a ground mounted solar array which is separated by a field to the north of the hotel. It is not considered that the extension will lead to any unrestricted sprawl of the built up area however the development is considered to encroach into the open countryside.
- b) The site is approximately 460m from the boundary of Pendle Borough Council. The area is characterised by woodland and farming land and there are no key villages or settlements, therefore it is not considered that the development will lead to towns merging, the nearest being the villages of Fence and Higham.



Extract from the Burnley Local Plan proposals map showing the approximate location of the site and the edge of the neighbouring borough of Pendle to the north

- c) the proposed solar array is spread across 1.5 hectares of land which is currently undeveloped open land. The siting of the array beyond the existing edge of the hotel complex would represent an intrusion into the countryside and will therefore lead to encroachment
- d) Part d is not relevant to this application.
- e) Part e refers to re-use of derelict land which the site is not, however there may be some merit for the expansion of the site in terms of assisting wider urban regeneration in the borough.

The proposed development conflicts with one of the purposes of the Green Belt set out in para 138 of the NPPF.

### **Inappropriate development**

Paragraph 147 of the Framework stipulates that inappropriate development, is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC). Paragraphs 149 and 150 of the NPPF identify those forms of development which may not be considered to be inappropriate.

It is considered that the proposed development does not fall within para 149 a) – g) or para 150 a) – f) and therefore is considered to be inappropriate development. The applicant accepts that the development is not considered to be appropriate development and on page 34 of the supporting statement makes clear that very special circumstances need to be demonstrated. Policy SP7 of Burnley's adopted Local Plan is consistent with the approach of the Framework, in that there is a presumption against inappropriate development subject to very special circumstances.

## **Openness**

Openness is an essential characteristic of the Green Belt and is defined by an absence of buildings or other forms of development. When assessing the impact of a proposal on the openness of the Green Belt, the Planning Practice Guidance (PPG) states that a number of factors should be taken into account. These include, but are not limited to, its spatial and visual aspects, duration of the development and the degree of activity likely to be generated.

### Spatial

From a spatial aspect, the field is currently void of any development and aside from a few single trees, is free from significant landscape features. Proposals for 13 rows of solar panels at a height of 2.6m, a building containing the transformer and also 4, 6m high CCTV columns in an area which is currently void of development, is considered to have an impact on the openness of the Green Belt in terms of spatial impact.

### Visual

The applicant has submitted a Landscape Visual Impact Assessment (LIVA) which is assessed in detail below. The main visual impacts are seen from the southern boundary of the site (from the rear of the hotel) and also the eastern boundary (closest to the access lane). Whilst it may be considered that the development is located on low level land and not wholly accessible, openness can be harmed, even when development is not readily visible from the public domain.

Whilst the visual impact may be limited to the eastern and southern aspects, it is considered that there is harm to the openness of the Green Belt. At para 6.22 of the applicant's supporting statement it comments ; *'both visually and spatially, the proposed development would result in moderate harm to the openness of the Green Belt.'*

### Permanence

A recent appeal decision on a Solar Farm ( APP/W1525/W/22/3300222) noted at para 14 that:

*' furthermore the scheme would be in place for a temporary 40 year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be reduced with the site ultimately reinstated to its former open character.'*

The lifespan of the development is 40 years and whilst this appears to be a long period of time, the visual impacts on the landscape are considered to be reversible.

Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness and therefore being contrary to one of the purposes of including land within the Green Belt.

## Renewable Energy

The Framework is generally supportive of renewable forms of energy at paragraph 152. Policy CC1 of Burnley's Local Plan is applicable and has been applied to the proposal below.

### Policy CC1 (Renewable and Low Carbon Energy)

The policy confirms that proposals for renewable and low carbon energy development will be supported where they satisfy the requirements of other relevant Plan policies and can demonstrate, after identifying and thoroughly appraising any potential individual and cumulative effects, that any associated impacts are or can be made acceptable.

- a) *Do not have a significant adverse impact, including by reason of visual impact, on the character of the immediate and wider landscape or townscape;*

As highlighted above, there are inevitable visual impacts of the development on the immediate character of the area given that it is currently void of any development. There is some moderate impact on longer range views but on the whole the visual impacts are considered to be localised.

- b) *Do not have an unacceptable impact on local amenity, including public rights of way and bridleways; and can successfully mitigate against visual (including glint/glare), noise, smell, pollution or other impacts likely to affect nearby occupiers and/or neighbouring land uses;*

It is not considered that the development will have any impact on the PROW. Additional hedgerow planting is considered to be a useful way of mitigating some of the visual impacts

- c) *Do not have an unacceptable impact on ecology, geology, water resources or flood risk, and where possible enhance these functions;*

Through consultation with GMEU the proposal is not deemed to have an unacceptable impact on ecology and geology

- d) *Ensure that any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal; and*

This can be covered by an appropriate condition

- e) Avoid the loss of, or loss of productive use of, the best and most versatile agricultural land and, for large scale developments, prefer previously developed and non agricultural land, provided that it is not of high environmental value.

*The land is classed at grade 3 and is open greenfield land which has not been previously developed.*

2) Where development proposals would have a wider landscape and/or visual impact than their immediate locality, planning applications should be accompanied by an appropriately detailed Landscape and Visual Impact Assessment (LVIA) undertaken by suitably qualified and experienced persons which includes any mitigation measures identified.

*The application has been supported by a LVIA.*

3) Where mitigation is required to make any identified impacts acceptable, these will be secured through condition, agreement and if necessary, a planning contribution.

*Conditions can be attached.*

4) In assessing renewable energy proposals, the Council will give positive weight to initiatives which are community-led or where there are direct benefits to community through their involvement

*There do not appear to be any community benefits of the proposal other than supplying energy to the hotel and the wider Crow Wood complex. The Framework does not insist upon the contribution of the renewable energy back to the community. In this case the benefits are to a single business.*

### **Very Special Circumstances (VSC)**

Paragraph 151 of the NPPF is relevant to the assessment of this application, which states;

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

Paragraph 152 of the Framework states that the planning system should support the transition to low carbon future and support renewable and low carbon energy and associated infrastructure. While paragraph 158 states that in determining planning applications, applicants are not required to demonstrate the overall need for renewable or low carbon energy, that decision makers should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application if its impacts are (or can be) acceptable.

The applicants statement describes the development producing 1MW of power and in doing so, the proposal will make a contribution to cutting green house gas emissions and tackling climate change, which is supported by the NPPF and Burnley Local Plan policy CC1. The VSC the applicant has put forward have been extracted as follows:

- *Meets national targets for the reduction of green house gases*
- *The site consists of a flat area of grassland forming part of the hotel grounds. This is virtually enclosed woodland areas, especially to the northwest and southwest of the site. The site sits low in the landscape and is well screened from beyond by existing blocks of woodland which provide a very effective buffer even when the trees are not in leaf.*
- *The proposed solar arrays would be relatively modest in mass and footprint. Furthermore, the scheme would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. The landscape and visual impacts of the development is detailed in the LVA produced by Penny Bennett.*
- *The benefits of the scheme are that it would deliver 1 MW of power, providing power for the Crow Wood complex (or the equivalent of 350 homes) and resulting in a carbon dioxide displacement of 220 tonnes per annum contributing to the energy infrastructure required to meet the net-zero targets. The proposed development during peak times will generate the energy to power the Crow Wood Complex with an additional amount being fed back into the grid.*
- *The proposed development will make a meaningful and valuable contribution to cutting greenhouse gases and to meeting the UK's renewable targets, providing a safe and clean source of energy. It is considered that these benefits should attract substantial weight in the Planning Balance.*



## Alternative Sites

The applicant has informed the Council that there is available grid connection close to the site and that this is a key determining factor for this form of development.

The applicant already has PV panels on the gym/leisure club roof and advised that investigations were made as to the installation of panels on the hotel roof, but there was not enough south facing roof slope to make a scheme viable.

## Environmental Benefits

*A further benefit will be the increase in biodiversity at the site, through meadow planting inbetween the panels, provision of additional hedgerows and further tree planting.*

## Economic Benefits

*The case for economic benefits is strong both in terms of the Government aims in the NPPF to build a strong and competitive economy and the Climate Change Act, and through the additional construction jobs created during the construction and decommissioning phases.*

*There would be clear economic and energy security benefits arising from a solar farm that would deliver 1 MW of power, providing power for the Crow Wood complex (or the equivalent of 350 homes) and resulting in a carbon dioxide displacement of 220 tonnes per annum which reduces the reliance on fossil fuels*

## Social Benefits

*The social benefits would extend from the reduction in the need for fossil fuel generated electricity and the security provided by renewable energy.*

The Council recognises the importance at local and national level for the transition to a low carbon future and from an environmental perspective the proposed development would create upto 1MW of energy. Para 158 states that when determining planning applications for renewable and low carbon development b) approve the application if its impacts are (or can be made) acceptable.

The Council would have liked to have seen some community benefit to the proposals however there is no requirement for this to be carried out, nor is there any requirement for the applicant to demonstrate the need for the proposals.

## **Other Issues**

### **Main issues**

The main issues in the consideration of this application are;

- Landscape Impact
- Design
- Ecology
- Highways, access, and parking
- other considerations

## Landscape impact

The application has been supported with a Landscape Visual Appraisal. The report describes the site as being;

*'The Site sits low in the landscape and is well screened from beyond by existing blocks of woodland which provide an effective buffer even when the trees are not in leaf.'*

The assessment includes a summary table of the visual effects on page 36. For the purposes of this report, extracts have been taken from highlighting those 'receptors' (view points) which the consultant concludes to have '*slight-moderate adverse*' overall impact. 7 key viewpoints were identified which separated into walkers, pedestrians, vehicles hotel staff, hotel users. The reports concludes that the most affected viewpoint is Viewpoint 7 which is the view from the hotel.



<b>Viewpoint 1</b>	<b>Description:</b> The solar array would be seen in the middle distance between blocks of existing woodland, it would be a small but incongruous element in the wider landscape.	<b>Camera:</b> Canon Powershot SX70HS Digital SLR
<b>Date:</b> 4 <sup>th</sup> April 2023	<b>Location:</b> From Burnley Way due east of Park Hill Farm off Ightenhill Road.	<b>Height of camera above ground:</b> 1.6 m



<b>Viewpoint 5</b>	<b>Description:</b> View west into Site from break in vegetation alongside road, the profile of the array would be clearly visible at a distance of 90 m.	<b>Camera:</b> Canon Powershot SX70HS Digital SLR
<b>Date:</b> 19 <sup>th</sup> May 2023	<b>Location:</b> Holme Road Crow Wood looking west to Site	<b>Height of camera above ground:</b> 1.6 m



<b>Viewpoint 6</b>	<b>Description:</b> View north to Site from ornamental garden at rear of hotel, the solar (pv) panels would face the observer and be clearly visible at a distance of around 100m.	<b>Camera:</b> Canon Powershot SX70HS Digital SLR
<b>Date:</b> 19 <sup>th</sup> May 2023	<b>Location:</b> Rear terrace of Crow Wood Hotel	<b>Height of camera above ground:</b> 1.6 m



<b>Viewpoint 7</b>	<b>Description:</b> View south into Site woodland, the rear of the solar (pv) panels would be very prominent to the right of the path	<b>Camera:</b> Canon Powershot SX70HS Digital SLR
<b>Date:</b> 19 <sup>th</sup> May 2023	<b>Location:</b> Path running south from woodland to rear of Crow Wood Hotel	<b>Height of camera above ground:</b> 1.6 m

The report offers mitigation and enhancement which have been summarised on pages 37 and 38 of the report which could be attached as appropriate planning conditions. On the whole, given the location of the site (ie. not on an elevated position), there are some moderate impact on certain wider view points but on the whole it is not considered that the scheme will have any detrimental impact on the wider landscape value.

### Landscape Character Area

The site is located within National Character Area (NCA) 35, Lancashire Valleys. The LVIA states that the wider landscape is very typical of the NCA, and key characteristics of the NCA which are evident at Crow Wood are:

- The broad valley of the River Calder is conspicuous.
- Field boundaries are irregular to the east (where Crow Wood is located) and formed by hedges with few hedgerow trees, and stone walls and post and wire fences at higher elevations.
- Agricultural land is fragmented by towns, villages, hamlets, industry and scattered development.
- Farmed land is predominantly pasture.
- The many towns including Burnley which developed as a result of the industrial revolution give the area a strong urban character.

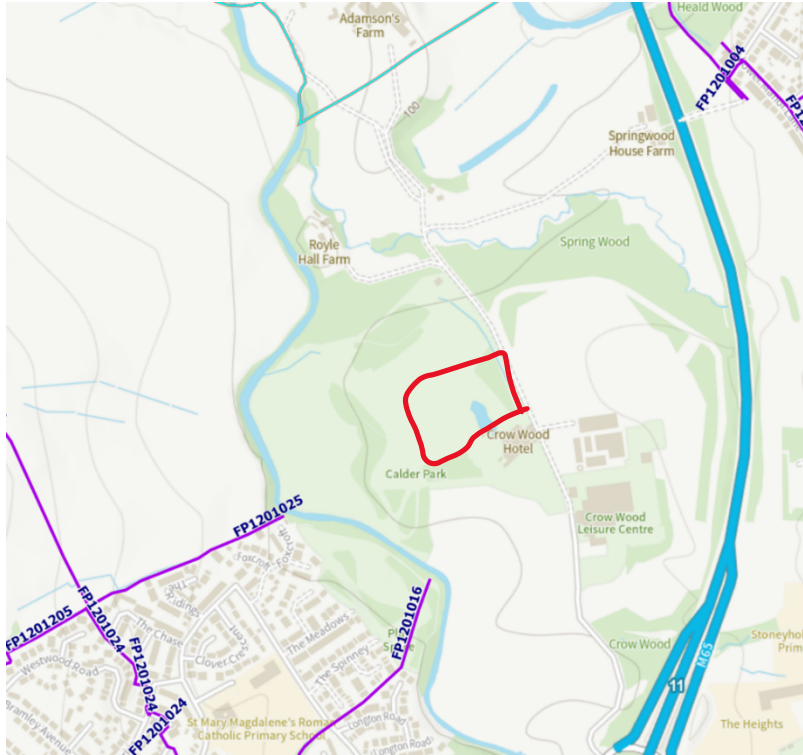
Policy NE3 of Burnley’s Local Plan sets out that development will respect, enhance and restore landscape character as appropriate to their nature and scale. It is considered that the proposals conflict with parts of NE3 in that the scale will have an impact on the landscape and character, however an ‘on balance’ approach needs to be taken on the benefits to the creation of renewable energy.

The existing character of the area is open fields interspersed with banks of trees and woodland. The edge of the hotel marks the edge of the built form and beyond the gardens and

extended footpaths through the area. There would be an obvious impact to the character of the area which would be at odds to paragraph 130 of the NPPF which amongst other things states at c) are sympathetic to local character and history, including the surroundings built environment and landscape setting.

### Public Rights of Way (PROW)

There are no direct PROW through the site, although there are permissive footpaths round the site which can be used. The following map extract is taken from Mario maps.



Extract plan: source [www.mariomaps.gov.uk](http://www.mariomaps.gov.uk)

### Ecology

Section 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment. This is further supported by policy NE1 of Burnley's adopted Local Plan.

The application is supported with a Preliminary Ecological Appraisal which has been assessed by Greater Manchester Ecology Unit (GMEU). The site currently consists of current hay meadows which are used for grazing and cutting. The development will result in the loss of approximately 1ha of low value semi-improved grassland though in some of the wetter area, be of medium value.

GMEU comment that whilst the land within the red edge is of low ecological value, enhancement of the land could have the potential to provide adequate mitigation. Simply carrying on with the meadow management is not considered to be sufficient. Given the widespread nature of the existing habitats, there is the option for the creation of other medium and high value habitat using the DEFRA metric concept of 'trading up', through the application of the DEFRA Metric v3 biodiversity assessment.

No evidence of any protected species utilising the site has been recorded and GMEU conclude that without the evidence for the presence of Protected Species that it would be unreasonable to require further measures.

The development would comply with policy NE1 of the adopted Local Plan and any mitigation could be dealt with via planning conditions.

## Highways, access and parking

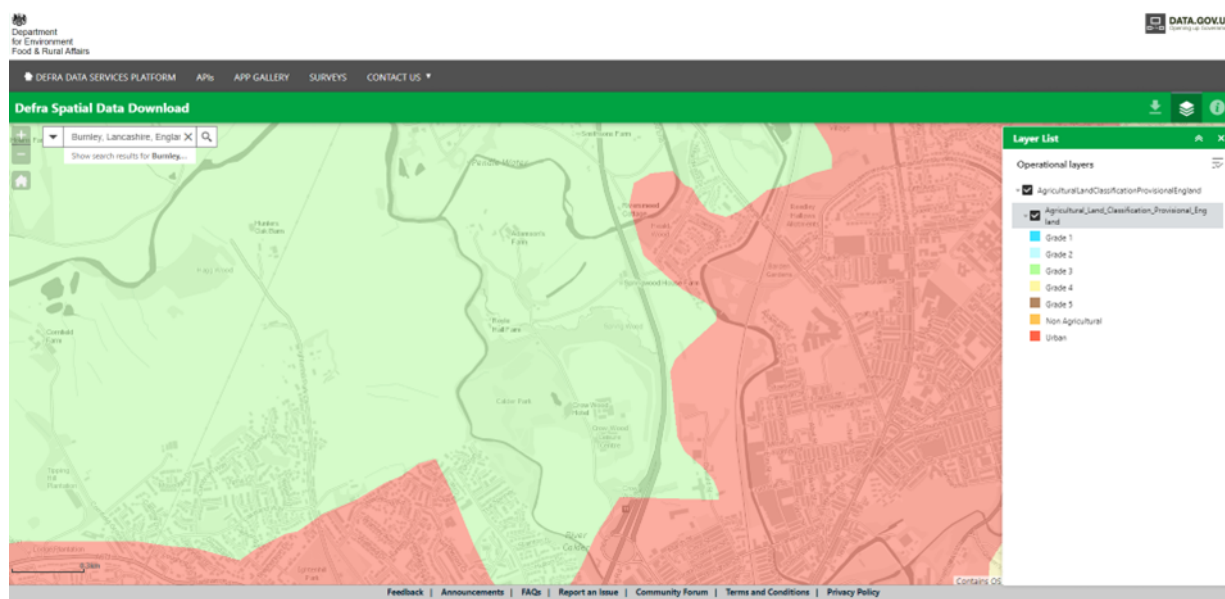
Access is sought from an existing lane and aside from the initial construction traffic which could be managed by condition, it is not considered there will be any impacts on the highway network.

## Other considerations

### Effect on arable land

Paragraph 174(b), of the Framework, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework's Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a. Most of the site would not qualify as BMV by this categorisation. The PPG requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals.

Having checked the DEFRA mapping system, the site is located within Grade 3 land.



## Renewable Energy

The applicant has highlighted sections of relevant policy in section 5 of the supporting statement. The key areas of policy direction is broadly set out below.

The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all (IPCC Sixth Assessment Report – Summary for Policymakers, paragraph D.5.3)

The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction as follows:

*“We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79%, compared to a 5% chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years.”*

The draft NSPs recognise that to meet the Government’s objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to ‘dramatically increase the volume of energy supplied from low carbon sources’ and reduce the amount provided by fossil fuels. Solar and wind are recognised specifically in Draft EN-1 (para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are ‘likely to be composed predominantly of wind and solar’. The Government aims by 2030 to quadruple offshore wind capacity so as to generate more power than all homes use today. This would therefore be delivered in collaboration with solar energy, and other measures, to provide a robust supply.

Planning Practice Guidance (PPG), on renewable and low carbon energy, states that ‘*there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts.*’ (PPG, Para 005 Ref ID: 5-005-20150618)

A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published.

The draft NPS EN-3 states that:

*“solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer.”*

### **Objections from Pendle Borough Council**

In respect of the comments from Pendle, the Council considers that comments made have been addressed in this report. Additional information has been provided by the applicant on VSC and clarification has been asked on the site selection process.

The Council share similar concerns about the length of time for the proposals, with 40 years being a long time, however as noted within this report, recent appeal decisions consider that whilst 40 years is a long time, proposed works are reversible and that this should not be a reason for refusal.

### **Conclusions and Recommendation**

The proposed scheme represents inappropriate development within the Green Belt, which is harmful by definition. Furthermore, there would be moderate harm to the openness in terms of

visual and spatial terms. Paragraph 147 of the Framework indicates that any harm to the Green Belt should be given substantial weight.

The applicants very special circumstances case rests on the need of the development to make Crow Wood self-sufficient in terms of energy production. The NPPF concludes that VSC may include wider environmental benefits associated with increased production of energy from renewable sources, and the scheme would achieve this.

National policy advises that renewable proposals should be located where impacts are, or can be made, acceptable (para 158 b). It is considered that the location of the array on a low level field which is naturally screened on at least two sides, together with proposed landscaping can be acceptable.

The environmental benefits of the proposal and mitigation are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the proposal does not conflict with policies SP7 and NE3 of Burnley's Local Plan.

Therefore, the proposal is recommended for approval.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed development has an operational lifespan of 40 years and following this period (or a shorter period if the use ceases earlier than anticipated) the impact of the development on the green belt is no longer justified and the landscape should be restored in the interests of the green belt, in accordance with Policies SP7, CC1 and NE3 of Burnley's Local Plan (July 2018).

### **Decommissioning & Highways**

4. No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar array, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme of works shall include the



following: (a) a programme of works; (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; (c) details of any items to be retained on site; (d) a method statement for restoring the land to agriculture; (e) timescale for the decommissioning, removal and reinstatement of the land; (f) a method statement for the disposal/recycling of redundant equipment/structures. The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

Reason: To protect the ecology of the site during the decommissioning and restoration of the site, in accordance with Policy NE1 of Burnley's Local Plan (July 2018).

5. No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

Reason: To ensure that suitable controls and measures are in place to accommodate traffic associated with the decommissioning and restoration of the site and to minimise any potential disruption, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018)

6. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

7. No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason: To avoid harm to any wildlife, to protect the biodiversity of the site and to protect the character of the green belt and open countryside in accordance with Policy NE1 of Burnley's Local Plan (July 2018)

### **Ecology & Landscape**

8. The development shall be carried out in accordance with the recommendations set out in the Landscape Visual Impact Assessment Rev A dated May 2023.

Reason: To ensure the development enhances the landscape and biodiversity aspects of the scheme and through mitigation reduces any potential visual impacts in accordance with policy NE3 of Burnley's adopted Local Plan.

9. Prior to development on site, a bat mitigation and avoidance strategy for works near to the mature Oak Tree to the southern edge of the site shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as amended) and in the interests of biodiversity in compliance with policy NE1 of Burnley's adopted Local Plan and The NPPF.

10. No works shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey of the adjacent plantation and barn owl box by a suitably experienced ecologist has been carried out immediately prior to development and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981 and in accordance with Policies NE1 and NE4 of Burnley's Local Plan (July 2018)

11. Detailed specification of the native hedgerow (refer to drawing 1503 – 2B) shall be submitted and approved in writing by the Local Planning Authority. The hedgerow shall be put in place in the first planting season. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

12. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Report and Great Crested Newt Report V1 dated 30/5/23 especially reference to the 'Mitigation and Opportunities' chapter.

Reason: To ensure the development enhances the biodiversity aspects of the scheme and through mitigation reduces any potential impacts in accordance with policy NE1 of Burnley's adopted Local Plan.

## **Drainage**

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy (17/04/2023 AEG02105\_BB12\_Burnley\_07, Aegaea) The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

14. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) No surface water shall be permitted to discharge directly or indirectly to the public sewer network;);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy CC5 of Burnley's adopted Local Plan 2018.

15. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with policy CC5 of Burnley's adopted Local Plan 2018.

16. No construction shall commence until details of the means of ensuring the 1370mm Combined sewer that is laid within the access road leading to the site boundary, is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the access route and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

**Informatives:**

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed. It is also an offence to wilfully kill, injure, ill treat, take or possess a badger or attempt to do so