



LOCAL ACCESS FORUM

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For the urgent attention of:

Ayesha Saleem – Case Officer

Coventry City Council

Friar Gate

COVENTRY CV1 2GN

30 November 2023

Dear Ms Saleem

Ref: PL/2023/000106/FULM

Land South East of Shilton Lane and SouthEast of Lentons Lane Coventry

(Full application for solar farm development, including solar arrays, control buildings and associated infrastructure, internal access roads, landscaping and associated development).

The Warwickshire Solihull and Coventry Local Access Forum met in Shire Hall Warwick on Thursday 23 November 2023 as we advised in our previous letter dated 23 October 2023.

The Applicant Mr Paul Steggall (Coventry City Council)

This letter constitutes formal advice from the Warwickshire Solihull and Coventry Local Access Forum in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

For clarification, and to prevent misunderstandings, we quote from the DEFRA Guidance for Local Access Forums to which you referred in your response dated 25 October 2023 when you gave us leave to present our advice and recommendations after our recent meeting.

3.1.1

Advise as to the improvement of public access to land in the area for the purpose of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.

3.1.3

The term "land" is not defined in the CROW Act which means that the definition in the Interpretation of the Act 1978 applies. This stipulates that "land" includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land.

3.1.5

Section 94(6) of the CROW Act requires forums to have regard, in carrying out their work to:

- (a) the needs of land management
- (b) desirability of conserving the natural beauty of the area for which it is established, including flora, fauna, and geological and physiographical features of the area and
- (c) guidance given from time to time by the Secretary of State.

Local Access Forums give advice to Section 94(4) bodies including:

- the appointing authorities which will be a highway authority or National Park authority.
- any county, unitary, district or borough council within the area of the forum.
- the Secretary of State (in effect this means any Government Department with a Secretary of State, e.g. DEFRA and MOD, as well as executive agencies such as the Planning Inspectorate and the Highways Agency.
- Parish and town councils.

The following is considered, by the Warwickshire Solihull and Coventry Local Access Forum, vital information to ensure due diligence and sound decision making processes. It forms an important background to our advice and recommendation to **REFUSE** the above application for all of the reasons as stated below.

Lentons Lane Farm is long established with its agricultural background considered an appropriate use of land in the Green Belt. It also forms an integral part of the Sowe Valley Green Wedge, first designated by Coventry City Council in the Coventry Unitary Development Plan (UDP) adopted in March 1993 and the 'Green Space Strategy for Coventry' Supplementary Planning Guidance (SPG), prepared and approved by Coventry City Council and the Green Space Specialist Working Group in September 1994. The land was subsequently included in the Coventry Development Plan (CDP) adopted in December 2001. The land also adjoins the Coventry/Oxford Canal provisional Local Wildlife Site (pLWS) and is in proximity to the Wyken Slough Local Wildlife Site (LWS) and statutory Local Nature Reserve (LNR).

Prior to the adoption of the Coventry Local Plan in December 2017, all of the Sowe Valley Green Wedge was included within the Green Belt. However, as part of the Coventry Local Plan, the Sowe Valley Green Wedge land to the south of the M6 motorway was removed from the Green Belt and re-designated as Local Green Space, with the land to the north of the motorway remaining within the Sowe Valley Green Wedge as Green Belt, to maintain the Green Wedge link with the open countryside beyond.

The National Planning Policy Framework (NPPF) was updated on 5 September 2023 and sets out the Government's planning policies for England and how these are expected to be applied (see Chapter 13, page 41):

137. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

138. 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.*

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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

151. 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 174 in the NPPF also emphasises the importance of 'conserving and enhancing the natural environment', notably:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

(LAF underlining)

In the adopted Coventry Local Plan, the Local Access Forum highlights the following policies that it considers to be particularly relevant to this planning application:

Policy GB1: Green Belt and Local Green Space

2A: Inappropriate development will not be permitted in the Coventry Green Belt unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the relevant national planning policy.

Policy GE1: Green Infrastructure

1. The Council will protect green infrastructure based on an analysis of existing assets, informed by the Green Infrastructure Study and Green Space Strategy by incorporating the Council's Green Space Standards, and characterisation assessments.

6. Development must respect the importance of conservation, improvement and management of green infrastructure in order to complement and balance the built environment. A strategic network of green infrastructure already exists in the city, connecting natural heritage, green space, biodiversity, historic landscapes or other environmental assets, together with links to adjacent districts in Warwickshire and Solihull. This strategic network will be safeguarded and enhanced by:

a) Not permitting development that compromises its integrity and that of the overall green infrastructure framework (including the Coventry/Oxford Canal)...

(LAF underlining)

This is consistent with the Warwickshire, Coventry and Solihull Sub-regional [Green Infrastructure Strategy](#).

The land, owned by the applicant Coventry City Council, the subject of this application also adjoins the outer suburban zone of the Coventry/Oxford Canal, which is considered to be the most species and habitat diverse of the canal and is, we believe, a Local Wildlife Site. The canal is especially important for endangered species including small populations of the nationally threatened and protected Water Vole, which has survived in very small numbers in parts of the canal with good marginal swamp. The canal is also thought to be a potential habitat for the globally threatened White-Clawed Crayfish which the Warwickshire Wildlife Trust is about to survey stretches of the canal for as part of a Species Recovery Project. Additionally, the canal is a habitat for Otters which is a protected species that inhabit the canal and its margins. The canal corridor also supports a very varied and protected bird population. However, there remains much scope for improving this canal corridor for nature, biodiversity and wildlife by increasing the amount of natural habitat present and improving connectivity to other green corridors in the locality which are essential for a thriving biodiversity of species. In particular, it is essential that a 'safety buffer' of circa 20 metres of semi natural vegetation be established/retained along the canal margins, especially on the non-towpath side, to ensure cover and lie-up areas for Otter and Water Vole and as a habitat for many other species along this vitally important wildlife corridor.

An adequate zone of failure 'safety buffer' must be provided around all trees, mature, ancient and veteran, along the canal corridor in proximity to the application site. This should be based on a minimum distance of tree height x 1.5 particularly in view of the climate emergency and more frequent and extreme weather events. A larger buffer may be required in the event of particularly significant engineering operations, or for after-uses that may also generate significant disturbance and/or access issues.

It is the view of the Joint Local Access Forum that this planning application fundamentally conflicts with the main purposes of including land in the Green Belt. The LAF has not seen any compelling evidence to justify this 'inappropriate development' in the Green Belt as 'very special circumstances'. The development would significantly diminish the 'openness' and agricultural character of the Green Belt, whilst failing to contribute to the achievement of any of the established objectives for the use of land in the Green Belt. Furthermore, we have not seen any compelling evidence that would secure '*measurable net gains for biodiversity*', particularly in relation to the Coventry/Oxford Canal corridor and the Sowe Valley Green Wedge. The inevitable loss of irreplaceable ecology, ecosystems and, therefore, biodiversity is indisputable.

Wildlife Sites in the nearby areas. There are two Local Wildlife Sites to the north of Lentons Lane.

The following are extracts from the LWS citations:

Lentons Lane Swamp LWS Grid Reference: SP368842 - Surveyed 2009 and approved 2010

This is a diverse site with swamp and willow carr habitats, now relatively uncommon habitats in both Coventry and Warwickshire, and is especially notable on the edge of a heavily urbanised area.

For such a small site it contains surprisingly large numbers of species, with 137 vascular plants recorded during the survey. These are mainly typical of unmanaged neutral grassland and scrub.

Nearby is the Oxford Canal which is an important wildlife corridor and passes the site about 0.5km to the west.

Lentons Lane Tip LWS (named as previous site reference to tip) Grid Reference: SP368841a - Surveyed and approved 2015.

A rectangular block of scrub and unmanaged semi-improved grassland, covering an old landfill site at the former hamlet of Hawkesbury. The shorter grassland is moderately calcareous in nature and includes plants such as Wild Carrot, Holden Melilot, Blue Fleabane and Hoary Ragwort. The scrub is a locally important breeding site for many bird species.

It adjoins Lentons Lane Swamp LWS and together they form a significant cross-border area of unmanaged wildlife habitat, including areas of willow carr and swamp on the Coventry side within the existing LWS.

Other nearby LWS sites:

Both the present site and the Swamp are close to several large species-rich post-industrial , LWSs within the Hawkesbury area, and the similarity of vegetation including plants such as Blue Fleabane, Hoary Ragwort, Wood Small-reed and a plethora of naturalised cotoneasters point to a high degree of species connectivity with these sites.

These LWSs include within 1km, Hawkesbury Tip and Hawkesbury Power Station across Alderman's Green Road to the west and north-west and Wyken Slough across the Oxford Canal and M6 to the south.

Although not part of the proposed major development site, all these wildlife and habitat rich LWS sites show how important it is to maintain connectivity, between sites, to enable a wide and wide biodiversity of species, flora and fauna, to exist and thrive. Protection and conservation and, therefore, the permanence of the open Green Belt is vital to ensure ecosystems and the ecology and biodiversity they support are maintained and enhanced for the enjoyment and benefit of our future generations. Once it is gone it is gone forever.

The LAF does not believe any 'very special circumstances' have been demonstrated, by the applicant and land owner, Coventry City Council, which justify the proposal by outweighing the cumulative negative harm that would be caused. In consequence, it is considered that the application is contrary to Policy GB1 of the adopted Coventry Local Plan and the Green Belt guidance contained within the latest National Planning Policy Framework; it has not been justified by any material considerations.

Additional Advice and Recommendations:

Local Access Forums can advise on "functional" or "utility" access issues including using land (or a right of way) to get to work, school, shops or local amenities.

The apparent failure of Coventry City Council as the applicant and land owner, to identify, in supporting documents, three historic Public Rights of Way that cross the proposed development site and which provide an irreplaceable connectivity to the wider PRoW network is, we believe, a knowingly misrepresentation of fact which could compromise the integrity and soundness of the decision making due process.

In the case of the agricultural holding which constitutes the land for the proposed development site referenced above, the Warwickshire Solihull and Coventry Local Access Forum advise and recommend that Coventry City Council, as the applicant, land owner and landlord, engage in open, transparent and valid dialogue with the tenant farmer who, through no fault of his own, finds his tenancy and, therefore, livelihood under threat. (DEFRA Guidance for LAFs 3.2.7)

The Local Access Forum is surprised that the farmer's (AHA) tenancy of Lentons Lane Farm which if made before 01 September 1995, therefore, subject to the Agricultural Act 1986 does not include a "lifetime security of tenure" clause or if granted before 12 July 1984, should carry a statutory succession rights clause, on death or retirement. A tenant in place before this date can also name an eligible successor such as a close relative to take over the holding when they retire. A close relative of a deceased farming tenant can, therefore, apply for succession to the tenancy within 3 months of the tenant's death or, as a named eligible successor, apply to take over the tenancy of the holding when the tenant retires.

The National Planning Policy Framework (NPPF) refers to many Material Considerations when considering preservation and conservation of Green Belt agricultural land and the ecosystems, ecology and biodiversity the land supports. In the case of this planning application we respectfully advise and recommend that Coventry City Council, as the applicant and landowner and the Planning Committee undertake an open and transparent review of NPPF Policy as the Local Access Forum believes;

No Very Special Circumstances Have Been Demonstrated.

We do not believe Coventry City Council has demonstrated it has fully explored the use of brownfield and underutilised land to develop sites for the production of sustainable energy and has, in this case, applied the position of least resistance which will result in the loss of irreplaceable Green Belt agricultural land and the recreational and functional amenity of local Public Rights of Way for local residents and members of the public using the wider public footpath networks and/or the amenity of the Oxford Canal and its towpath to which we have referred above.

The associated cumulative negative visual and spatial impacts of the industrial sized site, including security fencing, CCTV and other security installations, light and noise pollution, increased traffic and associated road safety issues all compound the negative impacts of the proposals on the local living and natural environment and amenity of local residents.

Potential harm to the Green Belt and the amenity of local residents does not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

We do not believe any other considerations have been demonstrated which outweigh the indisputable cumulative harm.

The Warwickshire Solihull and Coventry Local Access Forum respectfully advise and remind you of the following:

- the great importance the Government attaches to Green Belt Policy to prevent urban sprawl by keeping land permanently open; the characteristics of Green Belts are their openness and permanence (NPPF Paragraph 138).
- None of the (Para. 149) exceptions apply
- Conserving and enhancing the natural environment Policy 15 (Para. 174).
- Habitats and biodiversity (Para. 179).
- New development should be appropriate to its location and take into consideration the cumulative effects on health, living conditions and the natural irreplaceable environment, potential sensitivity of the site and impacts on the wider area. (Para. 185)
- that the application represents the loss of a viable and long established tenanted farm and good quality agricultural land within the Green Belt urban fringe.

Planning Decisions should consider the appropriateness of the proposed development in its location and the cumulative and negative impact on the amenity of local residents:

- Mitigate and reduce potential adverse impacts resulting from noise and its impact on health and quality of life.
- Identify and protect tranquil previously undisturbed areas including Public Rights of Way which are prized for their recreational and amenity value.
- Limit artificial light pollution on intrinsically dark landscapes and the negative impact on nature conservation.

The Warwickshire Solihull and Coventry Local Access Forum clearly appreciates the need to address the climate emergency by production of sustainable and renewable energy. We do not, however, consider Coventry City Council, as the applicant and landowner, has come close to satisfactorily demonstrating the appropriateness of the proposed site for an industrial sized development on irreplaceable, ecologically rich Green Belt land, for all of the reasons as stated above and below.

The Joint Local Access Forum believes Coventry City Council, as the applicant and landowner, has misrepresented facts relating to historic Public Rights of Way, the loss of amenity and the sensitive conservation and preservation issues as referenced above. These are weighty Material Planning Considerations which are vital information to enable a sound Planning Decision to be reached. Without due diligence the integrity of the application could be compromised with the outcome negatively and cumulatively impacting the public's enjoyment of three historic public rights of way and their connectivity to the wider public rights of way network. We also believe that Coventry City Council, as the applicant and the landowner, in electing for a delegated powers decision making process on a major, industrial sized proposal with the potential for such cumulative negative impacts on the local environment and amenity of local residents made an inappropriate decision. Due diligence cannot be appropriately served, in this instance, by electing for a delegated powers decision making process.

No very special circumstances have been appropriately demonstrated

A major application of such complexity with the indisputable potential for massive negative and cumulative impacts on the local living and natural irreplaceable Green Belt environment and amenity of local residents is inappropriate to be determined using delegated powers. The inadequate reports, omissions and misrepresentation of fact are unacceptable as are the concerning third party tenancy issues which require a speedy and lawful resolution.

Furthermore, approval of this application could open the floodgates for many similar planning submissions elsewhere in the Green Belt which the local planning authority may ultimately find more difficult to REFUSE and which would cumulatively promote further urban sprawl and encroachment into the local Green Belt countryside resulting in the loss of irreplaceable ecology and biodiversity and loss of living and recreational amenity for residents.

The Warwickshire Solihull and Coventry Local Access Forum, therefore, advise and recommend that the Coventry City Council Planning Committee **REFUSE** Planning Application **PL/2023/0001062/FULM** for all of the Material and Weighty Planning Considerations as stated above.

We request an acknowledgement of receipt of this **OBJECTION** and confirmation of its publication on the planning portal and ask that we are kept formally apprised of its position in the planning process and when it will come before the Coventry City Council Planning Committee which we understand will be 14 December 2023.

We may wish to attend to present our case.

Please reply directly to the Chair: Sheila Cooper: sheila.ann.cooper41@gmail.com

Please also copy any reply to the Vice Chair: John Hall: johnhall607@gmail.com and

Secretary to the LAF: Alistair Rigby: alistairrigby@warwickshire.gov.uk

Yours sincerely

A handwritten signature in black ink that reads "Sheila Cooper". The signature is written in a cursive style with a large, decorative initial 'S' that loops around the first part of the name. A horizontal flourish extends from the end of the signature.

Sheila Cooper
Chairman Warwickshire Solihull and Coventry Local Access Forum

