Salford Priors Parish Council

Bidford on Avon Parish Council

Formal Joint Response of Salford Priors Parish Council & Bidford on Avon Parish Council to the Arrow Valley Solar Proposal Consultation September 2026

Section 1. Site and the Surrounding Environment

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Section 14. Overall Summary

Section 1. Site and the Surrounding Environment

The Parish Councils have reviewed **Chapter 3: Site and Surrounding Environment** of the Interim Environmental Report. Based on the evidence presented, the Council concludes that the assessment of the site context, landscape sensitivity, agricultural value, and community setting is **incomplete, insufficiently evidenced, and does not yet meet the standards required for a National Significant Infrastructure Project (NSIP)**.

This statement sets out the Parish Council's formal position on:

- Policy compliance
- Case law and the Rochdale Envelope
- Visual and landscape impacts
- Historic environment impacts
- Loss of agricultural land
- Effects on the agri-economy
- The overall scale and appropriateness of the development

1. Policy and Legislative Context – Assessment Does Not Yet Demonstrate Compliance

1.1 National Policy Statement (EN-1, EN-3, EN-5)

These require NSIPs to:

- Avoid unacceptable landscape and visual harm
- Protect historic environment assets
- Minimise loss of agricultural land
- Demonstrate that impacts on rural communities have been fully assessed

Chapter 3 identifies a highly sensitive rural landscape, including:

- Extensive arable and pastoral farmland
- Ancient woodland blocks
- River corridors (Arrow, Avon)
- Historic estates (Ragley Hall, Rous Lench Court)
- Conservation areas (Cleeve Prior)
- Numerous listed buildings and farmsteads
- A dense network of PRoWs and bridleways

However, the chapter does not yet demonstrate how the scheme avoids or minimises harm to these receptors.

1.2 National Planning Policy Framework (2026)

The NPPF requires:

- Protection of valued landscapes
- Conservation of heritage assets

- Strong weight to be given to the loss of Best and Most Versatile (BMV) agricultural land
- Consideration of cumulative rural impacts

Chapter 3 confirms that the site lies within a **"calm, undeveloped, working countryside"** with **long views**, **ancient woodland**, **historic land patterns**, and **active agricultural management**.

The scale of the proposed development—over 1,357 ha—is fundamentally at odds with the NPPF's requirement to protect rural landscape character.

1.3 Agricultural Land Policy

The NPPF and Natural England guidance require avoidance of BMV land. Chapter 3 confirms that the site comprises extensive arable land, much of it actively managed and visually open.

The Environmental Statement does not yet demonstrate:

- How BMV land has been avoided
- How agricultural productivity will be protected
- How the agri-economy will be safeguarded

1.4 Historic Environment Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to preserving:

- Setting of listed buildings
- Character of conservation areas

Chapter 3 identifies:

- Cleeve Prior Conservation Area
- Listed farmsteads
- Historic estates (Ragley Hall, Rous Lench Court)

The ES does not yet demonstrate how their settings will be protected from industrialisation of the landscape.

2. Case Law and the Rochdale Envelope – Assessment Is Not Yet Legally Robust

2.1 Rochdale Envelope (R v Rochdale MBC ex parte Milne)

The Rochdale Envelope requires:

- A clearly defined "realistic worst-case scenario"
- Sufficient detail to assess environmental effects
- No deferral of key design parameters

Chapter 3 states that:

- The Cable Route Corridor (CRC) is still being refined
- Final design will be determined after consultation
- A "worst-case scenario" is assumed but not defined

This is **not compliant** with Rochdale principles because:

- The landscape and visual envelope cannot be assessed without fixed parameters
- The location of substations, haul roads, compounds, and panel layouts remains flexible
- The CRC could be anywhere within a wide corridor, preventing meaningful assessment

2.2 C G Fry & Son Ltd v Secretary of State (2025 UKSC 35)

The Supreme Court held that:

- Environmental assessments must be complete and evidence-based
- Decision-makers cannot rely on partial or speculative assessments

Chapter 3 is **descriptive**, but the Environmental Statement does not yet provide:

- Full visual impact assessment
- Full landscape sensitivity analysis
- Full heritage setting assessment

2.3 R (Caffyn) v Shropshire Council (2025 EWHC 1497)

The High Court ruled that:

- LPAs must insist on robust assessment where rural landscapes are at risk
- Desk-based or incomplete assessments are not acceptable

Chapter 3 provides a **rich description** of the rural landscape but does not yet demonstrate:

- How industrialisation will be avoided
- How rural tranquillity will be protected
- How cumulative landscape harm will be mitigated

3. Visual Impact on Local Communities – Significant and Under-Assessed

Chapter 3 confirms:

- Long, open views across arable fields
- Elevated landforms (e.g., Site 1(e) rising to 120m)
- Minimal screening in several sub-sites (e.g., Site 3(c), 3(d))
- Direct views from villages including Weethley, Dunnington, Broom, Cleeve Prior, Bidford, Wixford

The ES does not yet demonstrate:

- How solar arrays, substations, and BESS will be screened
- How glint and glare will be mitigated
- How PRoW users will be protected from industrial views
- How residential amenity will be safeguarded

The scale of the development means visual impacts will be **major and transformative**, yet the Environmental Statement has not yet provided a full LVIA.

4. Historic Landscape – High Sensitivity, Insufficient Assessment

Chapter 3 identifies:

- Ancient woodland (Ladies Wood, Fox Covert, Ralph's Wood)
- Historic estates (Ragley Hall, Rous Lench Court)
- Conservation areas (Cleeve Prior)
- Historic land patterns and archaeological features

The ES does not yet demonstrate:

- How setting impacts will be avoided
- How views from heritage assets will be protected
- How historic landscape character will be preserved

The introduction of industrial-scale solar arrays across **1,357 ha** is likely to cause **substantial harm** to historic landscape character.

5. Loss of Agricultural Land and Effects on the Agri-Economy

Chapter 3 confirms:

- The site is a "working countryside"
- Arable and pastoral farming dominate
- Fields are actively managed
- Agricultural land is the primary land use

The ES does not yet demonstrate:

- How much BMV land will be lost
- How agricultural businesses will be affected
- How tenancy arrangements will be impacted
- How food production will be reduced
- How local agri-economy resilience will be maintained

The loss of hundreds of hectares of productive farmland for 40–60 years represents a **major socio-economic impact**.

6. Scale of Development – Fundamentally Incompatible with the Landscape

The Order Limits cover **1,357 ha**, including:

- Four large sites
- Seven villages in close proximity
- Multiple river corridors
- Extensive open farmland

The scale is **industrial**, not rural, and will:

- Transform landscape character
- Industrialise views
- Disrupt agricultural continuity
- Introduce major infrastructure into tranquil areas

The ES does not yet justify why such scale is appropriate in this location.

7. Formal Position of Salford Priors Parish Council & Bidford on Avon Parish Council

Based on the evidence in Chapter 3, **Salford Priors & Bidford on Avon Parish Councils formally state that:**

1. The assessment of the site and surrounding environment is incomplete and not compliant with policy, legislation, or case law.
2. The Rochdale Envelope has not been properly applied, preventing meaningful assessment.
3. Visual, landscape, and historic environment impacts are significant and under-assessed.
4. The loss of agricultural land and effects on the agri-economy are major and insufficiently evidenced.
5. The scale of the development is incompatible with the rural landscape and community setting.

Until these matters are addressed, the Parish Councils **cannot support** the environmental evidence base and **reserves its position** on any future consent or examination.

Section 2. Consideration of Alternative Sites

Salford Priors & Bidford on Avon Parish Councils has reviewed **Chapter 4: Consideration of Alternatives** of the Interim Environmental Report. Based on the evidence presented, the Council concludes that the assessment of alternatives is **incomplete, overly narrow, and insufficiently evidenced**, and does **not yet meet the requirements** of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, National Policy Statements EN-1, EN-3 and EN-5, or the expectations of the Planning Inspectorate.

This statement sets out the Council's formal position.

1. Summary Position

The Council recognises that the Applicant has described a staged process for site selection, design evolution, and technology choices. However, the Council concludes that:

- The alternatives assessment is not proportionate, not sufficiently detailed, and not adequately justified.
- Several alternatives have been dismissed prematurely, without full environmental comparison.
- The Applicant has relied heavily on commercial feasibility and landowner willingness, rather than environmental constraints, contrary to the intent of Schedule 4 of the EIA Regulations.
- The assessment does not demonstrate that lower-impact alternatives were fully explored, particularly regarding agricultural land, cable routing, and proximity to sensitive receptors.

2. Positive Aspects of the Alternatives Assessment

2.1 Clear reference to statutory requirements

The chapter correctly cites:

- Schedule 4(2) of the EIA Regulations 2017
- NPS EN-1 paragraphs 4.3.9–4.3.27
- NPS EN-3 section 2.10
- NPS EN-5 paragraphs 2.2.7–2.2.8

This demonstrates awareness of the legal and policy framework.

2.2 Structured design evolution process

The Applicant has undertaken:

- Design Freeze 1 (DF1)
- Design Freeze 2 (DF2)
- Ongoing development toward DF3

These iterations have incorporated buffers for ecology, landscape, hydrology, heritage, and residential amenity.

2.3 Consideration of multiple design parameters

The chapter includes detailed tables on:

- Solar PV panel configurations
- BESS alternatives
- Substation siting parameters
- Cable route design parameters

This provides transparency on technical options.

3. Key Deficiencies and Missing Elements

3.1 Over-reliance on landowner willingness

The Applicant repeatedly states that alternative sites were discounted because landowners were unwilling to participate (4.5.13, 4.5.31). This is **not an environmental criterion** and should not override:

- Agricultural land quality
- Ecological sensitivity
- Hydrological risk
- Proximity to dwellings
- Landscape constraints

The Planning Inspectorate has consistently held that **land availability cannot be used to avoid environmental comparison of alternatives**.

3.2 Insufficient assessment of agricultural land alternatives

Although the Applicant acknowledges the need to avoid Best and Most Versatile (BMV) land (turn0, the chapter does **not**:

- Provide a full ALC-based alternatives appraisal
- Demonstrate avoidance of Grade 3a land
- Compare environmental effects of alternative land parcels
- Explain why large areas of Grade 3b or poorer land were not selected

This is a **major omission**, given the scale of BMV loss.

3.3 Cable route alternatives lack environmental comparison

Section 4.9 describes alternative cable routes but does **not**:

- Provide a full hydrological comparison
- Assess groundwater risk near Feckenham Wylde Moor SSSI
- Compare ecological impacts of each route
- Present a RAG assessment of environmental constraints

This is particularly concerning given the SSSI's sensitivity and the risk of dewatering or contamination.

3.4 "No development" and "smaller development" alternatives dismissed prematurely

The Applicant dismisses:

- **No development**
- **Smaller development**

These dismissals rely solely on NPS EN-1's need case and commercial feasibility, not environmental comparison. The EIA Regulations require **environmental comparison**, even if alternatives are ultimately discounted.

3.5 Limited consideration of brownfield and rooftop alternatives

The Applicant states that no brownfield sites or rooftop networks were suitable, but provides:

- No maps
- No site lists
- No environmental comparison
- No evidence of systematic search

This is **not sufficient** for an NSIP.

3.6 Lack of transparency in Alternative Development Zones (ADZs)

The chapter references ADZs but does not:

- Provide maps
- Provide environmental scoring
- Explain why certain ADZs were excluded
- Compare environmental effects of ADZs vs. chosen sites

This undermines the credibility of the alternatives process.

4. Compliance with Legislation and Policy

4.1 EIA Regulations 2017

Schedule 4 requires:

- A description of reasonable alternatives
- Comparison of environmental effects
- Clear reasons for selecting the chosen option

The chapter **does not yet meet these requirements**, as environmental comparison is limited or absent.

4.2 NPS EN-1, EN-3, EN-5

The National Policy Statements require:

- Proportionate alternatives assessment
- Consideration of environmental constraints
- Avoidance of sensitive receptors where possible

The chapter relies heavily on commercial and landowner factors, not environmental ones.

4.3 Local policy compliance

Local plans require:

- Protection of BMV land
- Avoidance of sensitive ecological and hydrological areas
- Minimisation of landscape harm

The alternatives assessment does not demonstrate that lower-impact land parcels were fully explored.

5. Formal Position of the Salford Priors & Bidford on Avon Parish Councils

Based on the evidence in Chapter 4, **Salford Priors & Bidford on Avon Parish Councils formally state that:**

1. The consideration of alternatives is **incomplete**, **insufficiently evidenced**, and **not compliant** with Schedule 4 of the EIA Regulations.
2. The Applicant must provide:
    - A full ALC-based alternatives appraisal
    - Environmental comparison of cable route options
    - Transparent ADZ mapping and scoring
    - Evidence of brownfield and rooftop site searches
    - Environmental comparison of "no development" and "smaller development" scenarios
3. Landowner willingness **must not** be used to exclude environmentally preferable alternatives.
4. The alternatives assessment must be **substantially strengthened** before the Environmental Statement is finalised.

Until these matters are addressed, the Councils **cannot support** the alternatives evidence base and **reserves its position** on any future consent or examination.

Section 3. Water Environment

The Parish Councils have reviewed **Chapter 16: Water Environment** of the Interim Environmental Report. Based on the evidence presented, the Councils provides the following formal response on the adequacy of the assessment, the implications for local watercourses, and compliance with national legislation and policy.

1. Summary of the Water Environment Baseline

The study area contains:

- Six WFD-designated Main Rivers: Bow Brook, Piddle Brook, River Arrow, River Avon, Noleham Brook, Littleton Brook.

- 106 Ordinary Watercourses, including Hay Brook, Whitsun Brook, Brandon Brook, Small Brook, Gate Inn Brook, Honey Brook and Ban Brook.
- Over 50 ponds, including former quarry ponds on Site 2.
- Multiple surface water and groundwater abstraction licences.
- Groundwater receptors, including Secondary A and B aquifers and a groundwater-dependent SSSI (Wylde Moor, Feckenham).

Water quality data show widespread phosphate failures, dissolved oxygen failures, and multiple chemical contaminants (PFOS, PBDE, mercury compounds) across the Avon catchment.

This establishes a **sensitive and already pressured water environment**.

2. Positive Impacts Identified

2.1 Embedded mitigation measures

The scheme includes several embedded design measures that, if implemented correctly, offer positive protection:

- Trenchless cable installation (HDD) to avoid disturbing riverbeds (E-WE.1).
- Buffer zones between development and sensitive watercourses (E-B.4).
- Sediment retention and energy dissipation measures (E-WE.3).
- Avoidance of permanent watercourse realignment (E-WE.5).
- Bioengineered bank protection rather than hard engineering (E-WE.4).

These measures align with CIRIA SuDS Manual, DMRB LA 113, and EA pollution prevention guidance.

2.2 Potential long-term benefits

- Reduced soil erosion due to permanent vegetation cover under panels.
- Opportunity for improved riparian habitat management.
- Potential reduction in agricultural nutrient runoff compared to intensive arable use.

3. Negative Impacts and Areas of Concern

3.1 Pollution risk to already failing watercourses

The Avon catchment suffers from:

- Phosphate failures in 5 of 6 WFD water bodies.
- Dissolved oxygen failures in Littleton Brook, Noleham Brook, Small Brook.
- Chemical failures (PFOS, PBDE, mercury) across multiple rivers

Construction activities—earthworks, HDD drilling, dewatering, sediment mobilisation—pose significant pollution risks to watercourses already failing WFD standards.

3.2 Groundwater vulnerability

Directional drilling may expose aquifers to drilling fluids, and dewatering may affect groundwater abstractions. The assessment acknowledges **no site-specific groundwater level or flow data**, relying on precautionary assumptions. This is a **major evidence gap**.

3.3 Ordinary Watercourses – insufficient assessment

106 Ordinary Watercourses are present, yet:

- Many have no water quality data.
- Their ecological value is assumed rather than evidenced.
- Their hydrological connectivity is not fully mapped.

Given their density, cumulative disturbance risk is high.

3.4 Incomplete baseline surveys

The chapter confirms that:

- Additional walkover and MoRPh surveys are scheduled for September 2026.
- Ground investigations have not yet been undertaken.
- Private water supply data is incomplete

This means the assessment is not yet complete.

4. Compliance with Legislation and Policy

4.1 Water Framework Directive (WFD) Regulations 2017

The WFD requires developments to:

- Prevent deterioration of water body status.
- Support achievement of “Good” status.

Given widespread failures in phosphate, dissolved oxygen, PFOS, PBDE and mercury, the scheme must demonstrate no deterioration. The current assessment does not yet provide sufficient evidence to confirm compliance.

4.2 Environmental Permitting Regulations 2016

Construction activities may require permits for:

- Discharges.
- Dewatering.
- Pollution control.

The Environmental Statement does not yet confirm whether all necessary permits will be obtained.

4.3 National Policy Statements EN-1, EN-3, EN-5

These require:

- Full assessment of water environment impacts.
- Protection of water quality and hydrology.
- Demonstration of no adverse effects on watercourses.

The assessment is methodologically sound but evidence-incomplete, meaning compliance cannot yet be demonstrated.

4.4 National Planning Policy Framework (2026)

The NPPF requires:

- Protection of water quality.
- Avoidance of pollution.
- Use of SuDS and natural flood management.

The scheme aligns with SuDS principles, but pollution risk remains insufficiently evidenced.

4.5 Local policy compliance

Local plans (Worcestershire SWMP, Redditch LP4, Salford Seven NDP) require:

- Protection of watercourses.
- Avoidance of pollution.
- Maintenance of natural hydrology.

The ES does not yet demonstrate that local watercourses—many already failing WFD standards—will not be further degraded.

5. Formal Position of Salford Priors & Bidford on Avon Parish Councils

Based on the evidence in Chapter 16, **Salford Priors & Bidford on Avon Parish Councils formally state that:**

1. The Water Environment assessment is incomplete, with key baseline data outstanding.
2. The assessment does not yet demonstrate compliance with WFD Regulations, EN-1/EN-3/EN-5, the NPPF, or local water environment policies.
3. Pollution risks to the River Avon, River Arrow, Bow Brook, Piddle Brook, Noleham Brook, Littleton Brook and 106 Ordinary Watercourses are significant and require further evidence.
4. Groundwater impacts are not yet adequately assessed, due to missing site-specific data.
5. The ES must provide quantitative pollution modelling, full hydrological connectivity mapping, and completed MoRPh and groundwater surveys before the assessment can be considered adequate.

Until these matters are addressed, the Parish Councils cannot support the water environment evidence base and reserves its position on any future consent or examination.

Section 4. Soils Agricultural Ecology & Biodiversity

Salford Priors & Bidford on Avon Parish Councils have undertaken a detailed review of the Interim Environmental Report, specifically **Chapter 7: Soils and Agriculture** and **Chapter 8: Ecology and Biodiversity**. Based on the evidence presented, the Council concludes that the current assessment is **incomplete, insufficiently evidenced, and represents only the bare minimum required for an Environmental Statement** under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The Council submits this statement to formally record that the assessment does not meet national policy requirements, statutory duties, or the evidentiary standards established by recent judicial authority.

1. The Assessment is Incomplete and Cannot Support Decision-Making

1.1 Missing Agricultural Land Classification (ALC) Surveys – Cable Route Corridors (CRCs)

Chapter 7 explicitly confirms that no ALC surveys were undertaken along any CRCs, relying instead on predictive mapping. This is unacceptable because:

- CRCs cross multiple sensitive soil associations, including Brockhurst 2, Fladbury 1, Whimple 3, Evesham 2 and Arrow.
- These soils are slowly permeable, seasonally waterlogged, structurally fragile, and highly susceptible to compaction and irreversible damage.
- Predictive mapping cannot assess soil structure, wetness class, stone content, drainage, or restoration potential.

The absence of CRC soil surveys means the ES **cannot lawfully determine impact magnitude or significance** under the criteria in Tables 7-3, 7-4 and 7-5.

1.2 Incomplete Agricultural Land Holding Data

Chapter 7 acknowledges that agricultural land holding information is incomplete and will be updated later. This means:

- The ES cannot assess severance, access disruption, infrastructure loss, or operational constraints.
- The significance matrix (Table 7-5) cannot be reliably applied.
- The assessment of holdings is not fit for purpose.

1.3 Ecology and Biodiversity Baseline is Not Yet Complete

Chapter 8 (as reviewed previously) contains:

- Access-constrained surveys (bats, GCN, birds, CRC watercourses).

- Precautionary assumptions replacing evidence.
- No structured Habitats Regulations Assessment (HRA) despite clear hydrological pathways to the River Avon and Severn Estuary SAC/Ramsar.

This is a **material deficiency** under Regulation 63 of the Habitats Regulations 2017.

2. The Assessment Falls Below National Policy Requirements

2.1 National Policy Statements EN-1, EN-3 and EN-5

These require:

- Protection of agricultural land and soils.
- Full assessment of ecological impacts.
- Consideration of cumulative effects.

The current chapters provide high-level narrative, not full analysis.

2.2 National Planning Policy Framework (2026)

The NPPF requires:

- Protection of Best and Most Versatile (BMV) land.
- Preference for poorer quality land.
- Robust environmental information for decision-making.

Chapter 7 identifies **788.8 ha of BMV land** within the Order Limits yet fails to:

- Quantify BMV loss per site.
- Assess long-term functional sterilisation.
- Provide evidence that land can be restored to its previous ALC grade after 60 years.

This is a **clear policy failure**.

2.3 Environment Act 2021 – Biodiversity Duty

The Act requires public authorities to **enhance biodiversity**. Chapter 8 does not yet provide:

- A full Biodiversity Net Gain (BNG) metric (Statutory requirement 10%)
- Secured, enforceable long-term ecological management.

This is **non-compliance** with statutory duty.

3. Judicial Authority Confirms the Assessment is Legally Vulnerable

3.1 C G Fry & Son Ltd v Secretary of State (2025 UKSC 35)

The Supreme Court held that:

- Ramsar sites and functionally linked habitats must receive equivalent protection to European sites.
- Appropriate assessment may be required at later consent stages.
- Minimal or incomplete ecological assessment is legally vulnerable.

The absence of a structured HRA in Chapter 8 is therefore a **serious legal deficiency**.

3.2 R (Caffyn) v Shropshire Council (2025 EWHC 1497)

The High Court ruled that:

- LPAs must insist on full, evidence-based ecological assessment, especially where background pressures are high.
- Desk-based or partial assessments are **not acceptable**.

Chapters 7 and 8 rely heavily on desk-based data and predictive mapping. This places the Environmental Statement **squarely within the category of assessments criticised by the Court**.

4. Formal Position of Salford Priors & Bidford on Avon Parish Council

Based on the evidence, **Salford Priors & Bidford on Avon Parish Councils formally state that Chapters 7 and 8 are incomplete, inadequate, and do not meet the legal, policy or evidentiary standards required for a National Significant Infrastructure Project.**

The Council requires:

1. Full ALC surveys along all CRCs, including soil pits and auger sampling.
2. Complete agricultural land holding data, including severance, access, infrastructure and operational impacts.
3. Completion of all outstanding ecological surveys.
4. A structured Habitats Regulations Assessment, addressing the River Avon and Severn Estuary SAC/Ramsar.
5. Quantitative impact assessment, including soil function, hydrology, lighting, noise, nutrient pathways and cumulative effects.
6. A full Biodiversity Net Gain metric, with secured delivery and monitoring.
7. Revised significance assessments, based on complete evidence.

Until these matters are addressed, the Parish Councils **cannot support** the environmental evidence base and **reserves its position** on any future consent or examination.

Section 5. Ecology & Biodiversity

Salford Priors & Bidford on Avon Parish Councils submit the following formal representation on Chapter 8 (Ecology and Biodiversity) of the Interim Environmental Report for the Arrow Valley Solar Project. This statement focuses on the adequacy of the ecological assessment and concludes that, in its current form, it represents only the bare minimum and is incomplete and inadequate for decision-making.

1. Overall position

Salford Priors & Bidford on Avon Parish Councils consider that the current Ecology and Biodiversity assessment is:

- **Incomplete**—key baseline surveys are outstanding or constrained, and important receptors are treated on precautionary assumptions rather than robust evidence.
- **Insufficiently rigorous**—reliant on desk-based material and high-level narrative, with limited quantitative analysis of impact pathways, magnitude, and significance.
- **Below the standard required** by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Conservation of Habitats and Species Regulations 2017, and the Environment Act 2021 biodiversity duty.

On this basis, the Council cannot accept Chapter 8 as a sound ecological evidence base for the scheme.

2. Key deficiencies in the current assessment

a) Incomplete baseline and survey coverage

- **Access-constrained surveys** (e.g. great crested newt, certain bat and bird areas, parts of the Cable Route Corridor) are acknowledged but not rectified; instead, the assessment relies on precautionary assumptions. This may be appropriate for mitigation design, but it is **not sufficient** for a legally robust Environmental Statement.
- **Temporal limitations**—surveys undertaken over a restricted period risk missing inter-annual variation, particularly for mobile species (wintering birds, bats, otter, water vole).
- **Hydrological and aquatic linkages**—the River Avon and downstream designated sites are recognised, but the assessment does not yet provide a full, quantified analysis of nutrient, sediment, and pollution pathways, nor cumulative effects with other catchment pressures.

Under the EIA Regulations 2017, an Environmental Statement must include “a description of the likely significant effects of the development on the environment” based on **sufficiently detailed data**; a partially completed baseline cannot meet this standard.

b) Bare-minimum treatment of Habitats Regulations and functionally linked sites

- The River Avon and its hydrological connection to the Severn Estuary SAC/Ramsar are acknowledged, but the current chapter does not present a **clear, structured Habitats**

Regulations Assessment (HRA)–style analysis of likely significant effects, alone and in combination.

- Recent Supreme Court authority in **CG Fry & Son Ltd v Secretary of State for Housing, Communities and Local Government [2025] UKSC 35** confirms that Regulation 63 of the Habitats Regulations applies broadly to "any consent, permission or other authorisation" and that Ramsar and other non-EU sites must be afforded equivalent protection through national policy.
- The current ecology chapter does not demonstrate that such an appropriate assessment has been, or will be, undertaken to the necessary standard, nor does it fully explore nutrient, hydrological, or disturbance pathways to functionally linked habitats.

c) Limited quantitative assessment of significance and cumulative effects

- Impact descriptions are largely qualitative, with limited use of **critical loads, thresholds, or measurable indicators** (e.g. ammonia, nitrogen deposition, noise levels, lighting spill, hydrological change).
- The High Court in **R (Caffyn) v Shropshire Council [2025] EWHC 1497 (Admin)** emphasised the need for robust, evidence-based assessment of ecological impacts, particularly where background pressures are already high and designated sites are close to or exceeding critical levels.
- For Arrow Valley, the ecology chapter does not yet provide a sufficiently detailed cumulative assessment with other solar, infrastructure, agricultural, and urban pressures in the wider landscape and catchment.

d) Biodiversity Net Gain and Environment Act 2021 duties

- While Biodiversity Net Gain (BNG) is referenced, the chapter does not present a **transparent, auditable BNG calculation** (baseline units, post-development units, risk multipliers, temporal and spatial risk, habitat distinctiveness and condition).
- The Environment Act 2021 imposes a strengthened biodiversity duty on public authorities; an assessment that only sketches BNG intentions, without full metrics and secured delivery mechanisms, falls short of that duty.

3. National and judicial context – why "bare minimum" is not acceptable

Recent case law and national guidance make clear that **minimal, desk-based, or partially completed assessments are not acceptable** where significant ecological risk exists:

- **R (Caffyn) v Shropshire Council [2025] EWHC 1497 (Admin)**: the Court criticised approaches that failed to grapple properly with high background ecological pressures and cumulative impacts, reinforcing that LPAs must insist on **full and rigorous assessment** under the EIA and Habitats Regulations.
- **CG Fry & Son Ltd [2025] UKSC 35**: the Supreme Court confirmed the wide reach of Regulation 63 and the obligation to protect Ramsar and other non-EU sites through national policy, even at later stages of consent. This underscores that **piecemeal or minimal ecological analysis is vulnerable to legal challenge**.
- The EIA Regulations 2017 and associated guidance require that an Environmental Statement be **complete, coherent, and capable of informing decision-makers and the public**;

interim, partial, or heavily caveated chapters do not meet this test where significant ecological receptors are present.

In this context, the current ecology chapter—described as "interim" and reliant on incomplete surveys and precautionary assumptions—represents **only the bare minimum** and does not satisfy the legal or policy expectations for a major infrastructure project affecting designated sites, priority habitats, and protected species.

4. Parish Councils position and requested actions

On the basis of the above, **Salford Priors & Bidford on Avon Parish Councils formally state that:**

1. **The Ecology and Biodiversity assessment is presently incomplete and inadequate** for the purposes of the Environmental Statement and any subsequent consent or authorisation.
2. **A full, updated chapter** must be provided, incorporating:
    - Completed baseline surveys across all relevant seasons and access-constrained areas.
    - A structured Habitats Regulations–compliant assessment of likely significant effects on the River Avon, Severn Estuary SAC/Ramsar, and other functionally linked sites.
    - Quantitative analysis of impact magnitude, significance, and cumulative effects, including hydrological, nutrient, noise, and lighting pathways.
    - A transparent, metric-based Biodiversity Net Gain calculation, demonstrating compliance with the Environment Act 2021 and BNG Regulations.
3. **Mitigation and monitoring measures** must be clearly specified, enforceable, and secured for the lifetime of the project, including construction, operation, maintenance, and decommissioning.

Until these matters are fully addressed and documented in a revised Ecology and Biodiversity chapter, the Parish Council cannot support the ecological evidence base for the Arrow Valley Solar Project and reserves its position on any future consent or examination.

Section 6. Glint and Glare

Salford Priors & Bidford on Avon Parish Councils have reviewed **Chapter 14: Glint and Glare** of the Interim Environmental Report (IER). Based on the evidence presented, the Council concludes that the assessment is **methodologically structured but substantively incomplete**, with several areas requiring further evidence, receptor-specific modelling, and enforceable mitigation before the Environmental Statement (ES) can be considered adequate for a Nationally Significant Infrastructure Project (NSIP).

This statement sets out the Council's formal position on:

- Policy and guidance compliance
- Case law relevance
- Impacts on aviation, road users, residential dwellings, PRoWs and the rural environment
- Adequacy of mitigation
- Cumulative effects
- Outstanding evidence gaps

1. Policy and Guidance Compliance

1.1 National Policy Statement EN-3

EN-3 requires solar NSIPs to demonstrate:

- No unacceptable safety risk to aviation or road users
- No significant amenity harm to residential receptors
- Full consideration of glint and glare effects on neighbouring uses

Chapter 14 acknowledges EN-3 as the primary policy driver , but the ES does **not yet demonstrate**:

- How significant reflections will be mitigated for approximately 750 residential dwellings
- How road safety will be protected on regional and national roads
- How PRoW users will be safeguarded from amenity loss
- How cumulative reflections across four sites will be managed

1.2 Planning Practice Guidance (PPG)

PPG requires assessment of:

- Effects on neighbouring uses
- Effects on aircraft safety
- Effects on visual amenity

The ES identifies receptors but does **not yet provide**:

- Full modelling outputs
- Duration and intensity tables for each receptor
- A receptor-specific mitigation plan

1.3 British Horse Society Guidance

The ES relies on BHS advice stating no evidence of horses reacting to glint and glare. However, this does **not remove the need** for:

- PRoW-specific modelling
- Mitigation for equestrian routes
- Consideration of cumulative amenity loss

1.4 Pager Power Guidance (2026)

Pager Power is widely used, but:

- It is **not statutory guidance**
- It does **not replace** receptor-specific modelling
- It does **not remove** the need for site surveys where uncertainty exists

The Environmental Statement relies entirely on desk-based modelling and proposes no site surveys which is a significant limitation.

2. Case Law – Legal Requirements for Completeness

2.1 C G Fry & Son Ltd v Secretary of State (2025 UKSC 35)

The Supreme Court held that:

- Environmental assessments must be **complete and evidence-based**
- Decision-makers cannot rely on **future or speculative information**

Chapter 14 relies heavily on:

- Future modelling
- Future mitigation
- Desk-based assumptions

This places the assessment at risk of being considered **legally incomplete**.

2.2 R (Caffyn) v Shropshire Council (2025 EWHC 1497)

The High Court ruled that LPAs must insist on:

- Full assessment of rural community impacts
- Robust evidence where safety is concerned

Given the presence of:

- National and regional roads
- 750+ residential dwellings
- Multiple PRoWs
- Four airfields

The Environmental Statement does **not yet meet** this evidentiary threshold.

3. Impacts on Receptors – Significant Concerns

3.1 Aviation Receptors

Four airfields are within the study area:

- Bidford
- Arden Heath Farm
- Home Farm Fields
- Ebrington

The ES acknowledges potential for:

- Temporary after-image
- Permanent eye damage (FAA/SANDIA thresholds)

But does **not yet provide**:

- Full modelling outputs
- Duration and intensity tables
- Confirmation from airfields that predicted glare is acceptable
- A mitigation plan for aviation safety

This is a **major gap**.

3.2 Road Users

Road users on:

- A46T
- A422
- B4088
- C103 Broom Lane
- Tothall Lane Dunnington
- Buckle Street
- Cleeve Road
- Shinesmith Road
- Blackminster Road

are considered **medium or very low sensitivity**, but:

- No modelling outputs are provided
- No mitigation is defined
- No assessment of cumulative reflections across multiple sites is included
- No assessment of elevated drivers or agricultural vehicles is provided

Given accident history in the area, this is a **significant omission**.

3.3 Residential Dwellings

750+ dwellings are identified as receptors .

The ES does **not yet provide**:

- Reflection duration per dwelling
- Reflection intensity per dwelling
- Seasonal variation
- Mitigation for high-sensitivity dwellings
- Cumulative impacts across multiple sites

This is a **major amenity concern**.

3.4 Public Rights of Way (PRoW)

PRoW users are considered **very low sensitivity**, but:

- This assumption is based solely on BHS advice
- No modelling outputs are provided
- No assessment of cumulative amenity loss is included
- No mitigation is defined for popular routes (Millennium Way, Shakespeare's Avon Way)

Given the rural recreational value of the area, this is **not adequate**.

4. Mitigation – High-Level and Insufficient

Embedded mitigation includes:

- CEMP
- OEMP
- DEMP
- Additional planting (E-LV.3)
- Buffer zones (E-B.4)

However:

- No receptor-specific mitigation is provided
- No commitment to panel re-orientation is made
- No commitment to anti-reflective coatings is made
- No commitment to screening for high-sensitivity dwellings is made
- No aviation-specific mitigation is defined
- No road-safety mitigation is defined

Mitigation is **generic**, not **receptor-specific**, and therefore **not yet adequate**.

5. Cumulative Effects – Not Assessed

The ES does **not yet assess**:

- Combined reflections from four solar sites
- Combined reflections along multiple PRoWs
- Combined reflections affecting aviation circuits
- Combined reflections affecting residential clusters
- Combined reflections affecting regional and national roads

Given the scale of the development, cumulative glint and glare effects are likely to be **significant**.

6. Formal Position of the Salford Priors & Bidford on Avon Parish Councils

Based on the evidence in Chapter 14, **Salford Priors & Bidford on Avon Parish Councils formally state that:**

1. The Glint and Glare assessment is incomplete, insufficiently evidenced, and not compliant with EN-3, PPG, or relevant case law.
2. Aviation, road users, residential dwellings, and PRoW receptors face potentially significant unmitigated impacts.
3. Cumulative glint and glare effects are not yet assessed.
4. Mitigation is generic, non-specific, and not enforceable.
5. The assessment relies heavily on desk-based modelling, with no site surveys, contrary to best practice for high-sensitivity receptors.
6. The Environmental Statement does not yet demonstrate that glint and glare impacts can be reduced to non-significant levels.

Until these matters are addressed, the Parish Councils **cannot support** the glint and glare evidence base and **reserves its position** on any future consent or examination.

Section 7. Population & Human Health

Salford Priors & Bidford on Avon Parish Councils have reviewed **Chapter 15: Population and Human Health** of the Interim Environmental Report (IER). Based on the evidence presented, the Council concludes that the assessment is **methodologically structured but substantively incomplete**, with several areas requiring further evidence, quantification, and mitigation before the Environmental Statement (ES) can be considered adequate for a Nationally Significant Infrastructure Project (NSIP).

This statement sets out the Council's formal position on:

- Positive and negative human health impacts
- Cumulative effects
- Construction-related disturbance
- Transport and access implications
- Vulnerable and sensitive populations
- Policy and legislative compliance
- Case law relevance
- Adequacy of mitigation

1. Summary Position

The Councils recognise that Chapter 15 follows the ISEP and DMRB LA112 methodology and identifies relevant determinants of health. However, the Councils conclude that:

- Key determinants—air quality, noise, transport safety, access to services, landscape amenity—are not yet fully assessed, as they rely on other ES chapters that remain incomplete.
- Cumulative impacts on sensitive rural communities are under-developed, particularly for construction traffic, amenity loss, and access disruption.
- The assessment relies heavily on qualitative judgement, with limited quantitative evidence to support conclusions.
- Mitigation is high-level and not yet enforceable, particularly regarding construction traffic, PRoW safety, and amenity protection.

2. Positive Aspects of the Assessment

2.1 Clear identification of sensitive populations

The chapter correctly identifies:

- Families with children
- Older persons (22.4%–30% of local population)
- People with disabilities (14.8%–16%)
- Materially disadvantaged households (43.4%–50.6%)
- High-sensitivity residential clusters (e.g., Dunnington, Wood Bevington, Broom)

This aligns with the Equality Act 2010 and ISEP guidance.

2.2 Comprehensive baseline mapping of community assets

The chapter identifies:

- Village halls
- Churches
- Schools
- Recreational clubs
- Healthcare facilities
- Green spaces and promoted trails (Millennium Way, Shakespeare's Avon Way, Heart of England Way)

This provides a strong baseline for assessing access impacts.

2.3 Recognition of rural transport vulnerability

The chapter acknowledges:

- Limited bus services
- Heavy reliance on private vehicles
- Accident history (47 slight, 11 serious, 4 fatal incidents)
- Noise Important Area (A46) exposure

This is essential for assessing transport-related health impacts.

3. Negative Impacts and Areas of Concern

3.1 Construction Traffic – Major Determinant of Health

The chapter scopes in construction traffic impacts for all sensitive groups. However, the Environmental Statement does not yet quantify:

- HGV movements
- Peak-hour disruption

- Road safety risk for vulnerable users
- Access disruption to healthcare, schools, and community facilities
- Cumulative traffic impacts across four sites and multiple cable corridors

Given the rural road network and accident history, this represents a **major unassessed health determinant**.

3.2 Amenity Loss – Landscape, Noise, Air Quality

The chapter correctly identifies amenity as a key determinant, but:

- Landscape amenity impacts are scoped in for sensitive groups but rely on an incomplete LVIA.
- Noise and vibration impacts are scoped in but rely on incomplete modelling.
- Air quality impacts are scoped in for sensitive groups but rely on future assessments.

This means amenity-related health effects cannot yet be meaningfully evaluated.

3.3 Access to Green Space and PRoWs

The Study Area contains:

- Extensive footpaths and bridleways
- Three nationally promoted trails
- Village green spaces

Construction will:

- Interrupt access
- Reduce recreational quality
- Increase perceived and actual safety risks
- Affect mental wellbeing and physical activity

These impacts are **not yet quantified**.

3.4 Access to Healthcare

The chapter identifies:

- No GP or hospital facilities within the villages
- Heavy reliance on road access to Evesham and Alcester
- Limited public transport
- High proportions of elderly residents

Construction traffic may:

- Increase travel times
- Reduce reliability of access

- Increase anxiety among vulnerable groups

These impacts are not yet assessed.

3.5 Pollution of Soils and Water

The chapter scopes in pollution impacts for residential sub-populations. However:

- Water environment impacts (Chapter 16) remain incomplete
- Soil contamination risks (Chapter 6) are not fully resolved
- Construction activities may affect watercourses already failing WFD standards

This represents a potential health determinant requiring further evidence.

4. Cumulative Effects – Under-Assessed

The chapter does not yet provide:

- A cumulative health impact assessment
- Combined effects of noise, traffic, air quality, landscape change, and access disruption
- Cross-chapter integration with cumulative effects (Chapter 20)

Given the scale of the scheme and proximity of multiple villages, cumulative health impacts are likely to be significant.

5. Policy and Legislative Compliance

5.1 Equality Act 2010

The chapter identifies protected characteristics but does not yet demonstrate:

- How disproportionate impacts will be mitigated
- How equality duties will be fulfilled

5.2 Health and Social Care Act 2012

The Act requires consideration of public health outcomes. The Environmental Statement does not yet provide:

- Quantitative health outcome modelling
- Evidence-based assessment of morbidity or wellbeing impacts

5.3 NPS EN-1, EN-3, EN-5

These require:

- Protection of community wellbeing
- Avoidance of significant amenity loss

- Safe access to services

The ES does not yet demonstrate compliance.

5.4 NPPF (2026)

The NPPF requires:

- Healthy, safe communities
- Protection of green space
- Avoidance of severe transport impacts

The ES does not yet demonstrate compliance.

6. Case Law Relevance

C G Fry & Son Ltd v Secretary of State (2025 UKSC 35)

The Supreme Court held that environmental assessments must be:

- Complete
- Evidence-based
- Not reliant on future or speculative information

Chapter 15 relies heavily on future assessments and qualitative judgement, making it **legally vulnerable**.

R (Caffyn) v Shropshire Council (2025 EWHC 1497)

The High Court ruled that LPAs must insist on:

- Full assessment of rural community impacts
- Robust evidence where vulnerable populations are present

The ES does not yet meet this standard.

7. Adequacy of Mitigation – High-Level and Incomplete

Embedded mitigation includes:

- CEMP, OEMP, DEMP
- Lighting strategy
- Noise management
- Landscape planting
- Cable route alignment

However, mitigation is **not yet sufficient**, because:

- No Construction Traffic Management Plan (CTMP) is provided
- No enforceable amenity protection measures exist
- No PRoW safety strategy is finalised
- No access-to-healthcare mitigation is defined
- No cumulative mitigation is presented

8. Formal Position of Salford Priors & Bidford on Avon Parish Councils

Based on the evidence in Chapter 15, **Salford Priors & Bidford on Avon Parish Council formally state that:**

1. The Population and Human Health assessment is incomplete and not yet adequate for an NSIP.
2. Key determinants—traffic, amenity, access, pollution—are not yet fully assessed.
3. Sensitive populations face potentially significant unmitigated impacts.
4. Cumulative health impacts are not yet evaluated.
5. Mitigation is high-level, unenforceable, and insufficient.
6. The assessment does not yet demonstrate compliance with EN-1, EN-3, EN-5, the NPPF, the Equality Act, or relevant case law.

Until these matters are addressed, the Councils **cannot support** the human health evidence base and **reserves its position** on any future consent or examination.

Section 8. Historic Environment

Salford Priors & Bidford on Avon Parish Councils have reviewed **Chapter 9: Historic Environment** of the Interim Environmental Report. Based on the evidence presented, the Council concludes that the assessment of heritage impacts—particularly cumulative construction and traffic effects—is **incomplete, insufficiently evidenced, and does not yet meet the standards required for a Nationally Significant Infrastructure Project (NSIP)**.

This statement sets out the Council's formal position on:

- Compliance with legislation and policy
- Case law and the Rochdale Envelope
- Direct, indirect, and cumulative impacts
- Construction and traffic effects
- Historic landscape change
- Adequacy of mitigation

1. Legislative and Policy Compliance – Assessment Not Yet Adequate

Chapter 9 correctly identifies the relevant legislation and policy (Planning and Infrastructure Act 2025; Ancient Monuments Act 1979; Listed Buildings Act 1990; EN-1, EN-3, EN-5; NPPF; local plans) (). However, the assessment **does not yet demonstrate compliance** with these frameworks.

1.1 National Policy Statements (EN-1, EN-3, EN-5)

EN-1 requires:

- Protection of heritage significance
- Full assessment of setting impacts
- Avoidance of substantial harm

The chapter identifies **eight scheduled monuments**, **322 listed buildings**, **nine conservation areas**, and **two registered parks and gardens** within the study area. Yet the ES does not fully demonstrate:

- How construction traffic, compounds, haul roads, and panel installation will avoid harm
- How setting impacts will be minimised
- How cumulative effects across four sites and multiple cable corridors will be mitigated

1.2 National Planning Policy Framework (2026)

The NPPF requires:

- Great weight to be given to the conservation of heritage assets
- Clear and convincing justification for any harm
- Assessment of cumulative impacts

The ES does not yet provide:

- A full cumulative heritage impact assessment
- A quantified analysis of construction traffic effects on conservation areas and listed buildings
- A clear justification for industrialising historic rural landscapes

1.3 Local Policy Compliance

Local plans (SWDP, Stratford on Avon DC Core Strategy, Salford Seven NDP, Bidford on Avon NDP) require:

- Protection of historic landscape character
- Conservation of heritage settings
- Avoidance of harm to rural settlement pattern

The Environmental Statement does not yet demonstrate compliance.

2. Case Law and Rochdale Envelope – Legal Vulnerabilities

2.1 Rochdale Envelope (R v Rochdale MBC ex parte Milne)

The Rochdale Envelope requires:

- A clearly defined “realistic worst-case scenario”
- Sufficient detail to assess environmental effects

- No deferral of key design parameters

Chapter 9 relies on:

- Ongoing geophysical surveys
- Future multispectral surveys
- Future CRC refinements
- Future mitigation design ()

This means:

- The “worst-case” heritage impact cannot yet be assessed
- Construction traffic routes are not fixed
- Locations of compounds, haul roads, and panel arrays remain flexible

This is **not compliant** with Rochdale principles.

2.2 C G Fry & Son Ltd v Secretary of State (2025 UKSC 35)

The Supreme Court held that:

- Environmental assessments must be complete and evidence-based
- Decision-makers cannot rely on partial or speculative assessments

Chapter 9 is **descriptive**, but:

- Cumulative impacts are not yet assessed
- Construction traffic impacts are not quantified
- Setting impacts are not fully modelled

2.3 R (Caffyn) v Shropshire Council (2025 EWHC 1497)

The High Court ruled that:

- LPAs must insist on robust assessment where rural landscapes and heritage assets are at risk
- Desk-based or incomplete assessments are not acceptable

Chapter 9 relies heavily on:

- Desk-based assessment
- Incomplete surveys
- Future updates

This places the ES within the category of assessments criticised by the Court.

3. Cumulative Impacts – Significant and Under-Assessed

Chapter 9 identifies:

- 8 scheduled monuments
- 322 listed buildings
- 9 conservation areas
- 826 non-designated assets
- Extensive ridge and furrow
- Prehistoric settlement evidence
- Medieval settlement remains
- Historic landscape character with exceptional time-depth ()

However, cumulative impacts across:

- Four solar sites
- Multiple cable route corridors
- Construction compounds
- Traffic movements
- Lighting
- Noise
- Vegetation removal
- Soil stripping
- Archaeological disturbance

are **not yet assessed**.

3.1 Construction Traffic – Cumulative Harm

Construction traffic will:

- Pass through or near conservation areas (Cleeve Prior, Broom, Bidford on Avon, Salford Priors, Abbots Salford)
- Affect settings of listed buildings (e.g., Ragley Hall, Wood Bevington Manor)
- Increase vibration risk to historic fabric
- Introduce noise and dust into historic village cores
- Disrupt historic settlement patterns

None of these cumulative effects are quantified.

3.2 Construction Activities – Cumulative Archaeological Risk

The Environmental Statement identifies:

- Unknown archaeological remains
- Prehistoric enclosures
- Medieval settlement remains
- Geoarchaeological deposits
- Palaeochannels with waterlogged sediments

But cumulative impacts from:

- Soil stripping
- Trenching
- HDD drilling
- Compound construction
- Access tracks

are not yet assessed.

3.3 Historic Landscape – Cumulative Transformation

The ES acknowledges:

- Historic landscape character with exceptional time-depth
- Ancient woodland, asserts, piecemeal enclosures
- Medieval settlement cores
- Historic field patterns

But does not assess:

- Cumulative industrialisation of landscape
- Combined visual impacts across four sites
- Combined setting impacts on Ragley Hall Park and Garden (10m from Site 2)
- Combined impacts on Rous Lench Court (80m from Site 1)

4. Mitigation – Incomplete and Insufficient

Embedded mitigation includes:

- CEMP, OEMP, DEMP
- Archaeological Mitigation Strategy (AMS)
- Limiting excavation
- Buffer zones
- Lighting strategy
- Vegetation retention
- Additional planting
- Sensitive design
- Cable route alignment

However:

- No detailed construction traffic mitigation is provided
- No vibration mitigation for listed buildings
- No cumulative heritage mitigation strategy exists
- No setting-specific mitigation for Ragley Hall or Rous Lench Court is provided
- No mitigation for ridge and furrow loss is proposed
- No mitigation for prehistoric settlement clusters is defined

Mitigation is **high-level and incomplete**.

5. Formal Position of Salford Priors & Bidford on Avon Parish Councils

Based on the evidence in Chapter 9, **Salford Priors & Bidford on Avon Parish Councils formally state that:**

1. The historic environment assessment is incomplete, insufficiently evidenced, and not compliant with legislation, policy, or case law.
2. Cumulative impacts—construction, traffic, landscape change, archaeological disturbance—are not yet assessed.
3. The Rochdale Envelope has not been properly applied, preventing meaningful assessment.
4. Construction traffic poses significant unassessed risks to conservation areas, listed buildings, and historic settlement cores.
5. The scale of the development will cause major cumulative harm to historic landscape character.
6. Mitigation is high-level, generic, and not yet adequate for an NSIP.

Until these matters are addressed, the Council **cannot support** the historic environment evidence base and **reserves its position** on any future consent or examination.

Section 9. Minerals Highways & Hydrogeological Safeguarding

Salford Priors and Bidford-on-Avon Parish Councils submit this joint representation to raise critical concerns regarding the substantial spatial conflict between the proposed Arrow Valley Solar Project footprint and the statutorily protected Mineral Safeguarding Areas (MSAs) defined within the *Warwickshire Minerals Local Plan (2022)* and the *Worcestershire Minerals Local Plan (2022)*.

The application area directly overlies extensive, unmined superficial geology comprising highly valuable River Terrace Deposits (Avon Terraces 2, 3, and 4) and Glaciofluvial Drift / Baginton Gravels.

The Councils contend that a proposed 60-year operational lifespan cannot legally or practically be classified as a "temporary development." Over a multi-generational period of 60 years, this project functionally results in the prolonged sterilization of finite, high-grade aggregate resources vital to supporting regional housebuilding requirements and local infrastructure delivery.

Furthermore, the construction layout and massive physical footprint of the scheme pose severe, unmitigated threats to the local highways network (specifically the A46, B439, and narrow rural parish lanes) and the complex hydrogeological drainage dynamics of the River Alne and River Avon catchments.

2. Statutory Framework and Policy Non-Compliance
The current Development Plan frameworks place a statutory duty on planning authorities to prevent the unnecessary sterilization of mineral resources and protect local environmental and transport infrastructure. The proposed scheme, in its current form, conflicts with the following planning policies:

- National Planning Policy Framework (NPPF) Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) & Section 17 (Facilitating the Sustainable Use of

Minerals): Paragraph 216 explicitly states that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if they might constrain future use. Section 14 requires that development does not increase flood risk elsewhere.

- Warwickshire Minerals Local Plan – Policy MCS 2 (Safeguarding Mineral Resources): This policy mandates that non-mineral development within an MSA must demonstrate that the mineral content is either not economically viable, that prior extraction can safely occur, or that the development is of an overriding temporary nature.
- Stratford-on-Avon Core Strategy – Policy CS.4 (Water Environment and Flood Risk) & Policy CS.26 (Transport and Communications): These policies demand that developments manage surface water runoff sustainably and avoid creating severe residual cumulative impacts on the rural road network serving our parishes.

3. Misapplication of the Rochdale Envelope and Mineral Obscuration

The applicant's reliance on the Rochdale Envelope principle to maintain flexibility across the four primary solar sites and seven distinct Cable Route Corridors (CRCs) introduces unacceptable ambiguity into the Environmental Statement (ES).

By failing to define the precise spatial coordinates of deep cable trenching, structural ground-mount piling, and the heavy foundations required for the 250MW Battery Energy Storage Systems (BESS) and inverter substations, the applicant has failed to properly quantify the volume of aggregate resources that will be pinned down, disrupted, or made inaccessible.

The Councils request that the Planning Inspectorate request a comprehensive, site-specific Mineral Safeguarding Assessment (MSA) based on physical borehole data across the Wood Bevington, Dunnington, Wixford, Salford Priors, Bidford, and South Littleton sectors before the Development Consent Order (DCO) examination proceeds.

4. Macro-Economic Conflict with Regional Infrastructure and Housing

The Councils highlight a direct conflict with broader Government objectives for economic growth and housing delivery:

- Constructing the required regional housing allocation necessitates millions of tonnes of construction aggregates (sand, gravel, and crushed stone).
- By sterilizing a massive localized tract of unmined, high-quality river terrace aggregate for 60 years, the applicant artificially constricts the regional mineral supply chain.
- This forces regional developers to import aggregates from geographically distant sources, directly increasing transport costs, HGV road miles on the strategic network, and the cumulative carbon footprint of regional homebuilding.

5. Local Infrastructure Impacts: Highways and Hydrogeology

Highways Gridlock and Rural Road Network Capacity

The logistics profile for the construction and eventual decommissioning of a 2,500-hectare array will severely compromise local highway safety and network capacity across our three parishes:

- The B439 Corridor (Bidford to Stratford): The B439 is a heavily burdened link road through Bidford-on-Avon experiencing significant commuter traffic. The introduction of high-frequency Heavy Goods Vehicle (HGV) movements during the 24-to-36-month construction phase will cause severe structural degradation to the highway asset and create unacceptable queuing at key junctions.

- The A46 Corridor: Local settlements face acute impacts from their proximity to the A46. HGV traffic turning off the strategic network onto minor roads will create severe bottlenecks, conflict with local agricultural movements, and endanger historic road layouts within the villages.
- Narrow Rural Lanes (Dunnington, Wood Bevington, Salford Priors): The network of lanes serving Dunnington and Wood Bevington consists of narrow, unclassified rural roads entirely unsuited for sustained HGV traffic. These lanes lack the geometric width for two large vehicles to pass safely, threatening the safety of vulnerable road users, agricultural vehicles, and pedestrians, while risking severe damage to unprotected verges and shallow-laid utility infrastructure.

B. Hydrogeological Disruption and Catchment Flood Risk

The superficial sand and gravel deposits underlying Salford Priors, Bidford-on-Avon, and the surrounding river corridors serve a vital ecological and engineering function as a highly permeable, natural drainage sponge for the River Avon and River Alne catchment basins:

- **Surface Water Runoff Acceleration:** Covering thousands of hectares with impermeable solar arrays will fundamentally alter the rainfall interception patterns of the landscape. Rainwater shedding rapidly off millions of tilted glass panels will concentrate flows into distinct drip-lines, leading to localized soil erosion, trenching, and accelerated surface water runoff.
- **Subsoil Compaction and Permeability Loss:** The deployment of heavy piling rigs, structural delivery vehicles, and earth-moving machinery across agricultural fields will cause severe, deep-seated soil compaction. This structural damage to the upper soil profile will destroy its natural infiltration capacity, forcing water to bypass the underlying gravel aquifer entirely. This cumulative loss of catchment retention will significantly elevate downstream fluvial flood risks for low-lying residential areas in Salford Priors, Bidford-on-Avon, and Wixford, which already possess well-documented vulnerabilities to flooding.

6. Material Conditions and Required Directives

Should the Secretary of State be minded to grant a Development Consent Order (DCO) based on overriding national energy security priorities, the Parish Councils insist that the following are taken into account:

1. **Prior Extraction Mandate:** A requirement forcing the developer to undertake prior extraction of all viable sand and gravel deposits sitting directly beneath the footprints of all permanent or heavy engineering structures—including substations, BESS compounds, and internal haulage access roads—prior to the commencement of main array installation.
2. **Strict Decommissioning Bond:** A legally secured financial bond to guarantee the absolute removal of all sub-surface infrastructure (including concrete footings and deep cable runs) at Year 60, ensuring the land is fully restored to a state capable of future mineral extraction and natural agricultural drainage.
3. **Construction Traffic Management Plan (CTMP) Restrictions:** A legally binding CTMP that explicitly prohibits any HGV routing through the unclassified rural lanes of Wixford, Dunnington, and Wood Bevington. All construction access must be strictly confined to designated strategic access junctions directly off the A46, with timed HGV movements on the B439 to avoid peak commuting hours.
4. **Sustainable Drainage Systems (SuDS) and Compaction Remediation:** A requirement for a comprehensive, catchment-wide SuDS scheme incorporating extensive swales and attenuation ponds designed to match or improve upon greenfield runoff rates. Furthermore,

mandatory deep-ripping and subsoil de-compaction protocols must be enforced across all array fields post-construction to restore the hydrogeological absorption capacity of the underlying gravel strata.

Section 10. Transport & Access Mitigation Measures

Salford Priors & Bidford on Avon Parish Councils have reviewed **Chapter 12: Transport and Access** of the Interim Environmental Report. The Council provides the following formal response on the adequacy of the transport mitigation measures, their compliance with legislation and policy, and their implications for local communities, rural roads, and Public Rights of Way (PRoW).

1. Summary Position

The Council recognises that the Applicant has proposed a range of transport mitigation measures. However, the Council concludes that:

- **Mitigation is incomplete**, with several critical measures not yet defined or evidenced.
- **Key risks to rural communities, PRoWs, equestrians, cyclists, and vulnerable road users remain insufficiently addressed**.
- **The assessment relies heavily on future consultation**, meaning the current mitigation package is **not yet robust enough** for a Nationally Significant Infrastructure Project (NSIP).
- **Decommissioning impacts are unjustifiably scoped out**, leaving a 60-year future risk unassessed.

2. Positive Aspects of the Transport Mitigation Strategy

2.1 Extensive baseline traffic surveys

The Applicant undertook 33 Automatic Traffic Count (ATC) surveys, exceeding typical NSIP coverage. This provides a strong baseline for future modelling.

2.2 Clear commitment to PRoW and equestrian safety

Mitigation includes:

- Banksmen at PRoW crossings
- 10 mph speed limits at crossing points
- Temporary warning signage
- Driver protocols requiring vehicles to give way to equestrians
- Reinstatement of damaged PRoW surfaces (turn0browsertab0)

These measures respond directly to British Horse Society concerns.

2.3 Defined construction traffic routing principles

The Applicant commits to:

- Using strategic routes (A46, A422) for distribution
- Avoiding sensitive rural lanes where possible
- Managing Abnormal Indivisible Loads (AILs) through agreed traffic management arrangements (turn0browsertab0)

2.4 Embedded mitigation through environmental management plans

The scheme includes:

- Out line Construction Environmental Management Plan (CEMP)
- Outline Operational Environmental Management Plan (OEMP)
- Outline Decommissioning Environmental Management Plan (DEMP)

These provide a framework for future detailed mitigation.

3. Negative Impacts and Missing Mitigation

3.1 Decommissioning impacts unjustifiably scoped out

The Applicant assumes construction represents the "worst case" and therefore does not assess decommissioning. This is unacceptable because:

- Decommissioning will involve HGVs, panel removal, battery removal, and heavy plant.
- Rural roads may be more constrained in 60 years.
- NSIPs must assess full lifecycle impacts.

3.2 No confirmed agreement with Local Highway Authorities (LHAs)

The Applicant states consultation with LHAs and National Highways is still being arranged, This means:

- Access routes are not yet agreed.
- Traffic management measures are not yet endorsed.
- Study area boundaries may change.

3.3 Insufficient mitigation for rural lanes and sensitive receptors

Many roads in the study area:

- Have no footways
- Are single-track
- Are used by schoolchildren, cyclists, equestrians, and agricultural vehicles

Yet mitigation does not include:

- Passing places
- Temporary speed restrictions beyond PRoW crossings
- Restrictions on peak-hour HGV movements

- Noise and vibration mitigation for residential frontages

3.4 No detailed Construction Traffic Management Plan (CTMP)

The chapter references a future CTMP but does not provide:

- HGV caps
- Delivery time windows
- Driver behaviour protocols
- Monitoring and enforcement mechanisms
- Community liaison arrangements

Without these, mitigation is not enforceable.

3.5 No cumulative transport mitigation

Although cumulative effects are referenced, the chapter does not:

- Identify cumulative traffic increases
- Assess combined impacts with other solar, housing, or infrastructure projects
- Propose cumulative mitigation

This is a major gap for an NSIP.

3.6 Limited mitigation for Public Transport impacts

Bus routes (e.g., 28, 247, 552, 553) pass near Sites 2, 3 and 4. Mitigation does not address:

- Temporary delays
- Bus stop access disruption
- Passenger safety during construction

4. Compliance with Legislation and Policy

4.1 Highways Act 1980 / NRSWA 1991 / Traffic Management Act 2004

The assessment references these Acts (turn0browsertab0), but:

- No evidence is provided that temporary works will comply with **Section 59/60 reinstatement standards**.
- No commitment is made to **avoid undue interference** with traffic under the Traffic Management Act.

4.2 National Policy Statements EN-1, EN-3, EN-5

These require:

- Protection of communities

- Safe access
- Minimisation of transport impacts

The current mitigation package **does not yet demonstrate compliance**, particularly regarding rural lanes and PRoWs.

4.3 National Planning Policy Framework (2026)

The NPPF requires:

- Safe and suitable access for all users
- Protection of vulnerable road users
- Avoidance of severe residual impacts

Given missing mitigation, the scheme **cannot yet demonstrate NPPF compliance**.

4.4 Local Transport Plans and Neighbourhood Plans

Local policies require:

- Protection of rural character
- Safe movement for pedestrians, cyclists, and equestrians
- Avoidance of HGV intrusion into villages

Mitigation does not yet fully address these requirements.

5. Formal Position of Salford Priors & Bidford on Avon Parish Councils

Based on the evidence in Chapter 12, **Salford Priors & Bidford on Avon Parish Council formally state that:**

1. The transport mitigation measures are **incomplete** and **not yet adequate** for a Nationally Significant Infrastructure Project.
2. Decommissioning impacts must be fully assessed, not scoped out.
3. A detailed Construction Traffic Management Plan must be provided before the ES is finalised.
4. Mitigation must include:
    - Peak-hour HGV restrictions
    - Passing places on rural lanes
    - Full PRoW protection measures
    - Bus service protection
    - Community liaison and monitoring
5. The Applicant must secure formal agreement with LHAs and National Highways on access routes and mitigation.
6. Cumulative transport impacts must be quantified and mitigated.

Until these matters are addressed, the Council **cannot support** the transport and access evidence base and **reserves its position** on any future consent or examination.

Section 11. Battery Energy Storage Systems (BESS)

Residents remain deeply concerned about the proposed Battery Energy Storage Systems (BESS) associated with the Arrow Valley Solar Farm Project, particularly in relation to fire risk, the adequacy of current legislation, and the lack of detailed information provided by the applicant. This submission focuses on those concerns and the need for robust, transparent fire safety governance within the Development Consent Order (DCO).

Legislative and guidance context

- **Absence of BESS-specific primary legislation:** Current UK regulation treats BESS largely under general health and safety and fire safety law rather than through a dedicated statutory regime. A 2025 House of Commons Library briefing confirms that there are no laws specific to BESS site safety; instead, systems rely on wider product safety, fire safety and health and safety legislation, with new grid-scale guidance only emerging in 2024.
- **Reliance on non-statutory guidance:** The National Fire Chiefs Council (NFCC) has issued grid-scale BESS planning guidance for fire and rescue services, updated in December 2025, and a policy position statement in October 2025. These documents shape practice but are not legally binding, and fire and rescue services are not statutory consultees on BESS planning applications.

Residents therefore perceive a structural gap: rapid deployment of large-scale BESS is occurring in advance of a clear, enforceable legislative framework tailored to their specific fire and explosion hazards.

Reference to International Fire Professional Journal (November 2025)

The article on Battery Energy Storage Systems (BESS) in the **International Fire Professional Journal, November 2025** provides:

- **Legislation overview:** It highlights that BESS installations are typically governed by general fire safety, health and safety, and product safety law, with no unified, BESS-specific statute. It notes fragmented responsibilities between planning authorities, regulators and operators, and stresses the importance of early engagement with fire and rescue services and clear allocation of duties for design, operation and emergency planning.
- **Fire safety guidance:** The article emphasises thermal runaway risk, gas generation, explosion potential and long-duration fires, and recommends:
    - Comprehensive hazard and risk assessment at design stage.
    - Clear emergency response plans agreed with the local fire and rescue service.
    - Adequate separation distances, access routes, water supplies and explosion venting.
    - Continuous monitoring, fault detection and shut-down systems, with clear information for responders.

Residents consider this professional guidance highly relevant and expect the applicant to demonstrate how its recommendations have been adopted or exceeded.

Residents' concerns about fire risk

Residents' concerns can be summarised as follows:

- **Thermal runaway and fire propagation:** Lithium-ion BESS can experience thermal runaway, leading to high-temperature, long-duration fires and potential propagation between units. Documented UK incidents (e.g. Liverpool 2020, Essex 2025) show that such events, while infrequent, can be severe and complex to manage.
- **Explosion and toxic emissions:** The potential for flammable gas build-up, deflagration and toxic smoke is a major worry, particularly given nearby homes, public rights of way and sensitive receptors. NFCC guidance itself recognises the need for deflagration venting, gas detection and control of explosive atmospheres.
- **Access and water supply:** Residents are concerned that without detailed design information, it is impossible to judge whether access for fire appliances, on-site water supplies and hydrant capacity will be adequate for a prolonged incident.
- **Information deficit:** At present, the application documents do not provide a full battery safety management plan, emergency response plan, or clear description of the chosen battery chemistry, suppression systems, separation distances and explosion protection measures.

Exponential deployment outpacing fire safety legislation

Residents are particularly concerned that:

- **Deployment targets are very high:** Government aims to increase installed BESS capacity from around 4.5 GW in 2024 to 23–27 GW by 2030, implying rapid, widespread deployment of grid-scale battery sites.
- **Regulation is catching up, not leading:** Guidance from NFCC and government is evolving, but remains advisory and fragmented. The International Fire Professional Journal article and NFCC policy position both underline that practice is moving faster than dedicated legislation and incident data collection.
- **Local communities bear the residual risk:** In the absence of a mature, BESS-specific statutory regime, residents feel that risk is being externalised to host communities, who must rely on the diligence of individual developers and the capacity of local fire and rescue services.

Residents therefore request that the Examining Authority and the Secretary of State explicitly recognise that the exponential deployment of BESS has outpaced current fire safety legislation, and treat this as a material consideration in assessing the adequacy of the applicant's proposals.

Required documentation and commitments in the DCO

Given the above, residents ask that the applicant be required—through requirements and protective provisions in the DCO—to:

1. **Provide a comprehensive Battery Safety Management Plan (BSMP):**
    - **Scope:** Battery chemistry, module and container design, fire detection and suppression systems, gas detection and ventilation, explosion venting, separation distances, landscaping and vegetation management.
    - **Standards and guidance:** Explicit cross-reference to NFCC grid-scale BESS guidance, relevant British Standards, NFPA 855/UL 9540A (where applicable), and

the professional guidance summarised in the International Fire Professional Journal article.

2. **Submit a detailed Emergency Response Plan (ERP):**
    - **Co-production with the local fire and rescue service:** Including site plans, access routes, water supplies, isolation points, communication protocols and incident command arrangements.
    - **Public summary:** A non-technical summary should be made available to residents, explaining how a major incident would be managed and what protective measures exist for nearby communities.
3. **Demonstrate adequate separation distances and infrastructure:**
    - **Minimum separation distances:** Between BESS units, transformers/switchgear and occupied buildings, justified against NFCC guidance and site-specific risk assessment.
    - **Water supply and access:** Evidence of hydrant capacity or static water supply sized for long-duration incidents, and compliant access for fire appliances.
4. **Commit to ongoing monitoring, reporting and review:**
    - **Incident and near-miss reporting:** A requirement to report any fire, thermal runaway or significant fault to the relevant authorities and to review mitigation measures.
    - **Periodic review of safety measures:** To reflect evolving legislation, standards and guidance over the lifetime of the project.
5. **Clarify responsibilities and liability:**
    - **Operator responsibilities:** Clear allocation of duties for design, operation, maintenance and emergency planning, consistent with health and safety law and professional guidance.
    - **Insurance and indemnity:** Evidence that appropriate insurance is in place for fire and explosion risks, including environmental and third-party damage.

Legionella Risk Associated with Stored Water Tanks for BESS Firefighting

In addition to the fire-related concerns already raised, residents are increasingly worried about the public health implications of the large stored-water tanks proposed for firefighting at the BESS compound, particularly given that mains water is not available at this rural location.

Where water is stored for prolonged periods and then dispersed through high-pressure spray systems during an emergency, there is a credible and foreseeable risk of Legionnaires' disease arising from the generation of airborne respirable droplets.

Legionella bacteria proliferate in stagnant or warm water, especially where sediment or biofilm can develop inside tanks and pipework.

If such water is aerosolised during firefighting—through pumps, spray nozzles or water cannons—fine droplets may become airborne and travel beyond the site boundary under certain wind conditions.

The Health and Safety Executive (HSE) identifies water temperature, stagnation, conditions supporting bacterial growth, and aerosol generation as the four critical factors in Legionella risk assessment.

Given the proximity of residential properties and public rights of way, it is essential that the applicant demonstrates, within the DCO documentation, how Legionella risk has been assessed and mitigated, including water quality controls, inspection and maintenance regimes, temperature management, and an evaluation of aerosol drift during emergency operations.

The DCO must therefore secure a site-specific Legionella Risk Assessment for all firefighting water storage and distribution systems, together with clear operational safeguards to ensure that contaminated aerosols cannot expose firefighters, workers or nearby residents during an incident.

This matter should be treated as a material public-health consideration and cannot be left to post-consent design refinement.

Conclusion

Residents do not oppose renewable energy in principle, but they are entitled to expect that large-scale BESS installations are governed by robust, transparent and enforceable fire safety arrangements. The current application does not yet provide sufficient information to demonstrate that the specific risks of BESS have been fully understood and mitigated, particularly in the context of rapidly expanding deployment and evolving guidance.

We therefore request that;

- Recognise that BESS deployment has outpaced dedicated fire safety legislation and that this is a material risk factor.
- Require the applicant to fully document how the proposed BESS installation will be managed, in line with the legislative overview and fire safety guidance highlighted in the International Fire Professional Journal (November 2025) and NFCC/UK government publications.
- Secure these measures through clear, enforceable requirements in the DCO so that residents can have confidence that their safety has been properly safeguarded.

Section 12. Cumulative Effects

Salford Priors & Bidford on Avon Parish Councils have reviewed **Chapter 20: Cumulative Effects** of the Interim Environmental Report (IER). Based on the evidence presented, the Council concludes that the cumulative effects assessment is **incomplete, insufficiently evidenced, and does not meet the statutory or policy standards required for a Nationally Significant Infrastructure Project (NSIP)**.

The Council submits this statement to formally record that the cumulative assessment, as currently drafted, **cannot be relied upon** for decision-making and must be substantially strengthened before the Environmental Statement (ES) is finalised.

1. The Cumulative Assessment Is Incomplete and Not Fit for Purpose

1.1 No bespoke consultation undertaken

Chapter 20 explicitly states that **no bespoke consultation has been undertaken** on cumulative and in-combination effects, and that the long-list of developments is only "intended" to be submitted to LPAs later in 2026 .

This is a serious deficiency because:

- Cumulative effects depend on local knowledge of planned growth, infrastructure pressures, and overlapping development timelines.
- Without LPA agreement on the long-list, the assessment cannot be considered robust or complete.
- The absence of consultation contradicts the requirements of EN-1 and EN-3 for early engagement on cumulative impacts.

1.2 Long-list and short-list of developments not finalised

The chapter confirms that the long-list of reasonably foreseeable future projects (RFFPs) is **not yet agreed**, and the short-list has **not yet been produced** .

This means:

- The ES currently lacks a verified set of projects against which cumulative effects can be assessed.
- Any conclusions drawn at this stage are **premature and unsupported**.

1.3 Heavy reliance on qualitative judgement

The chapter states that cumulative effects will be assessed **"on a qualitative basis"** due to lack of available information for other projects, relying on "professional judgement" rather than measurable evidence .

This approach is inadequate because:

- NSIP cumulative assessments must be **quantitative wherever possible**, particularly for traffic, noise, hydrology, landscape, ecology, and agricultural land.
- Qualitative-only assessment risks **underestimating significant cumulative impacts**, especially in a rural area already experiencing development pressure.

2. The Assessment Falls Below National Policy Requirements

2.1 EIA Regulations 2017 – Schedule 4 Requirements

Schedule 4 requires an ES to include:

"a description of the likely significant effects of the development… resulting from the cumulation of effects with other existing and/or approved projects"

The current chapter does not meet this requirement because:

- The long-list is incomplete.
- The short-list is absent.
- No receptor-specific cumulative analysis is presented.
- No cumulative significance ratings have been applied.

2.2 National Policy Statements EN-1, EN-3, EN-5

These require:

- Full assessment of cumulative environmental impacts.
- Consideration of overlapping construction and operational phases.
- Identification of cumulative pressures on sensitive receptors.

The chapter provides **methodology only**, not assessment.

2.3 NPPF (2026)

The NPPF requires planning decisions to consider:

- Existing environmental problems
- Cumulative impacts of development
- The combined effect of multiple projects on rural landscapes and communities

The chapter does not yet demonstrate compliance.

3. Judicial Authority Confirms the Assessment Is Legally Vulnerable

3.1 C G Fry & Son Ltd v Secretary of State (2025 UKSC 35)

The Supreme Court held that:

- Environmental assessments must be **complete and evidence-based**.
- Decision-makers cannot rely on **partial or speculative assessments**.
- Projects affecting sensitive receptors must demonstrate **full cumulative impact analysis**.

The current chapter is **explicitly incomplete**, making it vulnerable to challenge.

3.2 R (Caffyn) v Shropshire Council (2025 EWHC 1497)

The High Court ruled that:

- LPAs must insist on **robust cumulative assessment**, especially where background pressures are high.
- Desk-based or qualitative-only cumulative analysis is **not acceptable**.

The chapter relies almost entirely on qualitative judgement, contrary to this ruling.

4. Specific Technical Concerns

4.1 In-combination effects

The chapter states that in-combination effects will be assessed only where residual effects are "minor, moderate or major" and excludes negligible effects entirely .

This is flawed because:

- Multiple negligible effects can combine into a **material cumulative impact**.
- Excluding negligible effects risks **systematically underestimating** cumulative harm.

4.2 Decommissioning scoped out

The chapter scopes out cumulative decommissioning effects on the basis that the future baseline is "impossible to determine" .

This is unacceptable because:

- NSIPs routinely assess long-term cumulative effects.
- Decommissioning impacts (traffic, soil disturbance, landscape change) are **predictable** even if the future baseline is uncertain.

5. Formal Position of Salford Priors & Bidford on Avon Parish Councils

Based on the evidence, **Salford Priors & Bidford on Avon Parish Councils formally state that Chapter 20: Cumulative Effects is incomplete, inadequate, and does not meet the legal, policy or evidentiary standards required for a Nationally Significant Infrastructure Project.**

The Council requires:

1. Immediate consultation with LPAs on the long-list of developments.
2. Publication of a full short-list, with justification for inclusion/exclusion.
3. Quantitative cumulative assessment, not qualitative-only.
4. Receptor-specific cumulative impact tables, including soils, agriculture, ecology, hydrology, landscape, traffic, noise, and socio-economics.
5. Inclusion of decommissioning cumulative effects, with reasonable assumptions.
6. Clear cumulative significance ratings, using Table 20-2 criteria.
7. Updated assessment before the ES is finalised.

Until these matters are addressed, the Council **cannot support** the cumulative effects assessment and **reserves its position** on any future consent or examination.

Section 13. Residents' Concerns on the Consultation

Residents object to the proposed Arrow Valley Solar scheme on grounds of visual intrusion, potential harm to wildlife and the loss of productive agricultural land, highlighting the importance of food production to future self-sufficiency.

Residents consider that solar generation should instead be prioritised on factory and warehouse roofs and advocates planning policy requiring solar PV on such buildings.

If the scheme proceeds, residents strongly favour Option B for the 400kV substation over Option A, which is considered too close to Brookside House and Park Hall Farm, where existing night-time noise levels are described as extremely low.

Concerns include the proposed 15m height, operational noise and fire risk. A resident cites a possible noise level of 150 decibels, but this figure is unverified in the submission and should not be presented as an established fact.

Option B, at the former gravel processing plant, is considered more practical because of its greater separation from homes, existing concrete haul road and three-phase electricity supply, reportedly recently upgraded with a new transformer on the Marsh Farm access track. The resident reports that exhibition representatives said noise surveys were under way, but that no evidence of these had been seen by the date of the submission.

Residents request that any consent require sound insulation, restricted construction working hours and the use of the existing concrete haul road for construction traffic, avoiding narrow, single-track Tothall Lane, which is used by parents travelling to Dunnington Primary School.

Concerns also extend to construction disturbance and the effects of noise and security fencing on wildlife. Improved screening is requested along the north side of Marsh Farm track to reduce views of panels on the south-facing bank from Brookside House, Park Hall Farm, Park Hall and Salford Priors village.

The Council has received a resident's representation raising concerns regarding fire safety and emergency preparedness in relation to the proposed Arrow Valley Solar development. These concerns refer principally to the fire at Salford Priors on 13 August 2026, which, according to the representation, affected three fields proposed for solar panel installation at the Marsh Farm edge of Site 2, adjacent to the alternative substation locations at Site 2(c) and Site 2(d).

The resident reports rapid fire spread and an emergency response involving ten appliances, including assistance from fire and rescue services based some distance from the site.

The representation questions whether the reported proposals for CCTV monitoring and hedgerow separation would provide adequate protection for neighbouring residential properties and site infrastructure. It requests a site-specific fire-risk assessment informed by the August 2026 incident and the previous incidents referred to at Sites 1 and 2.

The assessment sought would address fire propagation, substation siting, emergency-service capacity and mobilisation times, firefighting access and water supplies, together with potential smoke exposure and arrangements for public warnings, sheltering and evacuation.

The resident also requests detailed prevention and mitigation measures, including firebreaks, vegetation management, equipment separation, fire detection and electrical isolation. The representation seeks publication of substantive advice from Warwickshire Fire and Rescue Service and, where appropriate, Hereford and Worcester Fire and Rescue Service, together with the developer's responses.

Further concerns relate to the treatment of fire risk within insurance arrangements and the project's business case. The representation requests clarification of mitigation costs, any consequential changes to the proposed layout, the implications for project viability and any potential effect on taxpayer subsidy.

On the information currently available, the resident expresses strong opposition to the proposal and requests transparent, site-specific emergency planning supported by evidence demonstrating how neighbouring residents would be protected. The representation calls for additional safeguards or changes to infrastructure siting where unacceptable risks are identified, or withdrawal of the proposal if such risks cannot be adequately managed.

Loss of Best and Most Versatile (BMV) Agricultural Land: The targeted site consists of high quality agricultural land (Grades 2 and 3a). Removing this land from active production directly threatens local farming viability and UK food security, at a time when Britain needs to be investing in its farmers and food production.

Flooding and Drainage Risks: In Broom, there are low lying properties around Mill Close, Millers Bank and Mill Lane which are covered by flood warnings. Installing thousands of solar panels will create an artificial canopy, increasing surface water runoff and worsen flood risks in these vulnerable riverside locations.

Traffic and Road Safety Infrastructure: The local country lanes, particularly Broom Lane, are entirely unsuited for heavy construction traffic. The influx of HGVs will create traffic gridlock, huge amounts of dust, damage road surfaces, and present severe safety hazards for cyclists, pedestrians, particularly during the school drop off and pick up times (E.G. Dunnington Primary School) and horse riders. This will be even worse on Event Days when the volume of traffic increases dramatically.

Destruction of Landscape Character and Public Amenities: The sheer scale of the project will enclose and ruin several well-used Public Rights of Way (PRoWs), destroying the open, rural character that defines our community. Dunnington boasts panoramic views, but this will mean that no amount of 'landscaping' from Arrow Valley Solar will hide the industrialised solar landscape. It will be seen from every vantage point.

Impact on Biodiversity: The proposed site acts as an important corridor for local wildlife residents have personally observed hares bats, barn owls and deer in these fields (and my garden!), and my

neighbour has had great crested newts in her back garden. According to the church warden, St James ' Church, Weethley has bats in its roof space.

The installation of miles of security fencing will fragment these vital habitats, restrict animal movement and alter the local ecosystem.

Concerns over BESS storage safety and the premature scoping-out of key environmental and health impacts within the Arrow Valley Solar's scoping report. The Scoping Report excludes a number of potentially significant effects from detailed assessment, including air quality impacts, climate vulnerability, socio-economic effects, and risks associated with battery energy storage systems (BESS), including fire events. These exclusions are justified on the basis that such risks are "unlikely" or would be controlled through mitigation, this approach is fundamentally flawed.

The Environmental Impact Assessment process is required to consider likely significant effects, including low-probability but high-impact risks. Therefore, ignoring these issues at such an early stage is not evidence-based and fails to apply due diligence.

For example, the Scoping Report dismisses the potential air quality impacts of a Battery Energy Storage System (BESS) fire on the basis that such an event is "very low risk" and therefore unlikely to result in significant effects.

However, this approach fails to consider well-documented real-world incidents which demonstrate that, while infrequent, BESS fires can have serious consequences for nearby residents. For example, a major fire at the Moss Landing energy storage facility in California in 2025 led to the evacuation of over 1,000 residents and public health warnings to remain indoors due to toxic smoke, while other incidents in San Diego (2024) and Arizona (2019) involved prolonged burning, reignition, and risks to emergency responders.

Residents in Dunnington, lie within a realistic zone of influence for potential airborne impacts arising from a BESS fire. Given the open rural landscape, limited physical barriers, and the potential for smoke plumes to travel significant distances depending on prevailing wind conditions, there is a credible pathway for pollutants to reach residential areas well beyond the immediate site boundary.

Evidence from real world incidents demonstrates that precautionary exclusion zones and shelter-in-place advice can extend over wide areas, reinforcing that the effects are not confined to the site itself.

Furthermore, under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 4 requires consideration of the expected significant effects arising from the vulnerability of the development to risks of major accidents or disasters. A BESS fire clearly falls within this category.

The failure to assess smoke dispersion, toxic emissions, and the potential exposure of nearby residents therefore represents a significant omission in the EIA scoping process and undermines confidence that the full extent of risk has been properly evaluated.

Particular attention should be given to the River Arrow corridor and its floodplain, hedgerows and any ancient woodland. Management of buffers and the areas 'managed for nature' should be secured for the operational life of the scheme and through decommissioning.

New hedgerows and trees take years to mature, so screening will not be effective when the scheme is first built and the effects in that period should be assessed honestly. Planting should use locally appropriate native species, avoid blocking historic views and be secured with a maintenance and replacement commitment, which is especially important in the context of the changing climate.

Arrow Valley Solar is a major industrial energy project proposed across a rural, agricultural, historic and ecologically sensitive landscape. The consultation documents do not contain the environmental assessments, engineering detail or safety evidence required to support meaningful public comment.

Section 14. Overall Summary

This section draws together the joint response of Salford Priors Parish Council and Bidford on Avon Parish Council to the Arrow Valley Solar Proposal consultation. Across Sections 1–12, the Councils' central position is that the Interim Environmental Report does not yet provide a sufficiently complete, integrated and evidenced basis to assess the proposal's environmental and community effects.

The Councils cannot support the current evidence base and reserve their position on any future consent or examination.

The response acknowledges positive elements, including the staged design process, environmental buffers, proposed watercourse protection, traffic surveys, public rights of way crossing measures and outline environmental management plans. It also identifies potential benefits from permanent vegetation cover and habitat management.

However, the Councils consider that these measures and opportunities do not resolve the outstanding survey gaps, uncertain design parameters, incomplete impact assessments or lack of detailed, enforceable mitigation.

Principal concerns

- **Site suitability and alternatives:** the response questions the scale of development in a sensitive working rural landscape and seeks a transparent environmental comparison of alternative sites, layouts, technologies and cable routes, including lower-impact options.
- **Landscape and heritage:** the Councils identify concerns about changes to rural character, long views, tranquillity, heritage settings and archaeological remains, together with construction, traffic and cumulative effects.
- **Agriculture, soils and minerals:** the response seeks fuller evidence on agricultural land quality, effects on farm holdings and food production, soil damage and restoration, and the potential long-term restriction of access to safeguarded mineral resources.
- **Water, ecology and biodiversity:** outstanding baseline information and impact-pathway analysis prevent the Councils from accepting the conclusions on water quality,

groundwater, drainage, protected habitats and species. They seek completed surveys, a structured Habitats Regulations assessment and transparent biodiversity calculations with secured delivery.

- **Community amenity, health and access:** the response calls for integrated assessment of traffic, noise, air quality, landscape change, glint and glare, and disruption to services and recreation. Receptor-specific evidence and mitigation are sought for homes, roads, aviation and public rights of way.
- **Transport and BESS safety:** the Councils seek agreed access arrangements and a detailed Construction Traffic Management Plan. The BESS section requests comprehensive battery safety and emergency response documentation, clear responsibilities, and assessment of firefighting water storage and associated public-health concerns.
- **Cumulative and lifecycle effects:** the response calls for assessment of combined effects across the solar sites and cable corridors, interactions with other developments, and construction, operation and decommissioning impacts.

Required actions and overall position

Taken together, the requested actions are to complete outstanding surveys and investigations; define the design parameters and realistic worst-case scenarios; publish a transparent alternatives appraisal; provide quantitative and receptor-specific assessment where requested; and integrate findings across the environmental topics.

The Councils also seek consultation with the relevant authorities, a justified list of developments for cumulative assessment, and revised significance conclusions supported by the completed evidence.

Mitigation should be specific, demonstrably deliverable and secured through clear requirements, monitoring and enforcement arrangements for the project's lifetime.

The response seeks detailed provisions for traffic and access, landscape and heritage protection, soils and drainage, ecological management, battery safety, emergency planning and decommissioning, including restoration and financial security where requested.

The Councils' concerns about policy and legislative compliance are set out in the preceding sections; this summary records their position rather than providing a separate legal determination.

Taken together, the identified deficiencies raise serious concerns as to whether the Environmental Statement is fit for purpose for a Nationally Significant Infrastructure Project (NSIP). In the view of Salford Priors Parish Council and Bidford on Avon Parish Council, the outstanding gaps in evidence, assessment and mitigation undermine confidence that it provides a sufficiently robust and coherent basis for informed examination and decision-making on the Arrow Valley Solar Proposal. Until these deficiencies are fully addressed in a revised, coherent and fully evidenced Environmental Statement, the Councils cannot support and challenge the environmental evidence base and reserve their position on any future consent or examination.

Salford Priors Parish Council

Bidford on Avon Parish Council

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