



Committee and date  
**Southern Planning Committee**  
**9th May 2023**

## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 22/04355/FUL	<b>Parish:</b>	Berrington PC
<b>Proposal:</b> Erection of an up to 30 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling		
<b>Site Address:</b> Proposed Solar Farm to the west of Berrington, Shrewsbury, SY5 6HA		
<b>Applicant:</b> Econergy International Ltd		
<b>Case Officer:</b> Grahame French	<b>email:</b> graham.french@shropshire.gov.uk	

**Recommendation:- Approve subject to the conditions set out in Appendix 1 and s106 legal agreement providing for off-site Skylark mitigation**

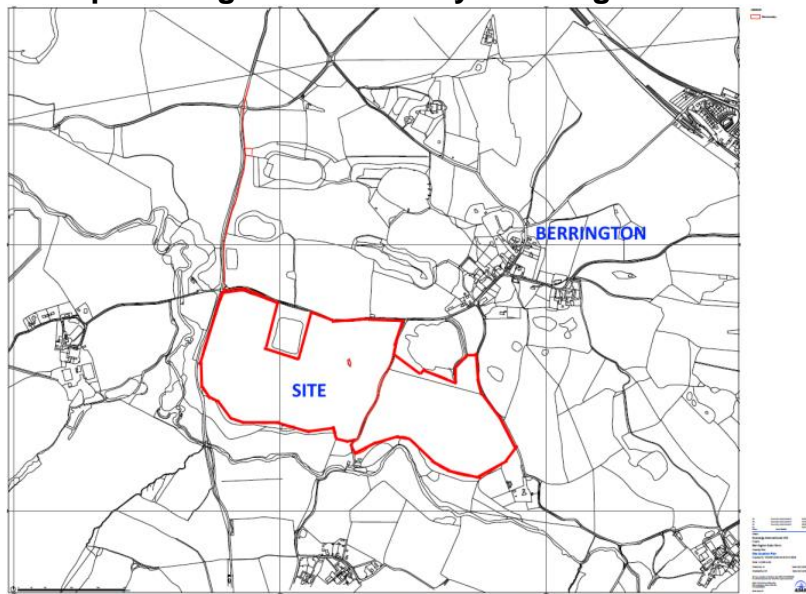


Fig 1 location

## REPORT

### 1.0 THE PROPOSAL

1.1 The application is for a solar generating facility with a capacity of 30 megawatts. The solar farm would consist of the following:

- Boundary Fencing
- Customer Sub-Stations
- MV Power Stations
- Fencing and CCTV Cameras
- Landscaping Works
- Internal Access Tracks
- Welfare Units
- Compound Area/Track Type 1
- Waterless Toilet
- Britcabs x 3
- Set Down Area
- Other associated infrastructure

1.2 The solar arrays would be laid out in multiple parallel rows running north-south across the site covering c80% of the site. The panels would track the sun throughout the day. Land between and beneath the panels would be used for biodiversity enhancements and seasonal sheep grazing.

1.3 Access to the site, during both the construction and operational phase, would be gained via the creation of a new access point off the unnamed highway (locally referred to as 'Shrewsbury Road') running along the western flank of the site.

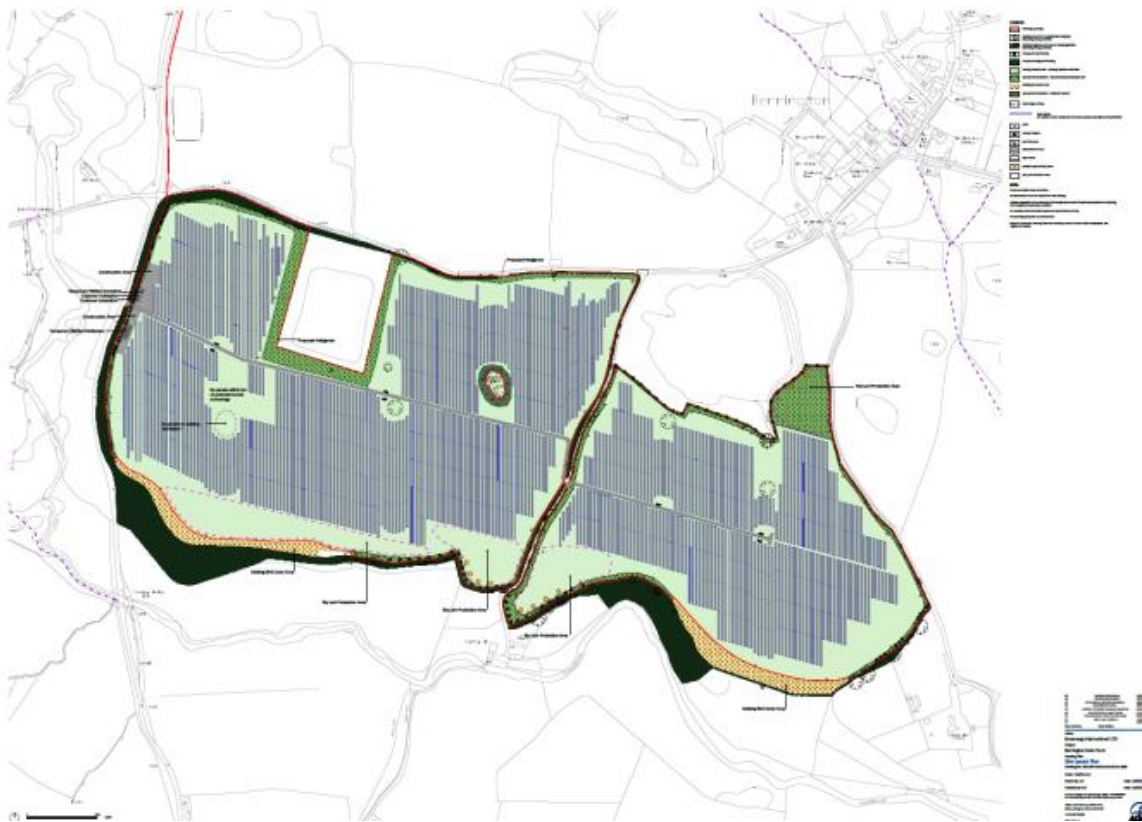


Fig 2 – Site layout



- The main access point has moved from its initial position along the northern boundary off Cliff Hollow, to the unnamed highway along the western flank. This was done to ensure construction traffic avoids Berrington in the interests of highway safety.

## 2.0 SITE LOCATION / DESCRIPTION

2.1 The Application Site extends to 44.09 hectares (ha) of agricultural land and is located in an area of open countryside to the south-west of the village of Berrington. The Site is formed of two field parcels, separated by a single-track road.

## 3.0 REASONS FOR COMMITTEE DECISION

3.1 The application has been referred to the committee by the local member and agreed by the Head of Planning Services or the Team Manager (Planning) in consultation with the committee chairman or vice chairman to be based on material planning reasons.

## 4.0 COMMUNITY REPRESENTATIONS

4.1. Berrington Parish Council: No comments received.

4.2 MOD Safeguarding: No objection. The site is outside of the MOD safeguarding area.

4.3i Climate Change Task Force: Support. Full comments available online. Reference is made to the national and local policy context which supports renewable energy and decarbonisation. The climate crisis is a serious threat to the lives of millions of people globally, nationally and locally. The mitigation of greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes.

- iii. It is recognised by the Climate Task Force that the development would contribute 30MW towards the approximate total of 5,000MW required to make the county self-sufficient in renewable energy. According to Greenhouse gas reporting: conversion factors 2022 – UK electricity this development would be expected to produce an approximate carbon saving of 5.8 ktCO<sub>2</sub>.

4.5 SC Conservation: A Built Heritage Statement has been prepared (Pegasus Group, August 2022). The report covers designated assets but does not address some of the non-designated assets. There are no additional specific comments on the Built Heritage Statement. Recommendations by the SC Landscape Advisor are endorsed (see 4.12 below).

4.6i. SC Archaeology: No objection. The Applicant has now submitted the Archaeological Geophysical Survey Report by Headland Archaeology. This has revealed evidence of an anomaly that is likely to comprise a previously unrecorded enclosure site in the western part of the proposed development site. On the basis of its morphology and comparisons with excavated examples in the county, this enclosure most likely dates broadly to Iron Age/Roman periods. A geophysical anomaly of uncertain origin, which

corresponded with an area of poorly drained ground, is present on the southern side of the enclosure and may represent an episode of later extractive activity/ quarrying.

- ii. The only other potentially archaeological geophysical anomalies identified are interpreted as relating to historic field boundaries or modern agricultural activity. The results of the geophysical survey have been used to amend the layout of the proposed development to provide an open area that would be kept free of solar panels, in order to ensure that the enclosure (including a 5m buffer around it) and the possible extraction pit to its south is preserved in situ. An amended Site Layout Plan (Drawing No. 1051487-ADAS-XX-XX-DR-PL-8000) and Landscape Masterplan (Drawing No. 1051487-ADAS-XX-XX-DR-L-8001) have been submitted to reflect this.
  - iii. With regard to Local Plan Policy MD13 and Paragraph 194 of the NPPF, officers now consider that Archaeological Geophysical Survey Report by Headland Archaeology, in combination with the amended plans of the site layout referred to above, provide sufficient information about the archaeological interest of the proposed development site to enable the planning application to be determined.
  - iv. The amended site layout will ensure that area of greatest archaeological potential - the possible Iron Age- Roman enclosure site - will remain undeveloped. A phased programme of archaeological work should be made a condition of any planning permission for the proposed development.
- 4.7i SC Trees: No objection subject to recommended conditions. RSK ADAS Ltd Arboricultural Planning Statement submitted with this application addresses the main arboricultural impacts on this site which have been addressed are:
- 1) Necessary removals to facilitate development: Highlighted in the submitted Arboricultural Planning Statement are two tree features which will require partial removal, a 15m section of G50 along with a 10m section of H24. Both of these are due to a conflict with a proposed permanent access into and around the site. Partial loss of these features is unlikely to have any significant adverse impact due to their low-quality grading ("C" category) and that any loss of amenity or biodiversity can be mitigated with proposed new planting, and therefore I have no objection to the removal of these identified trees and hedges.
  - 2) The presence of veteran trees and whether the protection measures proposed are in line with The Forestry Commission / Natural England Standing Advice on Ancient Woodland and Veteran Trees (which gives a position statement on and explains in detail with references the value of veteran trees and the need for them to be adequately protected during and assimilated into new development through good planning), NPPF advice on veteran trees Section 180c and local policies CS6, CS17 and British Standard 5837:2012 Trees in relation to design, demolition and construction: recommendations.
- ii. The site is positioned at an elevated level and tree cover to the centre of the two field site is fairly minimal with most being boundary trees and hedges, though a small number of important Oak trees are present including 11 Oak trees identified in the submitted survey as being veteran trees, either within or within 15m of the application

site boundary (T6, T7, T11, T20, T22, T28, T31, T42, T43, T44, T52). These trees are exceptionally valuable and one of their key attributes is the biodiversity value in which they provide. Therefore, additional tree protection fencing of a greater distance than for non-veteran trees will be required and is indicated on the Tree Protection Plan around T6, T7, T11, T12, G13 and T14 and T43 (located in the centre of the site) and around T34, T39, T44, T57 and T58 as their RPA's encroach into the site.

- iii. The Forestry Commission / Natural England Standing Advice on Ancient Woodland and Veteran Trees to increase buffer zones to the maximum of 15m radius root protection area has been applied to all the identified veteran trees on the submitted ADAS Tree Protection Plan.

4.8 SC Drainage: No objection.

4.9 SC Ecologist: There is satisfaction with regard to previously raised ecological matters but additional clarification is required on measures to mitigate against the loss of Skylark Habitat.

*Officer note: The applicant has provided further information on Skylark mitigation and proposes that this matter is dealt with under a s106 Legal Agreement. Any further comments from SC Ecology will be reported to the Committee.*

4.10 SC Environmental Protection: No comments received.

4.11 SC Highways No objection subject to recommended conditions and informatives (included in appendix 1). Review of submitted shows the impact on the highway as follows:

- Traffic generation is forecast at:- 19 two way HGV movements (approx. 9 -10 vehicles) between 7am and 6pm and 40 two-way construction worker movements (approx. 20 vehicles) between 6am-7am, 4pm-8pm.
- Construction period of 6 months
- Construction route for HGV route as per Figure 1 with traffic from the A5, A458 southbound for short distance, turn right onto B road for majority of route until new site access. The route is shown accommodating two lanes along its route.
- New Access to site from Shrewsbury Road with visibility splay to north 2.4m x 215m and to south 2.4m x 140m. The vis splay to the north is as per standard for speed limit of 60mph. The vis splay to the south is inadequate but TS states adequate for 48mph. Although a speed survey has not been provided this is considered acceptable. Traffic marshals are to be employed to manage reduced visibility.
- SPA analysis of vehicles accessing and egressing site acceptable. As above traffic marshals are to be employed to manage site access (section 3.1, TS)
- Provision of Traffic Management Measures (section 3.5 Traffic Management and TMP) are acceptable and will be required to be conditioned. It is understood these measures will be discussed with the contractor and highways authority prior to commencement of construction.
- Once site is operational, occasional site visits. Therefore, following provision of this information, HDC have no objection with regard to the proposed development however a number of conditions are recommended in order to minimise the impact of construction traffic.

- 4.12i. SC Landscape advisor: No objection. An updated LVA (Rev 2 January 2023) seeks to address the recommendation made in our October 2022 review that cumulative landscape and visual effects be included. The revised LVA contains a methodology for and an assessment of cumulative effects. The methodology is appropriate and proportionate, and in accordance with the best practice in GLVIA3, proposes that operational developments be included in the landscape and visual baseline.
- 4.13i. Councillor Claire Wild - Objection. (Full comments available online)

- The need for renewable energy is understood, but location and environmental concerns have to be fully considered.
- This site is part of the residue land retained from the sale of the Eaton Mascott Estate in the 1990s. This land has been let to a number of local farmers. Shooting continues to be an important part of the land holding.
- There ceased to be a farmyard or any other central feature to the land holding after the estate was sold.
- The site occupies some of the best agricultural land in Shropshire. 58% grade 2 with profiles of grade 1 and 30% grade 3a which again is best and most versatile land.
- This is not farm diversification
- Poor consultation with some properties misses.
- The photo montages submitted do not reflect the landscape impact and have been taken in a way which does not show residents' concerns
- Lack of interest and commitment to the community, the application is all about money.
- Not much has made about the close proximity of the Cound Brook to the proposed site. It is within 50 metres at Cantlop Mill and 100 metres from the south of the site next to my home. This whole area is part of the Cound Brook catchment area which is an important part of the Cound Brook catchment sensitive zone regularly monitored by Severn Trent and the Environment Agency. The Cound Brook is home to brown trout, herons who nest along the brook, again less than 100 metres away because it's on my stretch of the brook. Badger setts are well established, again on my boundary less than 20 metres from the site. The Cound Brook is host to a whole host of wildlife. Red kite nest nearby as do buzzards and otters have also been seen on a regular basis.
- Panels contain toxic material, a shooting exclusion zone should be considered
- Use of trunk roads would be a better way forward rather than agricultural land.
- Shropshire is the breadbasket of the West Midlands and there needs to be a balanced. The country as a whole was until recently self-sufficient in food production, now we only produce 50% of our food.
- Catastrophic impact on visual amenity for residents, walkers and visitors. Impact of glint and glare on view
- Inaccuracies in the application
- Industrialisation of the countryside.

#### Public Comments

- 4.14 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. At the time of writing there have

been 194 representations in support of the proposals, 107 representations objecting and 2 neutral. The majority of these representations for and against the proposals are from within Berrington Parish. The main issues of concern of objectors can be summarised as follows (Full documents are available online):

- Effect on biodiversity: negative affect the landscape and nature. Loss of Skylark population. Confusion regarding great crested newts. No mention of migratory swans and geese. No mention of dragonflies.
- Visual impact: Site will be visible for 12 months of the year from Cantlop. A tarmac, council-maintained lane runs N/S through the centre of the proposed development. It is used by a significant number of walkers, equestrians and cyclists. Loss of views. Users off this PRoW will find motorised solar panels looming up to five metres above them as they walk down the lane.
- Effect on agricultural land: Inappropriate use of BMV Farmland, particularly when the nation's food supply is coming under increasing pressure. National Farmers' Union, whilst they support the development of solar farms, have expressed concern over the use of BMV land.
- Questioning location: The proposed solar park would be the third solar park within 3miles of Cantlop, which is 4 miles south of Shrewsbury. The settlement of Cantlop, Cantlop Mill, Cantlop Bridge (Grade II listed) and the Cound Brook are of significant places of historic interest and provide leisure amenities, cycle routes, fishing and walking and should not be turning a rural area into an industrialised centre.
- Highways: The access is also on one of the fastest stretches of the main route between Shrewsbury and Acton Burnell, it is a school run, a cycle route and an active farming route. The speed limit is 60miles per hour. This cannot be acceptable either on grounds of safety or environment.
- Noise: Concern about intermittent noise impact from motors moving the panels.
- Flooding: In later years, the grazing of sheep under the panels can lead to the creation of sheep tracks between the panels, which again become compacted with loss of vegetation, and lead to increased run-off.
- Heritage: Concern about impact on local heritage assets including Cantlop Mill.
- Other: No weight should be given to supporters living outside the area.

4.15 Comments in support of the proposals raise the following points:

- Renewable energy benefits: This scheme could provide enough electricity to power around 7,000 homes. Contribution towards energy security, carbon saving targets and reduce energy poverty. Insufficient brownfield land.
- Biodiversity: Promotion of biodiversity.
- Visual amenity: Only a few views of the application site from the right of way, generally above the eyeline of walkers. Some properties in Cantlop will be affected and mitigation measures should provide screening. The site is not highly visible from the AONB.
- Agriculture: Benefits far outweigh the negatives in terms of the temporary, albeit long-term temporary, loss of production of arable land. National planning policy does not preclude development on higher quality land.

4.16i. Shrewsbury Friends of the Earth (support) -



- Climate change and energy security – Complacency is misplaced
- Environmental implications – Loss of agricultural land should be viewed in the context of the wider area, the land is not completely unproductive after development
- Visual Impact – Boundaries made up of hedgerows array will be largely obscured. Field boundaries will be enhanced.
- Ecology – Biodiversity net gain is significant. Reaching the goal should be a condition, including initial work required, ongoing management. There are justified concerns including Skylark habitat.

## 5.0 THE MAIN ISSUES

- Policy context
- Benefits of the proposed development
- Justification for the development (incl. agricultural land and energy need)
- Environmental considerations (incl. visual, ecology, highways, heritage, drainage)
- Other matters (incl. Timescale / decommissioning).

## 6.0 OFFICER APPRAISAL

### 6.1 Policy context

6.1.1 National policy: Paragraph 158 of the NPPF advises that ‘when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.’

This is a clear instruction in national policy that renewable energy development should be approved where impacts can be made acceptable.

6.1.2 Development Plan Policy: Policy CS8 supports ‘positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation.’. Policy CS5 advises that <development> ‘proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.

6.1.3 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, ‘where this has no significant adverse impact on recognised environmental assets. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. Policy CS17 seeks to protect and enhance the

diversity, high quality, and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage, and ecological assets. The proposals would respond to climate change, but it also necessary to protect the rural environment.

6.1.4 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:

- i. Residential and other sensitive neighbouring land uses;
- ii. Visual amenity;
- iii. Landscape character and sensitivity, including impacts on sensitive skylines;
- iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
- v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
- vi. Noise, air quality, dust, odour, and vibration;
- vii. Water quality and resources;
- viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
- ix. Cumulative impacts.

6.1.5 Policy MD12 (the natural environment) aims to conserve, enhance and restore Shropshire's natural assets, and to ensure that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets including biodiversity and visual amenity. Policy MD13 (the historic environment) provides equivalent protection for heritage assets.

6.1.6 In considering the current proposals it is necessary to assess:

- The characteristics of the site and the nature of any impacts to the local environment, soils, landscape, heritage assets and amenities.
- Whether any identified impacts are capable of being satisfactorily mitigated.

6.1.7 If there are no unacceptable adverse impacts after mitigation has been applied and / or the benefits outweigh any residual impacts, then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158. However, if any unacceptable adverse effects remain after mitigation and outweigh the potential benefits then the development would not be sustainable.

6.2 Benefits of the proposed development

6.2.1 Climate Change: The applicant states that the site would generate enough electricity to power approximately 7000 homes annually giving a CO2 saving of approximately 6000 tonnes per annum. This is consistent with calculations provided by applicants at other recent solar farm sites.

6.2.2 Ecological enhancements The applicant has produced a biodiversity metric which indicates that the proposals would deliver biodiversity net gain (BNG) of 123.5% in primary habitat and 76.4% for hedgerow units.

6.2.4 Economic benefits:

- Jobs being created directly or via the supply chain plus indirect benefits in additional worker spend on hospitality in the local economy.
- An additional £1.5m Gross Value Added (GVA) during construction and around £1.8m in operation over the lifetime of the project.
- The Proposed Development would result in business rates contributions to the Council of over £44,000 per year (based on an assumed £2k/MW, per annum), which could be invested in local services.

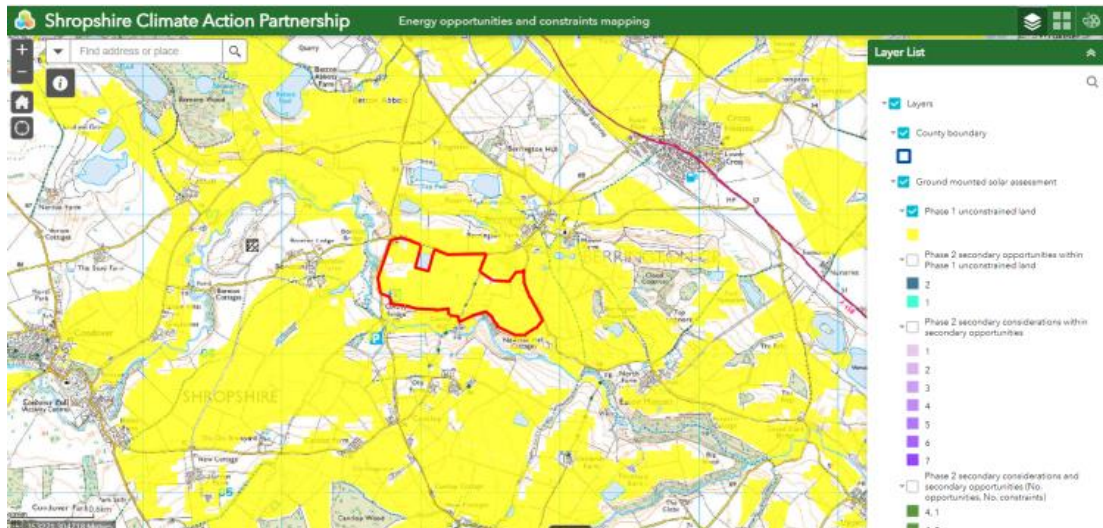
This is consistent with calculations provided by applicants for other recent solar farm sites.

6.3.1 Justification for renewable energy

6.3.2 One of the key factors determining the suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network. The applicant states that Shropshire now has very few substations with sufficient capacity to accommodate a utility scale solar farm like the one proposed.

6.3.3 When selecting a specific site, the Applicant has considered a range of criteria including:

- Proximity of a grid connection
- Availability of grid capacity to export, with no constraints on the grid connection
- The financial viability of grid connection costs
- Sufficient land area available for the installation
- A willing landowner
- A suitable site access for construction, operation, and decommissioning
- A site free of statutory or non-statutory landscape/heritage designations



**Figure 4 – Zero Carbon Shropshire Plan - Opportunity Mapping Study**

6.3.4 Figure 4 above confirms that the site is located in a solar opportunity mapping area identified by Zero Carbon Shropshire Plan (2021) based on a combination of relevant locational criteria including proximity of a grid connection. Whilst not a Planning Policy document this is a Council plan. The Applicant has considered the HLS land to the north within the landowner's ownership; however this is more undulating and much of it is also north facing so would be unsuitable.

6.4 Agriculture / Best and Most Versatile Land:

6.4.1 Several neighbour objections were raised to the use of Best and Most Versatile (BMV) agricultural land and food security issues. An agricultural land survey advises that 22.5ha of the site is of Grade 2 quality (54.1%) and 12.4ha is of Subgrade 3a (29.9%). - Therefore 34.9ha (88.2%) of the land is of best and most versatile agricultural land. The remaining 4.9ha of surveyed land is of Subgrade 3b (11.8%). The applicant proposes that these soils are protected through implementation of a soil resource management plan. The applicant states that the temporary loss of arable productivity within the solar site will be mitigated by reversion of current Higher Level Stewardship land elsewhere within the farm unit to productive arable use.

6.4.2 Overarching Energy National Policy Statement (NPS) EN-1 states that on agricultural land (at paragraph 5.10.8): "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. It also states. "The IPC [now the Secretary of State] should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification.

6.4.3 6.4.4 NPPF Paragraph 174 advises that 'planning policies and decisions should contribute to and enhance the natural and local environment by' amongst other matters b) 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic

and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

- 6.4.5 Paragraph 175 advises that Plans should: distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework;.
- 6.4.6 Footnote 58 of Paragraph 175 states that ‘where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’. However, Paragraph 175 refers specifically to plan making rather than decision-taking. As such, the NPPF does not require a sequential test to be applied when determining proposals affecting B&MV land (footnote 58).
- 6.4.7 The requirement to ‘recognise’ the ‘economic and other benefits of the best and most versatile agricultural land’ (Para 174) does not amount to an instruction to refuse all applications affecting B&MV land. There is no additional national guidance on the weight to be given to protection of B&MV land. It is a matter for the decision taker to weigh up against other matters such as renewable energy benefits as part of the planning balancing exercise.
- 6.4.8 National Planning Practice Guidance on renewable and low carbon energy (Department for Levelling Up Housing and Communities 18 June 2015) describes the specific planning considerations that relate to large scale ground-mounted solar photovoltaic farms. A local planning authority will need to consider amongst other matters that: "Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays."
- 6.4.9 Core Strategy Policy CS6 describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land.
- 6.4.10 The applicant advises that the proposed solar farm is a temporary form of development which can be fully reversed. Agricultural production can also be maintained (though constrained) during the operational life of the solar park. Consequently, the development proposal would not result in the permanent loss or degradation of agricultural land.
- 6.4.11
- 6.4.12 The applicant advises that agricultural enterprise, like many others up and down the country, is experiencing economic pressures, with large parts of the wider landholding soon to come out of the Higher-Level Stewardship (HLS) agreement, resulting in a loss of revenue for the business and a need to restructure the farm for the years ahead. It is stated that the solar farm would provide additional revenue to support the wider farm, with opportunities to revert the land currently under HLS over to agricultural production, to offset the temporary reduction on the solar site.

- 6.4.13 An agricultural production assessment advises that the agricultural business is facing a challenging future and will need to adapt if it is to remain economically viable. It is therefore critical to the longevity of the farm, that a purposeful approach is taken now, whilst opportunities are available and not at the end of the transitional period in 2028. Income is falling due to:
- i. The agricultural transition
  - ii. The end of the HLS scheme and lack of detail about future funding streams
  - iii. Rising costs of agricultural inputs.
- 6.4.14 The assessment advises that to maintain productivity, the business must consider alternative land usages, whilst weighing up how to maximise the potential of the land coming out of the HLS scheme. It is stated that the proposed solar farm will not only provide an additional income stream to support the wider agricultural enterprise but will also allow areas around the SSSI to the north to be used less intensively. The proposal provides reassurance to the landowner that the farm business can remain active and viable for the operational life of the proposed solar farm. The assessment states that the 58 ha of wider landholdings, has the potential to offset a significant portion, if not all of, the loss of cereal output from the application site, through reinstating production to HLS land. In this respect, there is scope for the proposal, to have a wholly beneficial impact to both the output and the viability of the existing farm business. The proposal would also power 7,000 homes and contribute to the creation of a reliable, independent energy generation in the UK.
- 6.4.16 Whilst relevant policies and guidance advocate the use of poorer quality land in preference to better quality there is no absolute policy prohibition against the use of best and most versatile land in solar development. Instead, applicants must justify their choice of site and planning authorities must consider any impacts to B&MV land as part of the planning balancing exercise. The ability to graze sheep and other animals between the arrays is likely to be a material issue in assessing any temporary loss of B&MV land. The applicant states that the proposals would also facilitate more effective use of land which is rated as Grade 3b within the unit and would ensure that the landowner has a secure supply of income to reinvest in their agricultural business.
- 6.4.17 Whilst there would be a temporary loss of B&MV land this must be weighed against the benefits of the proposals including the ability to produce renewable energy.

## 6.5 Landscape and visual impact:

- 6.5.1 Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment, taking into account the potential effects on the local landscape character and existing visual amenity value. NPPF Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia): protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.







**Figure 7 – Viewpoint 7-8**

- 6.5.2 The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared in accordance with Landscape Institute guidelines. The conclusions and methodology of the LVIA have been supported by the Council’s landscape consultant. The LVIA assesses the baseline landscape and visual context at the site and identifies mitigation measures to reduce the effect of any identified impacts.
- 6.5.3 The LVIA confirms that there would be a ‘slight’ effect on The Estate Farmlands Landscape Character Type of the Shropshire Landscape Typology. At most there would be a ‘large residual (at year 15) effect’ to the landscape character of the site itself and its immediate surrounding area (up to 500m).
- 6.5.4 The LVIA advises that to the north, views of the site are screened by the rising landform and vegetation. To the east and west, views are screened by intervening vegetation and landform. The receptors most affected would be the users of the roads, PRow and properties closest to the site.
- 6.5.5 The LVA concludes that those receptors visually affected by the development, would not experience a view of the entire site (due to the receptor’s location or the presence of visual screening). Furthermore, sensitive receptors located to the south of the application site (such as those identified in Cantlop) would experience at most ‘moderate’ residual effects because of the proposal. The remaining visual receptors would experience ‘slight’ or ‘negligible’ residual level effects.
- 6.5.6 Proposed mitigation measures include the creation and re-establishment of boundary hedgerows around the site and encouraging taller hedgerow growth. The report states that these measures will assist in reinforcing visual screening from the users of the local roads, PRow and residential properties. The report concludes that the overall impact on the landscape of the development is acceptable.



6.5.7 The officer has visited the site and notes that the local landscape is generally of a high quality. Views of the site would be available in particular from Cantlop which is located to the south of the site on the opposite side of a small valley. Trees on the site's southern boundary would provide some mitigation but would not fully screen the site given the topography. Additional views are possible from the track which runs through the site to Cantlop Mill. The applicant has proposed additional hedgerow planting either side of this track to screen these views.

6.5.8 The Council's landscape adviser has supported the LVIA methodology and conclusions that the proposals can be accepted in terms of visual and landscape effects. The renewable energy benefits of the proposals must also be taken into account, as highlighted by the Council's climate change task force. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13)

6.5.9 Visual impact – glint and glare: A Glint and Glare assessment has undertaken geometric analysis within 1km of the site. Views of the reflecting panels are considered possible for 10 dwellings. However, no mitigation is recommended because:

- The duration of effects is not significant; and/or
- The separation distance between the dwelling and the closest reflecting panel is sufficiently large; and/or
- Due to existing screening views are likely to be possible for observers above the ground floor only, i.e., the first floor or above<sup>14</sup>; and/or
- Solar reflections would occur within approximately 2 hours of sunrise/sunset; therefore, effects would mostly coincide with direct sunlight.

Overall, the Report concludes that the no impacts requiring mitigation are predicated for the surrounding road users of dwellings.

## 6.6 Heritage

6.6.1 Section 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 197).

6.6.2 When considering the impact of a proposed development on the significance of a designated heritage asset, special regard should be paid to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 199). Where a development proposal will lead to less than substantial harm to the significance of

a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 202).

- 6.6.3 A Heritage Assessment assesses the significance of the historic environment and archaeological resources at and surrounding the site, including the effects of the development on heritage assets and their setting. There are no built heritage assets within the Site and the Assessment concludes that the majority of designated heritage assets within the 1km study area and beyond have no potential to be affected by the proposed development.
- 6.6.4 Five designated heritage assets could potentially be affected by the proposed development. These are the Grade I Listed Church of All Saints; the Grade II Listed Boreton Farmhouse and attached Stable Blocks; the Grade II Listed Berrington Farmhouse; the Grade II Listed house at 69 And 70 at Cantlop and the Grade II Listed Newman Hall Cottages. The report finds that there is limited intervisibility and lack of any significance of the views of the heritage assets from the site or from the heritage asset to the site. There is also a lack of any significant viewpoints to see the site and the heritage assets together. As such, the report concludes that there will be no negative impact on the heritage significance of these designated heritage assets via any change to their setting.
- 6.6.5 Overall, the report concludes that the proposal will result in no negative impact to the significance of the identified Listed Buildings.
- 6.6.8 The Council's Conservation team has not objected. They support the recommendation of the Council's landscape adviser for a condition imposing a 10-year landscape management and maintenance plan. It is concluded that the proposals can be accepted on heritage terms subject to the recommended conditions. Core strategy policy CS15 and SAMDev Policy MD13.
- 6.6.9 Archaeology: The Application is supported by an Archaeological Desk Based Assessment which identifies no designated Scheduled Monuments, Grade I, II\* or II Listed Buildings, Conservation Areas, Designated Wrecks, Designated Battlefields or Registered Parks and Gardens on the Site or immediately adjacent to the Site.
- 6.6.10 The Site is recorded to lie within an area where the results of previous archaeological investigation carried out within the wider landscape suggest there is a high general archaeological potential. As such, the Council's historic environment team has recommended a planning condition requiring approval of a written scheme of investigation (WSI). Any future solar development would be subject to prior investigation as set out in the WSI.
- 6.7 Other environmental considerations
- 6.7.1 Noise and amenity: A noise assessment concludes that the proposed development would be passive and would not generate any significant operational noise, other than from occasional visits by maintenance/service vehicles and intermittent tracking of the sun by the solar panels. There would be some intermittent noise during operation as the solar arrays move to track the sun over the course of a day. However, the noise associated with such activities would not exceed existing

background noise levels in accordance with BS4142 and World Health Organisation Guidelines. A construction management plan condition has been recommended in Appendix 1. Subject to this it is concluded that subject to this the proposals can be accepted in relation to noise.

- 6.7.2 Access / traffic and construction: Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe". SAMDev Policy MD8 (Infrastructure Provision) states that applications for strategic energy provision will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts, including with respect to noise, dust, traffic, odour and vibration.
- 6.7.3 The application is supported by a Transport Statement which sets out the strategy and options for site access, routing for construction traffic, construction vehicle size and frequency and mitigation. Once operational, the site would generate just one or two visits per week for regular maintenance and inspection purposes. The Transport Statement finds that the existing strategic road network has sufficient capacity to accommodate this. Overall, the Highways Statements finds that the proposal is acceptable and would pose no harm to the safety of the users of the public highway network.
- 6.7.4 There has been no objection from SC highways. They have recommended a Construction management plan condition to allow traffic to be appropriately managed during the temporary construction period (included in Appendix 1). The access has been amended to come off the Cantlop road in order to avoid the need for construction vehicles to travel up Sandy Bank at the north-west corner of the site where there are erosion issues. It is considered that the proposals can be accepted in relation to Paragraph 111 of the NPPF and Core Strategy policies CS5, CS6, CS7 and CS8.
- 6.7.5 Ecology: The planning application includes a Preliminary Ecological Appraisal which concludes that the proposed development will have a positive impact on the environment through the provision of biodiversity net gains within the Site. The proposal will seek to enhance local habitats by implementing measures such as creating and enhancing existing site boundaries with native species, providing wildflower mix across the site and taking the site out of intensive crop production.
- 6.7.6 Recommendations have been made to safeguard habitats and species present including the bats, birds, hedgehogs, hazel dormouse, badgers and reptiles both during construction and post-development. The proposals are designed to retain and enhance mature trees, woodlands and hedgerows and the Sites biodiversity post-development. This includes by enhancing existing hedgerows with native planting of fruit/seed bearing species; and creating and allowing areas for hibernaculum. Overall, there would be no adverse impacts on biodiversity and the landscaping proposals would result in a significant biodiversity net gain.
- 6.7.7 An Updated Layout Plan and Landscape Masterplan have been prepared in response to comments received from SC Ecology. The updates are:

- i. Reduction in Panels on southern boundary: Solar panels have been reduced in the southern portion of the site, resulting in a new buffer of up to 65m from the southern boundary. This thick buffer will be transformed into species rich grassland.
- ii. Skylark Protection Areas: The proposed layout scheme now accommodates off-site 'Skylark Protection Areas' to the north of the proposed solar farm. These areas will be transformed into species rich grassland and will form suitable habitat for skylarks. This would be secured by means of a s106 legal agreement.
- iii. Bee Opportunity Areas: The scheme now incorporates bee opportunity areas in the north-eastern corner of the site and along the southern border of the site. We are keen to meet and converse with local beekeepers who could support the growth and maintenance of this element of the scheme.

6.7.8 Overall, the proposal will result in 132.84% net gains in biodiversity, which will be achieved through a range of measures, including:

- i. Medium distinctiveness species-rich wildflower and grassland. Management of this area will include grazing, with a seed mix to include a sward that benefits from this type of management.
- ii. The retention of native hedgerows, with a rotational cutting scheme, management of weedy species and the proposed species rich grassland seeding.
- iii. New species-rich hedgerows, along the northern boundary of both fields, as well as small sections in old field entrances.

6.1.9 SC Ecology has not objected subject to a number of ecological conditions linked to habitat / biodiversity management / enhancement (included in Appendix 1). They requested further information in relation to mitigation for effects on Skylark habitat. In response the applicant has identified a specific area for Skylark mitigation in fields to the immediate north of the proposed site and has put forward specific management measures for this area to ensure that the habitat remains optimal for Skylark throughout the operational life of the proposed development. These provisions would be secured by means of a s106 Legal Agreement. Subject to this it is concluded that the Proposed Development complies with relevant planning policy regarding ecology / biodiversity (CS6, CS17, MD12).

6.7.10 Arboriculture: A tree appraisal report identifies identified a total of 63 tree features which have the potential to be impacted by the development, comprising 39 individual trees, 15 groups of trees, eight hedgerows and one woodland. A 15 metre section of hedgerow G50 and 10 metre section of hedgerow H24 will require removal in order to facilitate the proposed vehicular accesses. Both features have been categorised as a low C grade whose loss can be easily compensated for. It is anticipated that planting of this type will be included within the site landscaping scheme. There were 11 veteran trees surveyed either on or within 15m of the site and their Root Protection Areas will be sufficiently protected.

6.7.11 The arboricultural report concludes that, providing the recommendations contained within the report are followed, the proposed development will not harm trees identified

for retention. The proposed tree losses are not expected to have a significant negative impact on the treescape of the area. The Council's trees service has accepted the findings of the tree survey and has recommended conditions to protect existing trees and hedgerows during the construction phase. These are supported and are included in Appendix 1.

6.7.17 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the site falls entirely within Flood Zone 1 (lowest flood risk). The proposed development will only alter the impermeable area on site by a small amount, resulting in a negligible increase in surface water runoff.

6.7.18 The FRA concludes that the proposal would not involve the construction of inappropriate development in an area of high risk, nor would the proposal result in increased flood risk elsewhere. The Council's drainage team has not objected, and it is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

6.7.19 Rights of Way: Some objectors point to the existence of a Council-maintained track running north-south through the centre of the site and claim that this is a public right of way. The route is the access road to the property known as Cantlop Mill. It is not recorded as a statutory right of way but it is understood that it is used by walkers.. The metalled portion of the route ends at Cantlop Mill. An unmetalled track extends from this property southwards to the public highway at Old Farm, initially through a woodland area. It is It has been established by Councillor Wild that the whole route from Cantlop Mill to Cantlop hjas the status of a highway, although the brook is no longer passable to vehicular traffic. Whilst not a definitive right of way it is acknowledged that users of this route would experience intermittent views of the proposed development. The applicant has proposed additional hedgerow planting either side of the track to provide some mitigation.

Timescale and decommissioning:

6.7.20 Current solar photovoltaic arrays have a design life of approximately 40 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future arable productive capacity is protected. A decommissioning clause would also be included in the applicant's tenancy agreement. The value of the solar equipment at the end of its design life would provide a further incentive for decommissioning.

Leisure and Tourism

6.7.21 Core Strategy Policy CS16 (Tourism, Culture and Leisure) seeks to deliver high quality, sustainable tourism, and cultural and leisure development. Amongst other matters the policy seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment.

6.7.22 The applicant's visual appraisal supports the conclusion that the site is capable of being effectively screened and would not give rise to any unacceptable visual impacts. No detailed evidence has been presented to support the conclusion that any

residual views of the site would be prominent from or would have a significant impact on any local leisure / tourist interests.

6.8 Other matters:

6.8.1 Community engagement: The applicant has carried out a pre-application exercise with the local community and other key stakeholders. The applicant has sought to respond to concerns from the local community with amendments to the design of the proposals.

7.0 CONCLUSION

7.1 The proposed solar development would operate for a temporary period of 40 years and would be fully restored as agricultural land after decommissioning. Relevant policies and guidance support the transition to a low carbon future and encourage the use of renewable resources.

7.2 The 30MW development could power 7000 homes annually giving a CO2 saving of approximately 6000 tonnes per annum. The proposals would deliver biodiversity net gain (BNG) of 123.5% in primary habitat and 76.4% for hedgerow units.

7.3 Over 80% of the site is located on best and most versatile quality land. National policy does not preclude the use of such land for solar farm developments provided an applicant can give evidence that lower quality land is not available. It is considered that the applicant has provided sufficient evidence to justify this choice of site. The proposals will provide an essential source of diversified income allowing the farm unit to invest in other farming operations within the unit. This includes funding for proposals to upgrade productivity of adjoining grade 3b land within the unit which is set to come out of the stewardship scheme.

7.4 In terms of heritage the Conservation Officer has not objected and has acknowledged the landscape mitigation strategy referred to by the Council's landscape advisor. There would be some residual landscape effects, including in the vicinity of Cantlop and on the track to Cantlop Mill. However, the extent of these can be limited by the applicant's landscape mitigation proposals.

7.5 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S158). It is concluded that the proposals are sustainable.

7.6 . There have been no outstanding objections from technical consultees with respect to issues such as highways, trees, ecology and drainage. Detailed planning conditions have been recommended to ensure the highest level of control of the development. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan. Overall, it is considered that the public benefits of the proposals including renewable energy provision are sufficient to outweigh any identified residual impacts and permission should be granted subject to the conditions set out in Appendix 1.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk Management: There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### 8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

### 8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 FINANCIAL IMPLICATIONS:

### 9.1 There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10.0 BACKGROUND:

## 10.1 Relevant guidance

### National Planning Policy Framework (NPPF) (DCLG – 2021)

- 10.1.1 The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to ‘support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)’. The NPPF expands further on this principle in paragraph 155: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:
- provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
  - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
  - identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 157 advises that when determining planning applications, local planning authorities should:

- Not require applicants for energy developments to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable...”

- 10.1.2 Paragraph 81 advises that ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.

- 10.1.3 Particularly relevant chapters of the NPPF are:

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

## 10.2 Relevant planning policies:

- 10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth



during the period to 2026. The strategy states, “Shropshire will be recognised as a leader in responding to climate change. The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims “to promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management”. Relevant Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where
- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS16 - Tourism, Culture and Leisure
- Policy CS17 - Environmental Networks

### 10.3 Site Management and Allocation of Development Document

Relevant Policies include:

- MD2 - Sustainable Design
- MD7b - General Management of Development in the Countryside
- MD8 - Infrastructure Provision
- MD11 - Tourism facilities and visitor accommodation
- MD12 - The Natural Environment
- MD13 - The Historic Environment

### 10.5 Other Relevant Guidance

10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to “radically increase our use of renewable electricity, heat and transport”. It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15 target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5 to 30 .

10.6.2 Planning practice guidance for renewable and low carbon energy (2015). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided specifically with regard to the large-scale ground-mounted solar photovoltaic farms:

*‘The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:*

- *Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*

- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use ;*
- *The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect’.*

11.0 RELEVANT PLANNING HISTORY:

11.1 There is no planning history associated with the application site.

12.0 Additional Information:

View application:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RITWS2TDJ7200>

List of Background Papers: Planning application reference 22/02441/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Richard Marshall
Local Member: Cllr Claire Wild
Appendices: Appendix 1 – Conditions.

## APPENDIX 1

### CONDITIONS

#### Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. Such date shall be referred to hereinafter as ‘the Commencement Date’.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 and in recognition of the part-retrospective nature of the development.

#### Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission the operations hereby permitted shall be carried out strictly in accordance with the application form dated 16<sup>th</sup> August 2022 and the accompanying planning statement and supporting documents and plans.

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Reference 1051487-ADAS-XX-XX-DR-P-8006 Location Plan), hereinafter referred to as 'the Site'.

Reason: To define the permission.

#### Highways

4. Prior to the commencement of the development hereby approved, a Construction Environment Management Plan (CEMP), based on the submitted Transport Statement and an outline CEMP, dated May 2022, shall be submitted to and approved in writing by the local planning authority. The CEMP shall make provision for the following measures:
  - i. The HGV route shall be as per Figure 1 in Appendix 4 of the Transport Statement;
  - ii. Construction vehicles shall access the site via the proposed new site access only;
  - iii. The site access shall be provided as per drawing 111182-10-01 of the Transport Statement;
  - iv. Traffic marshalls shall be employed to manage access and egress during the construction phase due to reduced visibility as outlined in section 3.5 of the Transport Statement;
  - vi. Provision of mitigation measures for non motorised users of the public right of way as outlined in section 4.3 of the Transport Statement;
  - vii. Provision of Traffic Management Measures as outlined in Traffic Management Plan (Appendix 4 of the Transport Statement);
  - viii. Pre/Post Construction Condition Surveys;
  - ix. Provision of Signage as outlined in the Traffic Management Plan;
  - x. Maintenance of the Highway as outlined in the Traffic Management Plan;
  - xi. Ensure parking does not result in overspill parking along highway as outlined in Traffic Management Plan.

The works shall be implemented in accordance with the approved details

#### Arboriculture

5. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Protection Plan drawing no 1051610 ECOENERGY TPP SHEETS 1- 3 (Appendix 5) and in accordance with BS 5837: 2012 "Trees in relation

to Design, Demolition and Construction recommendations for tree protection". The protective fencing shall be installed prior to commencing any approved development related activities such as site preparation or construction. The fences shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the Local Planning Authority.

Reason: To safeguard the amenities of the local area by protecting trees.

6. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing and other measures at pre-commencement stage and throughout the construction period as outlined at Appendix 10 of the ADAS Tree Report : Key Sequence of Events after Planning Approval and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures at each stage listed.

Reason: To safeguard the amenities of the local area by protecting trees

7. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area by protecting trees

#### Landscape and Ecological Mitigation Plan

8. No development shall take place until a detailed soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:
  - i. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate,
  - ii. Method of cultivation and planting,
  - iii. Means of protection
  - iv. Creation of wildlife habitats, features, and ecological enhancements
  - v. Written specifications for establishment of planting and habitat creation;
  - vii. Programme for implementation

This is for all grassed areas, tree, shrub, and hedgerow planting

- b. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with a scheme which shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

9. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

### Ecology

10. Prior to commencement of the use, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site: A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species. A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design), House Martins (House Martin nesting cups) and/or small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development. The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation and designed to take into account and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

12. All works to the site shall occur strictly in accordance with the mitigation measures set out in the Preliminary Ecological Appraisal (RSK Adas Ltd, 24/01/2023).

Reason: To ensure the protection of and enhancements for Protected Species including birds, badgers and bats.

### Archaeology

13. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the

commencement of works. The works shall be carried out in accordance with the approved scheme.

Reason: The site is known to hold archaeological interest.

#### Final decommissioning

14. All photovoltaic panels and other structures constructed and/or erected in connection with the approved development and any associated infrastructure shall be physically removed from the Site within 40 years of the date of this permission and the Site shall be reinstated to agricultural fields. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor decommissioning.

#### Notes:

##### Design life

- i. *The typical design life of modern solar panels is up to 40 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.*

##### Drainage (Shropshire Council Drainage Team comments)

- ii. *For the transformer installation, the applicant should consider employing measures such as the following:*

- *Surface water soakaways*
- *Water Butts*
- *Rainwater harvesting system*
- *Permeable surfacing on any new driveway, parking area/ paved area*

##### Highways

- iii. *This planning permission does not authorise the applicant to:*
- *construct any means of access over the publicly maintained highway (footway or verge) or*
  - *carry out any works within the publicly maintained highway, or*
  - *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
  - *undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway*

*The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details*

*<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>*

Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- iv. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

### Ecology

- v. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
- vi. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.
- If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.
  - Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.
  - The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.
  - All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

- *Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
  - *Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.*
  - *If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
  - *Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.*
- vii. *Where it is intended to create semi-natural habitats (e.g. hedgerow / tree / shrub / wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*