



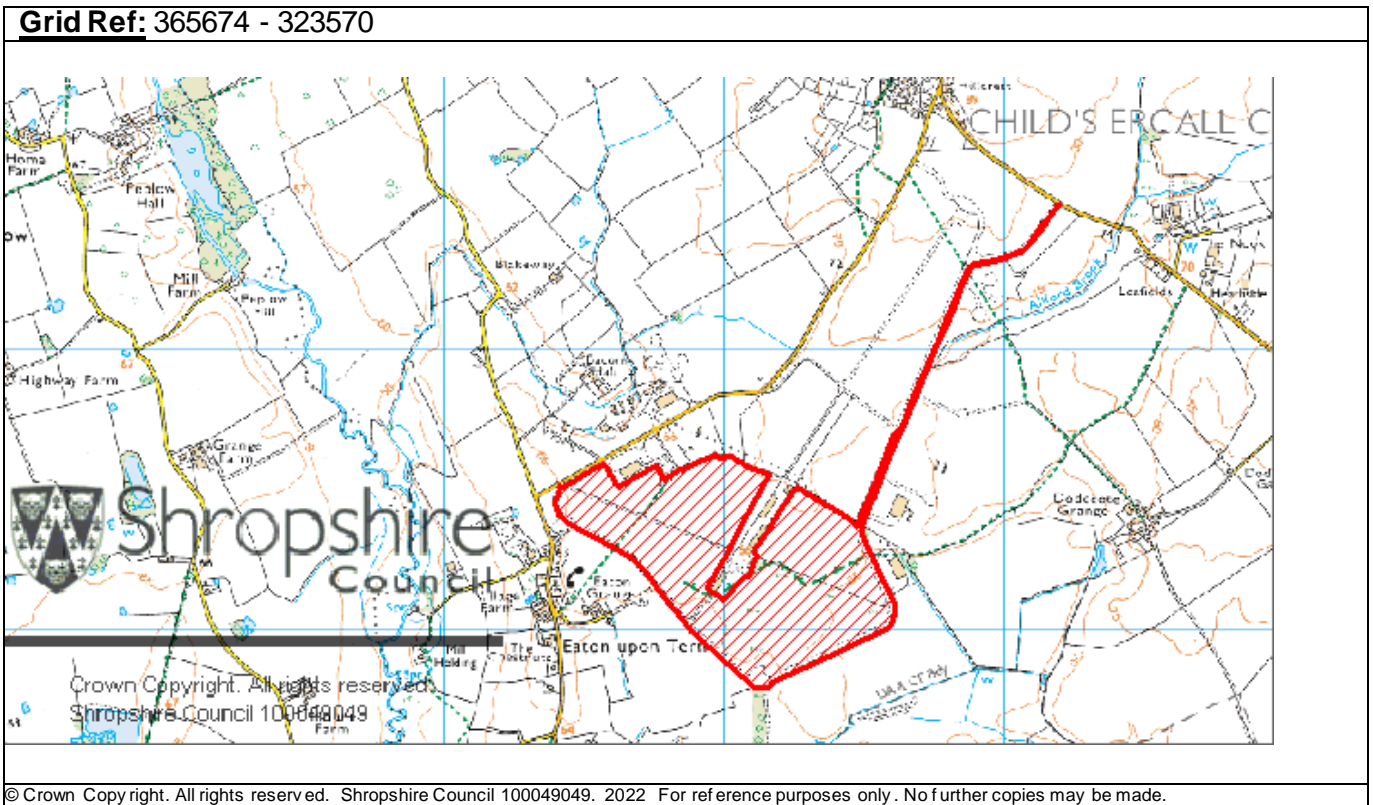
Northern Planning Committee  
7<sup>th</sup> March 2023

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 22/01866/FUL	<b>Parish:</b>	Stoke Upon Tern
<b>Proposal:</b> Construction of solar farm with all associated infrastructure		
<b>Site Address:</b> The Old Airfield Site Eaton Upon Tern Market Drayton Shropshire TF9 2BX		
<b>Applicant:</b> Eaton-Upon-Tern Solar Limited		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> kelvin.hall@shropshire.gov.uk	



**Recommendation:- Grant Permission** subject to the conditions as set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for a ground-mounted solar farm and associated infrastructure on agricultural land at the Old Airfield, Eaton-upon-Tern. The proposal would have a capacity of approximately 49MW. It would consist of a photovoltaic panels in a series of parallel rows in a west-east orientation. The panels would be tilted to face south, and have a maximum height of 3.2 metres. The distance between the rows would typically be 4.1 metres. Associated ancillary structures would include inverter buildings and cabins sited across the site. These would have dimensions 12.2 metres x 2.4 metres x 2.9 metres high. CCTV cameras would be provided on poles of up to 4 metres in height. Perimeter fencing would be 2 metres high stock-proof wire deer fencing. There would also be a need for a Distribution Network Operator (DNO) substation which would be located at the southern side of the site, having a height of up to 8 metres. Permission is sought for the retention of the solar farm for 40 years. At the end of this period the panels and associated infrastructure would be removed and the land would be restored back to agricultural use.
- 1.2 Vehicular access to the site would be via an existing access point to the former airfield from the north, from the Newport Road.
- 1.3 A suite of detailed technical assessments accompany the application. These include a Landscape and Visual Impact Assessment, a Heritage Impact Assessment, an Ecological Appraisal, a Flood Risk Assessment, a Glint and Glare Assessment, a Transport Assessment, an Arboricultural Assessment, and an Agricultural Land Assessment.
- 1.4 The applicant undertook a community engagement exercise for the proposal and this included the holding of a public exhibition in the local area. The planning application includes a report of community engagement. This notes that approximately 70 people attended the event. The report states that the scheme has been amended in response to comments made as part of this public engagement, including additional screening and amendments to the construction traffic routing to avoid Childs Ercall village.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated on the south-west part of a former airfield to the north-east of the village of Eaton-upon-Tern. The site extends to an area of approximately 52 hectares, comprising land primarily in agricultural use spread over five main fields. The site is bounded by a public highway to the west and a former airfield perimeter road to the south and east. Surrounding land is principally in agricultural use, and includes large agricultural warehouses and hangar buildings. An egg-laying unit occupies the central part of the site. This land is excluded from the application site boundary. The unit includes three large egg production

buildings which are located on the former airfield runway.

- 2.2 The nearest residential properties are those in Eaton-upon-Tern; the closest of these being approximately 54 metres from the application site boundary and approximately 80 metres from the proposed panels. There is an existing belt of trees and shrubs along the southern boundary of the site, and further lengths of tree and hedgerow around other parts of the site's perimeter.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The views of the Parish Councils are contrary to the officer recommendation. In addition the local Members have both requested that the application is determined by planning committee. It was agreed by the Team Manager (Planning) in consultation with the committee chair and vice-chair that material planning considerations had been raised and that the application to be considered by the planning committee.

### **4.0 Community Representations**

#### **4.1 -Consultee Comments**

##### **4.1.1 Stoke upon Tern Parish Council Objects.**

Firstly, the Parish Council feels very strongly that the application in its present form should be withdrawn to address the serious concerns raised in relation to the potential for contamination of the boreholes on which both the neighbouring villages depend for their water supplies. This would also enable the Applicant to directly commission reports to address this and also to reconsider the height and location of the closest panels to Eaton upon Tern, which we feel are too high and too close, and to fully assess the archaeological issues.

If the Application remains under consideration the Parish Council strongly OBJECTS to the Application and asks that the Application formally goes to the Planning Committee for consideration as not enough weight has so far been given to mitigate against the harm the Application has the potential to cause to the health and wellbeing of the parishioners directly affected by the Application.

If Shropshire Council is minded to grant permission, the Parish Council would urge strong Conditions within a Section 106 Agreement be placed on the Application. These should cover the issues highlighted above, independent monitoring of the site, plus the routing of construction traffic away from the villages and through the site, bio-friendly additions only to the water used on site for cleaning purposes, the full reinstatement of the site with an agreed plan plus better and thicker screening and greening of the site. The Parish Council would also request that an Annual Community Fund of say £10,000 from the Applicant be established and paid to the Parish Council to administer jointly with Childs Ercall Parish Council for the lifetime of the development as no Community Infrastructure Levy applies to this Application.

##### **4.1.2 Childs Ercall Parish Council (access road lies within parish boundary) – objects.**

Part of the land comprised in this application falls within the Parish of Childs Ercall.

This Parish Council does not object to the principle behind this proposal, but we have significant concerns with material aspects of the application as made, sufficient to make us object to this proposal until these concerns are adequately addressed.

### 1. Site servicing

The proposed accessway for the construction traffic is a very basic farm track. It will simply be ignored by truck drivers unless it is very significantly improved, widened, and provided with passing places and storage areas. The application shows no such proposals. There is no value in an unusable access which in practice would just be ignored, and consequently we object to the application until such time as we are satisfied an adequate access which will actually be used will be provided.

### 2. Water supplies

We have two related concerns. We are not satisfied that an adequate supply arrangement for cleaning water is provided for. That will in practice result in a high level of water abstraction from boreholes, with a consequent drain on existing users' security of supply.

We are also concerned about leachates from the site going into the aquifer. These fall into distinct categories, pollutants already on site which will be released by the works, cleaning materials brought onto the site, and water brought onto the site for cleaning purposes which may not be from clean sources. We do not feel these questions surrounding the long-term practical use of water on the site have been adequately addressed, and consequently we object until such time as they are.

### 3. Restoration and remediation

We see no clear and credible plan here for the restoration of the site at the end of its economic life, which will be a maximum of 40 years, probably less. We see a developer which is hopelessly undercapitalised, and therefore not only does there need to be a clear statement of the restoration/remediation plan, there needs to be some security for the implementation of that plan as an unsupported covenant from the developer is in practice wholly unenforceable.

In addition to these points of basic objection we have a number of other comments where we would like some further scrutiny of the application.

We are concerned about the overall impact on the landscape given the area of land affected and the height of so much of the equipment. This will constitute a very large developed mass, with very high fences around it and so will be a major adverse feature in the landscape. We do not consider the landscaping proposals to be adequate, with very over optimistic estimates of the growing times of hedges, with the conflation of hedges with "woodland", and with the proposed use of a combination of sheep and long grass which is simply incompatible.

We are concerned that the location of this scale of development is within open

countryside within the meaning of the Core Strategy and the emerging development plan. We understand the desire for increased power generation, but all power is generated at some cost, and we are not persuaded the whole cost here, not just the cash, has been adequately quantified. We are not technically qualified but we do question the energy loss cost of siting a huge installation so far from any point of consumption, or link to the national network.

Finally, it seems to us, that although the long term adverse impact is not in our parish that it is a big ask of local people to accept a development of this scale and which is so intrusive in a situation where there is no local gain whatsoever. This development dwarfs the residential development we see, both in scale and impact, yet will pay no CIL. It does not seem compatible with the ordinary principles of communal life that an overseas based speculative developer can come into a rural area with a holistic local mindset and inflict this level of damaging impact, yet provide no local off-set benefit whatsoever.

This Parish Council therefore objects to this application

#### 4.1.3 **Childs Ercall Parish Council and Stoke on Tern Parish Council – joint statement**

Following the SALC AGM held on 11<sup>th</sup> November a motion was filed to request that some form of Community Benefit should be included in Shropshire Council's Planning Policies for all alternative energy planning applications. This is to protect or recompense those communities who bare the burden of these types of developments. The motion was passed unanimously and SALC intend to move forward with this action. In the meantime a letter has been send to the applicant from both parish councils, the points raised are summarised as follows:

- both Parish Councils have made formal comments on this application and have raised the question of community benefit. We are aware that several of the other schemes for solar power currently being promoted in Shropshire do include provision for meaningful community benefit. This proposal contains no such provision.
- an appropriate community benefit for a scheme such as this would be for the developer to provide a solar power system to the village halls at Stoke on Tern and Childs Ercall. This would be appropriate in terms of the development proposed, would represent a tiny fraction of the overall scheme in terms of output and cost, would presumably be an insignificant incidental in the installation process and would provide real local benefit to both communities. You are of course already aware of the role these halls play in village life, you used the Childs Ercall Jubilee Hall for your consultation presentation.
- neither hall presents any unusual difficulty in putting in such an installation, particularly given the level of expertise you will have on site in any event
- Given that we are looking at a scheme intended to power 16,600 houses two very modest village hall installations seem very small beer indeed in the context and we would hope that you would also see it that way. This would be an appropriate community benefit having regard to the development proposed, it would be of considerable long term local value to both parishes and importantly from your perspective, you are in a position to provide these

installations at almost no noticeable additional cost to your scheme.

It is unconscionable that developers be given free reign with these plans without consideration or remuneration to communities which are irrevocably altered whilst they profit without being held accountable in some way. This represents the absolute bare minimum our communities would be looking for and does not negate other suggestions that have gone before.

4.1.4 **Telford & Wrekin Council (adjacent planning authority)** No objection, subject to the following conditions:

- External materials (as application form states no materials will be used in the development)
- Decommissioning strategy after 40-year lifespan of solar farm
- Decommissioning strategy in the event the solar farm ceases to produce electricity for 12-months during the 40-year lifespan
- Details of final layout, battery compound and elevations prior to commencement
- Submission of ecological monitoring reports to ensure delivery of biodiversity net gain (including post-development and removal of infrastructure)
- Should the expected biodiversity net gains not be achieved then the habitat retention, enhancement and creation measures then a condition to amend and implement improved biodiversity net gains would prove beneficial.

4.1.5 **SC Conservation** No objection from a built heritage perspective as it is considered that the existing boundary hedgerows and trees (as long as they are retained) and the proposed mitigation planting as indicated on drawing 3081-001 REV.C is sufficient to ensure that no harm will be caused to the identified and assessed heritage assets.

4.1.6 **SC Archaeology** Recommends a condition.

The proposed development comprises a c.49MW solar farm covering area of approximately 5.25 ha on a former WWII airfield (HER PRN 28261), c. 200m east of Eaton Upon Tern. The airfield opened as RAF Childs Ercall as a training airfield and was renamed RAF Peplow in 1943 to avoid confusion with the nearby RAF High Ercall. The airfield was substantially rebuilt at around this time and equipped with three concrete runways for use by 83 Operational Training Unit (RAF Bomber Command). In the run-up to D-Day, it was also used by a Heavy Glider Conversion Unit (Training Command) equipped with Albemarle tugs and Horsa gliders. At the end of the War the RAF vacated Peplow and replaced by the Navy, who also had another field at Hinstock, and renamed it RNAS Peplow (HMS Godwit II). It closed in 1949.

In addition to the WWII airfield, the Shropshire HER contains a record of a possible rectilinear cropmark enclosure of Iron Age/ Roman (HER PRN 04495) on the development site within the area that has been returned to agricultural use between the former runways.

A geophysical survey of the development site was completed prior to submission of the current planning which identified a range of anomalies. This included a large number of anomalies and areas of disturbance relating to the former airfield, together with a range of anomalies that either clearly or are likely to pre-date the airfield. The latter includes former field boundaries and two former historic roads that can be identified on historic editions of the Ordnance Survey map, together with land drains. The possible cropmark enclosure site (HER PRN 04495) was not clearly identified by the survey, although two short linear anomalies in the general vicinity of site recorded on the HER could potentially be associated with it.

There are a number cropmark features of likely prehistoric date within the wider vicinity of the proposed development site, which at the pre-application stage suggested that other currently unknown prehistoric features might exist elsewhere. However, the geophysical survey did not identify any such features and the results have been interpreted as indicating that the construction of the airfield included significant levelling and landscaping of the site.

For these reasons, the proposed development site is assessed by the archaeological desk-based assessment as having low archaeological potential.

We understand that the Conservation Officer will provide comments on the historic built environment.

In relation to requirements set out in Local Plan Policy MD13 and Paragraph 189 of the NPPF, the applicant has submitted an Archaeological Desk-Based Assessment by Wardell Armstrong, which includes as an Appendix a geophysical survey report by MOLA Northampton. Whilst officers confirm approval of these reports, and broadly concur with their findings, it is asserted that assessed archaeological potential of the proposed development site has not yet been tested through evaluation trenching. None-the-less, it is agreed that no archaeological features have been identified which would preclude development. Together these reports therefore provide sufficient information about the archaeological interest of the development site to enable the application to be determined.

Given that the presence of below ground remains of a prehistoric enclosure cannot be entirely discounted, it is therefore advised in relation to Local Plan Policy MD13 of the Local and Paragraph 205 of the NPPF that a programme of archaeological work is made a condition of any planning permission. This should comprise a targeted trial trenching evaluation of a sample of the non-airfield related geophysical anomalies, including the site of the potential enclosure, followed by further mitigation if required. The recommended condition is in Appendix 1.

- 4.1.7 **SC Highways** No objection. In addition to the review of the applicant's response Appendix D shows the route from A41 which does not travel through the local villages. Therefore a planning condition will be required to ensure construction traffic does not travel through local village and maintains the route as shown. Condition recommended (see Appendix 1).

4.1.8 **SC Drainage** No objection. The site is greater than 1.0 ha. and a FRA has been produced. The drainage strategy in the FRA is acceptable.

4.1.9 **SC Regulatory Services** No objection; recommends conditions.

Solar farms do not generally generate a significant amount of noise, the main noise source is likely to be from the vehicle movements during the construction phase of the development. The transport assessment indicates that at the peak of the construction phase there is predicted to be a 0.7% increase in traffic movement.

This is not expected to have a significant adverse impact in regards to noise. However, to minimise the impact on nearby residential properties during the construction and demolition phases it is recommended that a condition is applied to any consent granted to specify the times of use of machinery and delivery vehicles; and to minimise dust.

4.1.10 **SC Environmental Protection** No objection; recommends conditions.

Environmental Protection has identified the proposed development site (former Peplow airfield) as potentially contaminated land under the Councils Environmental Protection Act 1990, Part 2A responsibilities.

The site overlays a Principal Aquifer, which is particularly vulnerable to the presence of contamination.

Environmental Protection has no objection to the proposed development, but there is one area of the site where further assessment of potential contaminant risks is required.

Environmental Protection has a record of a historic petroleum licence for the site. A licence was held to store 2000 gallons of petrol in one underground storage tank; the use was stated 'for aerial crop spraying'; there is also mention of a single compartment 100 litre aviation fuel tank. The location of the former underground fuel tank is in the area of the proposed grid substation compound in the south of the site.

The tank was decommissioned in 1988 when it was converted to store diesel and the current status/use of the tank is unknown.

Therefore, if planning permission is granted, the risks associated with former fuel storage must be assessed and a condition should be included to require that a Site Investigation Report is submitted for approval to inform whether a Remediation Strategy is required.

4.1.11 **Environment Agency** No comments made.

4.1.12 **Natural England** No objections.



The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

#### Soils and Agricultural Land Quality

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of best and most versatile (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 40.41 ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.

Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

Planning policies and decisions should contribute to and enhance the natural and local environment by: 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.

Footnote 53: 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. We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's Guide to assessing Development proposals on Agricultural Land. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised. Code of Practice for the Sustainable Use of Soils on Construction Sites.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

**4.1.13 SC Ecology** Recommends conditions and informatives, to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have read the submitted Preliminary Ecological Appraisal (Salopian Consultancy, February 2022), Landscape, Biodiversity & Agricultural Management Strategy (Salopian Consultancy, May 2022) and Biodiversity Net Gain Assessment (Salopian Consultancy, May 2022).

I am happy with the level of survey work and the biodiversity net calculations. I am satisfied that the proposed development will result in biodiversity net gains, including through new hedgerow planting and sowing of meadow seed mix.

It is recommended that conditions are included on the decision notice to cover the following matters:

- Works shall take place strictly in accordance with the Biodiversity and Agricultural Management Strategy
- Provision of bat and bird boxes
- Approval of any external lighting

4.1.14 **SC Trees** Recommends conditions.

I have read the submitted Salopian Consultancy Tree Report and can agree with its findings. Overall the arboricultural impact of this proposed scheme is low. No protected or important amenity trees are to be removed – the site is outside of the Tree Preservation Order covering Eaton upon Tern.

Trees to be removed (18) are all classed as low-grade self-set trees – mainly Goat Willow and mitigation planting is proposed. I note the residents concern that evergreen planting should be included so there is year-round screening. As the new planting is to be native species to encourage biodiversity this is limited, and I note that Holly is already a component for the proposed shrub and hedge planting. Scots Pine could be included as an evergreen tree species.

It is recommended that conditions are imposed to require that tree protection measures are put in place and that a tree specialist is appointed to supervise these measures.

4.1.15 **Shropshire Council's landscape consultant** Recommends conditions.

The LVIA methodology is clear, proportionate, and compliant with the best practice set out in GLVIA3. Any adverse landscape and visual effects are not considered to be significant. The mitigation proposals are appropriate and capable of reducing adverse effects, subject to submission of details on specification and aftercare. The proposals comply with Local Plan policies which protect the landscape and visual amenity. It is recommended that landscape conditions be applied to a grant of planning permission to require that a landscaping scheme is submitted for approval, and that a scheme for replacement of any failures is agreed.

4.1.16 **Ministry of Defence – Defence Infrastructure Organisation** No safeguarding objections.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air

weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The application site occupies the statutory safeguarding zone(s) surrounding RAF Shawbury. In particular, the aerodrome height and birdstrike safeguarding zones surrounding the aerodrome and is approx. 10.1km from the centre of the airfield.

- 4.1.17 **RAF Shawbury** No comments received.
- 4.1.18 **SC Rights of Way** No comments received.
- 4.1.19 **SC Climate Change Taskforce** Supports the application.

Comments on renewable energy and carbon performance aspects of the proposed development.

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. Even if we are successful in mitigating the worst effects, we will continue to experience more pronounced and frequent episodes of extreme weather effects. The much greater frequency of extreme weather events will significantly increase insurance risks and threaten the health, wellbeing and future resilience of our communities and infrastructure.

The Department for Business, Energy and Industrial Strategy – Climate Change Explained has identified the following likely impacts:

- The effects of rising temperatures on the UK
- The effect of warming on rainfall patterns and water supplies
- Changes in the oceans
- The impact of warming on food production
- The impact on ecosystems
- The impact on human health
- Poverty
- The impact of extreme weather events globally

In this context, Shropshire Council's Climate Task Force strongly supports in principle the delivery of additional renewable energy generation infrastructure and capacity in the county as a positive contribution to the policy objectives outlined below. Solar farms have the potential to deliver significant environmental benefits in terms of:

- Decarbonisation of energy supplies
  - "By 2030, 95 per cent of British electricity could be low-carbon; and by 2035, we will have decarbonised our electricity system, subject to security of supply." [British Energy Security Strategy (publishing.service.gov.uk) p6]
  - "The net zero economy will be underpinned by cheap clean electricity,

made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035, subject to security of supply.” [net-zero-strategy-beis.pdf (publishing.service.gov.uk) p19]

- Greater energy security
  - “The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies. Most critically, when we have seen how quickly dependence on foreign energy can hurt British families and businesses, we need to build a British energy system that is much more self-sufficient.” [British Energy Security Strategy (publishing.service.gov.uk) p6]
- Green growth
  - “We also envisage that the renewable energy sector can become a major local industry with significant employment and wealth generation for Shropshire. We have therefore also projected a 30% surplus by 2030 to create an element of power ‘export’ from Shropshire to adjacent industrial regions.” [The Zero Carbon Shropshire Plan p22]

Shropshire Council declared a ‘Climate Emergency’ on 16 May 2019 reflecting the conclusions of the Intergovernmental Panel on Climate Change (IPCC) at that time. Shropshire Council subsequently adopted a Climate Strategy and Action Plan on 17 December 2020 which sets out a range of principles which include:

- Support Clean and Inclusive Growth:
  - a) Our local economy needs to grow while our emissions shrink. The transition to a green economy can provide significant growth opportunities for businesses as well as providing a cleaner and more inclusive future;
  - b) We want the Shropshire economy to shift to one which is zero carbon and abides by circular economy principles, whilst enabling our communities to build and enjoy their prosperity. The choices we make now will determine whether we can deliver on our obligations, and the extent to which we can do so in a way which is also socially progressive;
  - c) We will support skills and training which allow our communities and businesses to benefit from Shropshire’s transition to a low carbon economy.
- Work with others:
  - a) We are on a shared journey and will need to work with others. This will allow us to learn from them and make use of external resources to help us to achieve net carbon zero and manage the effects of extreme climate events.
  - b) We will help establish and support a Climate Action Partnership of

stakeholders and the wider community. The Council will work with the Partnership to provide advice, support and encouragement to our communities, businesses and charitable organisations to help them to mitigate their emissions and adapt to the inevitable impacts of the climate crisis.

- c) The climate crisis is of particular significance for young people who will inherit the consequences of our actions. We will therefore work with schools across the county to ensure that the Climate Emergency is integrated as an issue across the curriculum and provide opportunities for schools and young people to contribute directly to the development and implementation of our Climate Emergency Strategy.
  - d) Throughout the development and implementation of our Climate Emergency Strategy and Action Plan we will be as open as possible in engaging the wider community and provide opportunities for them to contribute.
- Influencing the behaviour of others:
    - a) In addition to direct control of our own Green House Gas (GHG) emissions, we have significant influence over emissions indirectly resulting from our policies, and through our regulatory functions.
    - b) Shropshire Council also has significant influence through its purchasing power. We will put in place measures to assess the carbon footprint of our procurement choices.
    - c) We will lead by example and seek to positively influence the purchasing power or funding allocations of others like the Marches LEP and its members to favour low carbon initiatives and products.

Our vision is for Shropshire Council to become carbon net-neutral by 2030 and assist in the ambition for the whole of Shropshire to become carbon net-neutral in the same year. In addition to this, we aim to be entirely renewable energy self-sufficient as an organisation within the decade.

- The UK Government has committed to a legally binding target of net zero by 2050.
  - “Now is the time the world needs to go further and faster to tackle climate change. The UK is stepping up to that challenge. Here we set out our ambitious strategy – the first of its kind in the world of a major economy - to create new jobs, develop new industries with innovative new technologies and become a more energy secure nation with clean green British energy. At the same time we will reduce greenhouse gas emissions across the economy to reach net zero by 2050.” [net-zero-strategy-beis.pdf (publishing.service.gov.uk) p10]
- National Energy Security Strategy:
  - “Accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables.” [British Energy Security Strategy (publishing.service.gov.uk) p16]
  - “With the sun providing enough daily energy to power the world 10,000 times over, solar power is a globally abundant resource. There is

currently 14GW of solar capacity in the UK split between large scale projects to smaller scale rooftop solar.” [British Energy Security Strategy (publishing.service.gov.uk) p19]

- Marches LEP Energy Strategy:
  - “The 2030 Vision within the Marches Local Enterprise Partnership (LEP) Energy Strategy, launched in July 2019, includes an objective for renewable electricity to meet 50% of local demand by 2030. This was confirmed at the Energy Strategy launch as being locally sourced renewables and not derived from national production.” [Microsoft Word - Meeting 50% Marches Power Demand\_FINAL - Cover (mea.org.uk) p6]
  - Recent modelling work undertaken by the Marches Energy Agency (2022) <https://mea.org.uk/wp-content/uploads/2022/05/Report-Meeting-the-Marches-Vision-of-50-power-from-local-renewables-by-2030.pdf> suggests that achieving 50% self-sufficiency in renewable power in the Marches would require, as a minimum, an additional 50 large solar farms (40 MW each), together with 625 small scale commercial roof PV (200 kWp) systems, 12 large commercial roof PV (3.811 MWp Lyreco type) systems and 75,000 domestic homes with solar PV by 2030. However, if alternative sources of renewable power such as wind turbines cannot be delivered as envisaged, then achievement of this objective would require at least an additional 120 large solar farms of 40 MW each.
- The Zero Carbon Shropshire Plan
  - “Over the next few years we need to make a rapid transition from natural gas, oil and other fossil fuels to renewable energy sources, including electricity (from wind, solar or hydro-sources), methane from anaerobic digestion, ‘green’ hydrogen, carbon-neutral synthetic fuels or biomass.” [The Zero Carbon Shropshire Plan p22]

Whilst we are planning for renewable energy self-sufficiency as an organisation by 2030, we actively support the community-led Shropshire Climate Action Partnership (SCAP) and have worked with them to commission the mapping of renewable energy potential in the county:

[https://zerocarbonshropshire.org/renewable\\_energy\\_mapping\\_project/](https://zerocarbonshropshire.org/renewable_energy_mapping_project/) and they have identified a need for around an additional 5,000 megawatts (MW) of generating capacity if the whole county is to become self-sufficient in renewable energy. The ambition to utilise this generating capacity is set out in the Marches LEP Energy Strategy which states:

“BEIS energy and emissions projections 2017 forecast national renewable electricity generation making up over 50% of total electricity generation by 2030. The Marches is aiming to contribute to this in kind with renewable electricity to meet 50% of local demand.” [Marches-Energy-Strategy.pdf (marcheslep.org.uk) – p63]

And goes further still by setting a target for the Marches:

“Our new Energy Strategy sets a target of 50 per cent of all electricity to come from renewable sources by 2030 and the creation of 1,000 low carbon jobs.” [Energy - Marches LEP]

The Zero Carbon Shropshire Plan supports the Marches LEP Strategy:  
 “Increase electricity generation so that Shropshire can be at least self-sufficient by 2030 using renewable sources and also become an exporter of electricity to generate wealth and employment locally.” [The Zero Carbon Shropshire Plan p23]

And suggests this can be achieved by:

“Create a number of large-scale photo-voltaic arrays (solar farms, PV) and wind farms (wind and PV offer commercial opportunities at similar cost but have different site factors and a mix of, for example, 1/3 PV and 2/3 wind offers the opportunity to maintain better continuity of supply and balance grid loads).” [The Zero Carbon Shropshire Plan p23]

The electricity distribution grid in Shropshire is heavily constrained and this means that opportunities to obtain a grid connection to allow power to be exported are very limited and are unlikely to improve. This significantly restricts where solar farms can be located, together with our ability to generate more renewable energy, which makes a crucial contribution to reducing carbon emissions and tackling climate change.

Application Specific Comments:

It’s recognised by the Climate Task Force that the development would contribute 49MW 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:

[\[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1083854/ghg-conversion-factors-2022-condensed-set.xls\]](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1083854/ghg-conversion-factors-2022-condensed-set.xls)

This development would be expected to produce an approximate carbon saving of 9.5ktCO<sub>2</sub>.

4.1.20 **Ramblers** No comments received.

**4.2. -Public Comments**

4.2.1 The application has been advertised by site notice, and also in the local press. Objections have been received from 19 members of the public. Representations of support have been received from 18 members of the public.

4.2.2 In addition a petition has been received which has been signed by 38 residents. The petition states that the signatories object to the application but it does not specify the grounds of objection, therefore limited weight can be given to this.

4.2.3 Summary of reasons for objection:

- Unclear whether the panel height is 3 metres or 3.2 metres
- Panel height is excessive; inadequate screening
- Screening is ineffective in winter; evergreen trees required
- Will spoil enjoyment of property, less than 100m from the boundary
- Adverse impacts from security fencing and lights and security cameras
- Will spoil all aspects of country life
- Too close to houses



- Site is out of proportion to the environment it is in
- Unclear how landscaping maintenance would be enforced
- Proposed plans do not meet criteria of 5% of land being set aside and maintained as Ecological Focus Area
- Vast majority of other solar farms are smaller
- Panels should be smaller
- Insufficient consideration of design of substation; should be sited further away from houses
- Insufficient evidence of need to use agricultural land rather than brownfield
- Poor condition of highway to be used by construction traffic; will deteriorate more with additional HGVs
- Inadequate site access track
- Additional traffic impacts from importing water for cleaning
- No road network improvement plan
- Unclear how routing plan would be enforced
- Conflict with model aircraft club use of access route
- Glint and glare assessment does not take account of upper storeys of houses, only up to 2 metres
- Glint and glare assessment has wrongly shown a garage which has now been demolished and replaced with a house
- Inadequate glint and glare assessment
- Impact on pilots from glare from panels
- Adverse impact on public rights of way due to glint and glare; negative impact on wellbeing and mental health if paths cannot be used
- Potential for contamination of water supply if cleaning agent is used in washing of panels
- Washing water likely to be provided by approval of a borehole rather than a bowser
- Difficult and expensive to restore land to a useful condition when it becomes obsolete
- No clear restoration plan
- No security for any restoration works
- Security concerns
- Need to include a net statement of carbon benefit, not a gross maximum estimate
- No local economical or community benefits; no lower energy prices
- Will not protect wildlife
- Insect problem will get worse
- Will not help the litter and dead livestock issues will get
- Electromagnetic fields emitted from solar farm disrupt natural habitat
- Resultant radiation can kill insects and other small creatures
- Proximity to residents is a significant risk to health; radiation emissions can lead to headaches, fatigue, skin rashes and sleep disturbances; increased risk of cancer
- No benefits in terms of improved reliability of energy supply, increased local jobs or reducing carbon footprint
- No fire risk assessment
- No assessment of risk to health; insufficient research to justify risking the

- health of an entire village; Council will be at risk of litigation if health issues materialise, and deemed to be negligent for not paying due diligence
- Inadequate publicity
  - Permissive path proposal was an 'ignored' planning requirement of the chicken farm
  - Proposed footpath would just go around an ugly industrial site
  - Would take away land that may need to be used for emergency landing of helicopters
  - Injury to balloon passengers if a balloon needed to land
  - Land should be retained as a backup airfield given current security issues
  - Insufficient evidence on need for the use of agricultural land
  - Panels should be provided on roofs instead
  - Noise impacts
  - Construction traffic impacts
  - Inefficient means of energy generation
  - Will produce carbon when the panels are finished with whilst being dismantled and destroyed
  - Landowners should donate a significant amount each year to upkeep of villages, local charities and care homes
  - Exposure to Electromagnetic Fields radiation causes depression, anxiety and insomnia according to WHO; and other health issues
  - Houses could be fitted with free shields
  - Unclear whether there are any alarms on the panels
  - Should retain the land for food production to ensure food security
  - May lead to ground contamination
  - Impact on aquifer from potential pollutants
  - No plan for monitoring of water quality
  - Water to be used for cleaning of panels may contain bacteria which will go into soils and water
  - Panels give off dangerous chemicals for the first two years which are highly toxic and land should not be grazed or ranged to prevent contamination in the food chain
  - Use of high quality grade 3a agricultural land, contrary to public policy

#### 4.2.4 Reasons cited in letters of support:

- Will utilise a brownfield site
- Makes good use of land which is difficult to till and work due to broken up land strips, metals and copper wire from previous land use
- Routing proposals are satisfactory
- Will be suitably screened
- Will bring jobs to the area
- Land will still be used for grazing of farm animals
- Solar is one of least impactful renewable energy schemes
- Biodiversity will improve dramatically
- Benefit from additional planting
- Cleaning of panels uses de-ionized water, not unnatural chemicals
- Permissive right of way is a benefit and asset to the community
- Will supply enough green renewable electricity to supply Market Drayton and

- surrounding villages for 40 years
- Land is not prime agricultural land
- Will help to address climate change emergency
- Land can still be used for free range poultry and sheep grazing so still aids country's need for food security
- Solar power is quiet
- Little traffic once installed
- Would help towards Paris agreement to limit global warming
- No heritage assets or conservation area would be affected
- May reduce amount of farm traffic through the village which would be less damage to roads and safer conditions for walkers, cyclists and horse riders
- Site is already a heavily industrialised area
- New fencing will improve the appearance
- Increasing area of woodland will benefit landscape and reduce wind
- Would help towards becoming energy self-sufficient
- Diversification of a farming enterprise
- Impact on watercourse
- Impact on pumping station
- Crops on the site are often waterlogged adjacent runways so there is limited prospect of acceptable crop yields resulting in variable yields and profitability

## **5.0 THE MAIN ISSUES**

- ### 5.1
- EIA Screening
  - Principle of development
  - Site selection and agricultural land quality considerations
  - Siting, scale and design; and impact on landscape character
  - Historic environment considerations
  - Residential and local amenity considerations
  - Highways and access considerations
  - Ecology issues
  - Drainage and flood risk considerations
  - Other matters
  - Planning balance and conclusion

## **6.0 OFFICER APPRAISAL**

### **6.1 EIA Screening**

- #### 6.1.1
- The proposal falls within one of the categories of development which are listed in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Specifically it falls within Category 3(a) of Schedule 2 to those Regulations, i.e. industrial installations for the production of electricity, steam and hot water, and, as the area of the development exceeds 0.5 hectare, the proposal is classed as Schedule 2 development under those regulations. In connection with this the Council has issued a screening opinion to confirm whether Environmental Impact Assessment (EIA) is required to be undertaken by the applicant. The screening opinion was issued in October 2021 (ref. 21/01594/SCR) and confirms that, having had regard to the details of the scheme in relation to national guidance on EIA screening, the proposed development would not be likely to have significant

effects on the environment by virtue of factors such as its nature, size or location. Therefore EIA is not required.

## **6.2 Principle of development**

- 6.2.1 Applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan policies relevant to the current proposal are discussed below. In addition to these, the National Planning Policy Framework (NPPF) sets out the Government's planning policies and this is a material consideration which should be taken into account in the determination of this application. Further national policy guidance is provided by National Planning Policy Guidance (NPPG). A draft Local Plan to replace existing adopted policies is being prepared and has been submitted to the Secretary of State for examination. Given the stage of the draft plan it is considered that the draft policies within it can be given limited weight.
- 6.2.2 Development Plan policy on renewable energy: Strategic Objective 9 of the adopted Core Strategy promotes a low carbon Shropshire, including through the generation of energy from renewable sources. Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.
- 6.2.3 National planning policy and guidance on renewable energy: The NPPF states that applicants do not need to demonstrate the overall need for renewable or low carbon energy, and states that such applications should be approved if its impacts are or can be made acceptable. Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.
- 6.2.4 Shropshire Climate strategy: The Council's Climate Change Taskforce seeks to ensure a coordinated approach across Shropshire to addressing the climate change challenge. The Taskforce has advised that the mitigation of greenhouse gas emissions and adaptation measures to build resilience is now 'urgent', and 'strongly supports in principle' the delivery of additional renewable energy generation infrastructure and capacity. They note that solar farms have the potential to deliver 'significant environmental benefits'. These benefits include the decarbonisation of energy supplies; greater energy security; and green economic growth. The development of large-scale solar farms such as the one proposed would contribute towards the Government's legally binding target of becoming carbon net zero by 2050. The proposal is also consistent with the principles of the Climate Strategy and Action Plan which was adopted by Shropshire Council in 2020.

6.2.5 The solar farm would generate enough renewable electricity to power 16,600 typical households per annum. Officers consider that the proposal would provide significant environment benefits and an important contribution towards meeting local and national targets on reducing harmful carbon emissions. In principle the proposal is consistent with and supported by both local and national planning policies on renewable energy and carbon reduction.

### **6.3 Site location and agricultural land considerations**

6.3.1 Countryside location considerations: The proposal would be located within open countryside and, whilst Core Strategy policy CS5 seeks to control development in these areas, it provides support for required infrastructure which cannot be accommodated within settlements. The potential impacts of the proposal are discussed below, however Development Plan policy does not restrict the installation of a ground-mounted solar farm on principle.

6.3.2 Agricultural land implications: The site is currently predominantly in agricultural use. Approximately 63% of this agricultural land is used as ranging area for poultry as part of the free range egg production unit. These areas are also periodically grazed by sheep for the purpose of grass maintenance. The remainder of the agricultural land is used for arable cropping.

6.3.3 It is the intention that should the solar farm scheme go ahead then the existing ranging areas would continue to be used for this purpose and also for sheep grazing alongside the panels. The existing arable areas would be used for sheep grazing. The affected land would therefore remain in agricultural use, and there would be no loss of agricultural land, albeit that approximately 37% of the land would be used for grazing instead of arable.

6.3.4 Agricultural land quality considerations: Agricultural land is classified into grades with Grade 1 being of excellent quality and Grade 5 being of very poor quality. The best and most versatile (BMV) agricultural land is that which is classed as Grade 1, 2 or 3a. An assessment of the agricultural land quality of the site has been undertaken, and this has included the sampling of 49 soil cores taken from across the site. This assessment has identified that, of the 48 hectares site, 39% is Grade 2, 45% is Grade 3a, 5% is Grade 3b, and 12% is Grade 4. Therefore, with rounding, 83% of the site is classed as BMV agricultural land.

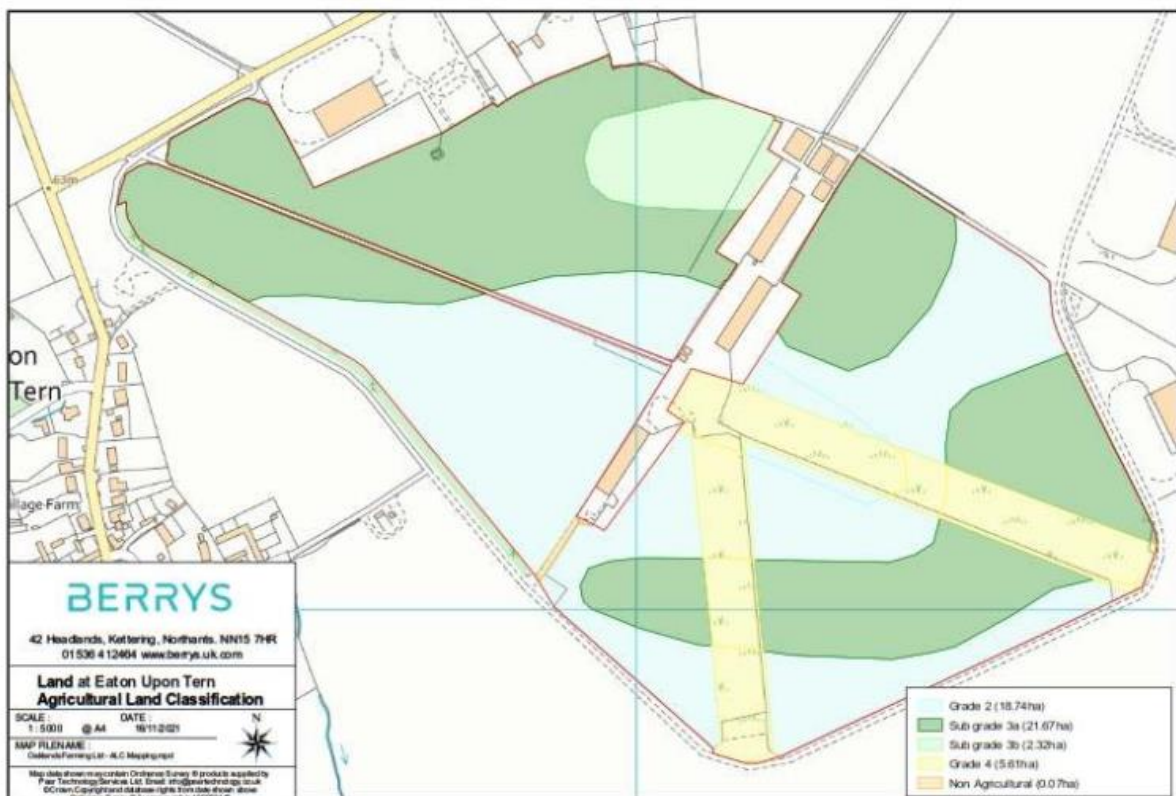
6.3.5 Core Strategy policy CS6 requires that development proposals make the most effective use of land and safeguards natural resources including high quality agricultural land. The NPPF states that the economic and other benefits of the best and most versatile (BMV) agricultural land should be taken into account in planning decisions (para. 174). It 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 (footnote 58). In relation to solar farms, Planning Practice Guidance advises that local planning authorities should encourage the effective use of land by focussing these developments on previously developed and non agricultural land, provided that it is not of high environmental value (para. 013). The guidance advises that, in considering solar farm proposals

located on greenfield sites, local planning authorities should consider whether:

- 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
- the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

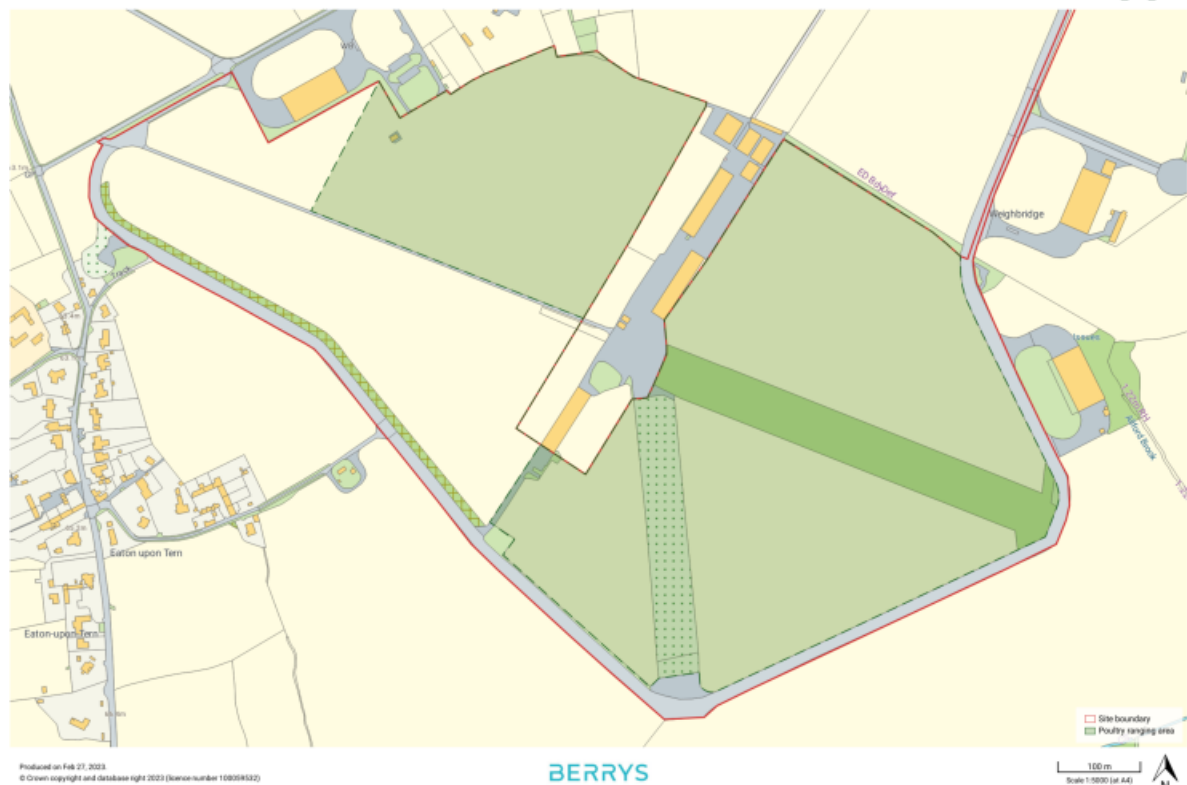
6.3.6 The Guidance also makes reference to a Ministerial Speech made in April 2013 and a Written Ministerial Statement (WMS) made in March 2015. In relation to the former, this stated that where solar farms are not on brownfield land, the industry should be looking at sites on low grade agricultural land where grazing can take place in parallel with generation. In relation to the WMS this states that meeting our energy goals should not be used to justify the unnecessary use of high quality agricultural land. It states that any proposal for a solar farm involving BMV agricultural land needs to be justified by the most compelling evidence.

6.3.7 The mix of grades of agricultural land quality across the site is not uncharacteristic of the wider area. In terms of the site itself the different grades are spread across the site, as shown on the plan below.



6.3.8 The applicant advises that at present 63% of the site is used as ranging area for the poultry associated with the egg-laying business. The remainder, i.e. 37%, is used for arable land. Whilst the part of the site which is BMV agricultural land would be capable of being used for arable crop growing, officers recognise that at present the majority of it is not being used for this purpose, and instead is being used for

ranging by chickens. The ranging area is as shown on the plan below, and this confirms that this area includes a large proportion of the BMV agricultural land at the site. It is expected that this would continue to be the case due to the ranging requirements of the egg production business, and the established nature of the business.



- 6.3.9 As noted above, national planning policy states that the economic and other benefits of the best and most versatile (BMV) agricultural land should be taken into account in planning decisions, and expresses a preference for the use of poorer quality agricultural and over that of higher quality. In relation to the main considerations as set out in national planning guidance, these are discussed below.
- Whether the use of agricultural land has been shown to be necessary;
  - Whether poorer quality land has been used in preference to higher quality land; and
  - Whether the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

- 6.3.10 Whether the use of agricultural land has been shown to be necessary: As noted above, Officers consider that ground-mounted solar farms are supported in principle under national and Development Plan policy as a means of contributing towards targets to reduce carbon emissions and increase the use of renewable energy sources. Opportunities to site such developments on non-agricultural land will be limited due to the paucity of such sites. Whilst the use of non-agricultural land for solar farms would be supported in principle as well, Officers consider that

the use of agricultural land for solar farms is justified in principle.

- 6.3.11 Whether poorer quality land has been used in preference to higher quality land:  
The application states that the key site suitability requirement for solar farms is access to the local electricity distribution network. This is reflected in the comments of the Council's Climate Change Taskforce who have highlighted that opportunities for solar farms to obtain a connection to the national grid are very limited and are unlikely to improve. They have advised that this 'significantly restricts' where solar farms can be located. The availability of a grid connection with suitable capacity and which is located within a financially viable distance from the site is a significant factor in the site selection process. The current proposal has the offer of a connection to the Hortonwood substation to the south of the site. Agricultural land quality within this vicinity is of a similar mix to that found at the application site. Within the site itself, it is noted that both the higher quality and the poorer quality land is proposed for the solar farm. Therefore this consideration has not been met.
- 6.3.12 Whether the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. It is proposed that the site would continue to be used for agriculture following construction of the solar farm. Part of the site would continue to be used as the ranging area for poultry, and this area and the remainder of the site would be used for sheep grazing. In addition the proposal would result in significant biodiversity improvements through the conversion of existing arable land to grassland using a meadow seed mix. This consideration would therefore be met.
- 6.3.13 The above considerations are discussed further in the planning balance section below.
- 6.4 Siting, scale and design; and impact on landscape character**
- 6.4.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also 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.
- 6.4.2 The application site is relatively flat. A number of poultry units and associated buildings occupy the central part of the site, situated on the hardstanding of a former runway that passes through this section. Beyond the site boundary are large agricultural warehouse and hangar buildings. There is a tree and shrub belt which runs along the southern boundary of the site for a length of approximately 600 metres, beyond which is the village of Eaton-upon-Tern. There are a number of private access tracks which pass through and around the southern and eastern boundaries of the site. These provide access to farmland and buildings on the former airfield.
- 6.4.3 A Landscape and Visual Impact Assessment (LVIA), undertaken by a Chartered Landscape Architect, has been submitted with the planning application. This has



assessed the likely impact of the proposals both immediately following the construction of the solar farm and also after 3-5 years once the landscape mitigation planting has developed. This mitigation proposes the planting of approximately 0.6 hectare of native trees and shrubs and 2.5km of native species hedgerow around sections of the site's perimeter; and grass and wildflower seeding. The Council's landscape consultant has reviewed the LVIA and considers that it is clear, proportionate and compliant with best practice. They consider that the findings of the LVIA are 'reliable and can be supported'.

- 6.4.4 Landscape effects: The LVIA states that after 3-5 years following landscape mitigation planting the effects on landscape elements and character would range between 'slight adverse' and 'slight beneficial'.
- 6.4.5 Visual receptors: The LVIA has assessed the effects of the development on visual receptors, which include users of the public rights of way, the highway network, and residents in the surrounding area. It takes into account the significant additional landscape screening being proposed as part of the mitigation plan referred to above. Of note, it states that there would be 'moderate adverse' effects on some visual receptors. Mostly, these effects would all reduce to 'negligible' or 'slight adverse' once the mitigation planting has developed. The exception is the path that runs through the central part of the site. However it should be noted that it is proposed that this path is diverted so that it would run around the southern side of the site.
- 6.4.6 In terms of the nearest residential receptors which are to the south-west of the site, the LVIA acknowledges that some residents are likely to obtain filtered views, particularly in winter, of the boundary fence and the first rows of panels. These views would be at a distance of approximately 100 metres.
- 6.4.7 The LVIA concludes that no significant landscape or visual effects, or cumulative effects, have been identified. The Council's landscape consultant considers that the mitigation proposals are appropriate and that the proposals comply with relevant Development Plan policies. Officers consider that, subject to the imposition of conditions regarding submission of a detailed landscaping scheme, the proposed development would not result in significant impacts on the landscape or on visual amenity.
- 6.4.8 Connection to substation: The solar farm would connect to the Hortonwood substation which is located to the south of the site. This element of the scheme is not included in the planning application however the applicant has confirmed that these cabling works would be underground. If such works require planning permission then a separate application would need to be made for this.
- 6.4.9 Trees and hedgerow: The proposal would involve the removal 18 trees from within the site. The Arboricultural Appraisal has identified that these are young to semi-mature self-set trees of category C, i.e. of low quality and value. The Council's Tree officer has confirmed that no protected or important amenity trees would be removed, and has advised that the arboricultural impact of the proposed

development is low. These trees are self-set and were not planted for any ammonia mitigation purposes in relation to the egg-laying units, and their loss would not contravene any planning requirements. It is considered that the proposed landscape mitigation measures, which include the planting of approximately 0.6 hectare of new trees and approximately 2.5km of hedgerow, more than compensates for the tree removal.

## **6.5 Historic environment considerations**

6.5.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 require that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting. The NPPF advises that a balanced judgement will be required in considering impacts on non-designated heritage assets, having regard to the scale of any harm or loss and the its significance.

6.5.2 Built heritage: A Heritage Impact Assessment (HIA) has been carried out as part of the planning application. The HIA identifies that the site forms part of the former RAF Childs Ercall/RAF Peplow which is considered to be a non-designated heritage asset. It considers however that there has been a loss of significance of the asset due to the loss of the function of the airfield and the fragmentation of the site. The nearest designated heritage assets are a pair of Grade II listed buildings within Eaton-upon-Tern which are more than 300 metres to the south-west of the site. Potential impacts on this and other listed buildings in the wider area have been included in the HIA. The HIA concludes that the proposed development across the majority of the site would result in no change in views from the heritage assets due to a general lack of inter-visibility, as a result of local topography, sparsity of development, and distance.

6.5.3 The Council's Conservation Officer considers that the existing boundary hedgerows and trees and the proposed mitigation planting is sufficient to ensure that no harm would be caused to the heritage assets, and has raised no objection to the proposals.

6.5.4 Archaeology: The Council's Archaeology team consider that the site is likely to have low archaeological potential and have recommended that a condition is imposed to require that a programme of archaeological work is undertaken. This is included in Appendix 1 below.

## **6.6 Residential and local amenity considerations**

6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity.

6.6.2 Noise: It is not anticipated that the solar farm would result in adverse levels of noise for local land users or at residential properties in the local area, particularly given the nature of the proposals. Nevertheless the conditions recommended by

the Council's Regulatory Services team to minimise noise and disturbance during the construction phase can be imposed should permission be granted. Additional controls during the construction phase are included in the Construction Traffic Management Plan.

- 6.6.3 Glint and glare: Solar panels have the potential to create glint and glare from reflection of the sun or the sky. A glint and glare assessment has been undertaken as part of the application, by environmental consultants Neo Environmental. This has considered ground-based receptors within 1km of the site and a 30km study area for aviation receptors. It is noted that the Ministry of Defence has raised no objections in relation to the impact of the proposals on the safeguarding zone surrounding RAF Shawbury.
- 6.6.4 For residential receptors the assessment is based upon an observer height of 2 metres, i.e. a typical height for a ground-floor window. Officers consider that this is standard for these types of assessment as this would typically relate to the most occupied floor throughout the day, i.e. when impacts may be more likely. The report states that there would be 'high' glint and glare impacts at three dwellings and 'low' impacts at four, with none at the other twelve. It also predicts that there would be 'high' impacts at three of the thirteen road receptors that were assessed. No impact on trains or aviation assets is predicted. The report states that, for static receptors such as houses, a 'high' impact is one where there would be solar reflection of over 30 minutes per day.
- 6.6.5 The report sets out the assumptions that have been made in the assessment. These include an assumption that there would be clear skies at all times, and the assessment does not take into account effects such as cloud cover, etc. which may screen the sun. As a result of this, the report suggests that the assessment overestimates the number of minutes of glint and glare that are possible at each receptor, and presents a worst-case scenario.
- 6.6.6 To address these impacts the report states that mitigation measures are required. These include the planting of hedgerows along the western, southern and eastern boundaries of the proposed development; and the management of these to a height of at least 3-4 metres. This planting is included on the submitted Landscape Mitigation Plan. With this mitigation in place the report states that glint and glare impacts would reduce to 'none'.
- 6.6.7 Officers do not have any evidence to dispute the methodology or findings of the glint and glare assessment, and consider that the mitigation measures put forward would satisfactorily address potential impacts once the planting has established. However, until the landscaping has taken effect there would be expected to be an impact on some receptors from glint and glare. This would be for a relatively short period of time, however in order to minimise this period it is considered that the mitigation planting should be put in place at the earliest opportunity, prior to the commencement of construction works. A condition to require this is included in Appendix 1.

- 6.6.8 Health risks: Concerns have been raised through public representations regarding the health risks of solar farms. There is no information in national planning policy or guidance to suggest that this should be a particular consideration in solar farms application, and no evidence has been put forward that the proposal would result in adverse health risks.
- 6.6.9 Decommissioning: Planning Practice Guidance on renewable energy recognises that solar farms are normally temporary structures and that 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 (para. 013). A condition can be included on the decision notice if permission is granted to require that the panels are removed at the end of the temporary 40 year period and that the land is restored in accordance with a decommissioning and site reinstatement scheme to be approved.
- 6.7 Highways, access and public rights of way considerations**
- 6.7.1 Core Strategy policy CS6 requires that development is designed to be safe. The NPPF seeks to ensure that safe and suitable access can be achieved and that any significant impacts on the transport network can be cost effectively mitigated.
- 6.7.2 Traffic, access and routing: During the operational phase, i.e. once the solar farm has been constructed, any maintenance vehicles would enter the site via the same access as that used for the poultry units and utilise the same internal track. It is considered that this track is suitable for this use. Traffic to the site during the operational stage would number approximately 12 per year by van and 4x4 type vehicles as part of ongoing maintenance. In addition to this there would be a maximum of three HGVs to the site per annum, i.e. 6 movements, associated with panel cleaning. These would comprise two water delivery tankers and a HGV to transport tractors to tow the water containers. It is not considered that the access arrangements or type and level of operational traffic raise any significant concerns.
- 6.7.3 The construction phase would last approximately 8 months. Deliveries would be made by HGVs including articulated vehicles. The submitted Transport Statement estimates that there would be an average of 4.3 two-way HGV movement per day, with a peak of 6 two-way movements during the middle phase of the programme. It is proposed that construction traffic would enter the site via an existing access point from the Newport Road to the north. They would then utilise an existing track which runs along the eastern and southern sides of the former airfield. This is considered to be appropriate for use. A traffic routing plan has been submitted to confirm that construction traffic would not pass through Childs Ercall or Eaton-upon-Tern. Officers consider that a routing arrangement would be beneficial in order to minimise the potential highways impacts and local disturbance from construction vehicles passing through these villages. It is considered it would be appropriate for a planning condition to be imposed to require that details of how construction traffic would be managed so that it avoids Childs Ercall and Eaton-upon-Tern is submitted for approval. This routing plan should include details of how all construction delivery drivers will be informed of the approved route; and the signage to be erected at appropriate places notifying drivers of the route to be taken and/or not to be taken. A recommended condition is included in Appendix 1. It is considered

that this would be a proportionate mechanism for managing construction traffic routing taking into account the limited maximum daily HGV levels and the temporary nature of the construction phase. No objections have been raised by the Council's highways team and officers consider that the access and routing arrangements are satisfactory subject to conditions.

6.7.4 Public rights of way: As noted above, there are two public rights of way which cross the site. As submitted the proposed development would prevent the use of these paths. However these are not through routes and they terminate within the site. The proposal does not propose to accommodate the paths within the layout. Instead it is proposed that an application to formally divert these paths is made so that they can connect with other public rights of way in the area. This would improve the rights of way network in this area. The planning case officer considers that this is a benefit of the scheme. Nevertheless it is acknowledged that the diversion of the rights of way would be a separate process which would need to be pursued separately to the current planning application. An informative note can be added to the decision notice to advise that the public rights of way need to remain open for use until such time as they are diverted. Irrespective of this, in order to ensure that the alternative path route is provided as proposed, a condition can be imposed to require that this new path is provided as a minimum as a permissive path. The Council's Rights of Way team had not provided any comments on this aspect of the proposals at the time of writing this report, and any comments that they offer will be reported to Members.

## 6.8 Ecology issues

6.8.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policies MD2 and MD12 require that development enhances, incorporates or restores natural assets. Para. 174 of the NPPF states that development should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

6.8.2 The application is supported by an ecological report which includes the findings of an extended phase 1 survey. The Council's ecologist has confirmed that the level of survey work is appropriate.

6.8.3 Protected species: The ecological report notes that the likelihood of encountering Great Crested Newt is very low given the distance from the nearest ponds, sub-optimal habitat, lack of local records, and partial barriers. The report states that no evidence of other protected species was identified. It concludes that no significant impacts upon protected species are likely.

6.8.4 Biodiversity implications: The application site comprises pasture land, arable land and hardstanding which has relatively low ecological value. The proposed removal of the self-set trees from within the site would be offset by new tree and hedgerow planting. The application includes a Biodiversity Net Gain assessment, based on Natural England's guidance, to compare the site's existing ecological interest with

what would be created as part of the proposals. Once the relevant provisions of the Environment Act 2021 become law, which is expected to be later this year, planning applications will be required to include a 10% net gain in biodiversity. The solar farm proposal would result in 18 hectares of 'low' condition arable land being converted to 'good' condition grassland. In addition, woodland blocks would be planted around the site's perimeter. These ecological enhancements would result in a 27.2% increase in biodiversity, i.e. significantly more than would be required under the Environment Act. As a result of the planting of 2.45km of new hedgerow there would also be a more than 100% increase in linear features compared to the present. It is considered that these ecological enhancements represent a significant benefit of the proposal.

- 6.8.5 The Council's ecologist has raised no concerns with the proposals and the conditions that have been recommended, which include the requirement to provide bat and bird boxes, obtain prior approval to any external lighting, and adherence to the Biodiversity and Agricultural Management Strategy, can be added to the decision notice if permission is granted. Subject to this it is considered that the proposed development complies with those policies referred to above.

## **6.9 Flood risk, drainage and contamination considerations**

- 6.9.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. SAMDev Plan policy MD2 requires that developments incorporate sustainable drainage techniques into site design.

- 6.9.2 The application includes a Flood Risk Assessment (FRA) as the site area is greater than 1 hectare. The majority of the site lies within Flood Zone 1 (low risk). A small area at the eastern side of the site lies within Flood Zones 2 (medium risk) and 3 (high risk). The proposed buildings would not be located within these latter two zones, and the presence of the panels would not affect flood storage capacity given that they would be above flood levels. The Drainage Strategy advises that the internal access roads would be constructed using permeable materials. The Council's drainage team raise no objections to the proposal.

- 6.9.3 The Council's Environmental Protection team has identified that part of the site where the substation would be sited has been used for the storage of a fuel tank. They have noted that the site overlays a principal aquifer which is particularly vulnerable to the presence of contamination. They advise that further assessment of contaminant risks is required and that it is appropriate for this to be dealt with via a planning condition which would require that a site investigation report is submitted for approval as part of a wider remediation strategy if required.

- 6.9.4 Public representations regarding potential contamination of groundwater and private water supplies from runoff from cleaning of panels are noted. The panels would be washed using de-mineralised water, with no chemicals, and therefore there would be no risk of contamination of groundwater.

## **6.10 Other matters**

- 6.10.1 In relation to other matters raised through public representations:

- Ecological Focus Areas relate to a scheme run by Defra to require that arable land includes areas beneficial to the climate and the environment; this scheme is separate to the planning regime, however it should be noted that the current application would provide a 27.2% increase in biodiversity
- The loss of land which may be required for emergency landing of balloons or helicopters is not considered to be a significant concern; other open land surrounds the site
- The applicant has confirmed that the developers will be offering a Community Benefit to Stoke-upon-Tern and Childs Ercall Parish Councils comprising a one-off payment; this payment is being offered separately to the planning application; officers do not consider that it constitutes a material planning consideration in favour of the proposal, and would advise that Members should give it no weight in their consideration of this application

## **7.0 Planning balance and conclusion**

- 7.1 The proposed solar farm at the former airfield at Eaton-upon-Tern would generate renewable electricity and provide an important contribution towards reducing carbon emissions which is fully in tune with national government planning policy and Development Plan policy, and wider objectives. The proposed development includes a substantial landscaping scheme. This would more than compensate for the proposed loss of some trees from the site. A condition can be imposed to require that hedgerow planting is undertaken prior to the commencement of construction works, and it is considered that this would provide appropriate mitigation for any potential impacts from glint and glare and ensure that there would be no harm to heritage assets. The planting and other works would also provide a biodiversity net gain at the site of 27.2% which should be given significant weight.
- 7.2 The proposal would be significant in size however given the topography of the site, existing and proposed landscaping, and its siting in relation to sensitive receptors, it is not considered that it would have significant adverse impacts on the landscape or on visual amenity. Vehicle numbers during the operational phase would not be significant, and impacts on the highway network during the construction phase can be satisfactorily controlled through a Construction Traffic Management Plan and routing plan. The proposal would improve connectivity of the public paths network by linking up paths where at present there are dead ends. Issues relating to potential impacts from contamination in relation to the use of part of the site for fuel tank storage can be addressed by planning condition, and the cleaning of panels does not pose significant risks to groundwater pollution as it would be carried out using de-mineralised water.
- 7.3 The majority of the proposed development would be located on BMV agricultural land and would result in the loss of approximately 18 hectares of arable land for the 40 year duration of the solar farm. This is a negative aspect of the scheme. However whilst there is a preference under national planning guidance for solar farms to use poorer quality land, this is not a policy requirement. Members should note that planning permissions elsewhere in the county for solar farms have involved substantial areas of BMV land. The NPPF states that the economic and other benefits of the best and most versatile (BMV) agricultural land should be

taken into account in planning decisions. Officers consider that the fact that at present approximately two thirds of the BMV agricultural land at the site is not being used for arable cropping is a relevant factor, particularly when weighing up these 'economic' benefits. In addition the fact that the proposal would not impact on the existing egg-production unit as its required ranging area would be able to co-exist with the solar panels is a benefit of the proposal. Officers consider that the temporary loss of availability of some BMV agricultural land is outweighed by the benefits of providing significant renewable energy and improving biodiversity at the site.

7.4 Overall and on balance, officers consider that the benefits of the solar outweigh its impacts. The proposal is an acceptable use of land and is in line with Development Plan policy. It is recommended that planning permission is granted subject to the conditions set out in Appendix 1 below.

## 8. Risk Assessment and Opportunities Appraisal

### 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 - written representations, a hearing or inquiry.
- The decision is 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 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.

### 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.

### 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 1990.

## 9. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS8 - Facilities, Services and Infrastructure Provision  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD12 - Natural Environment  
MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

NS/05/00317/FUL Erection of unit (No. 2) for free range egg production CONAPP 25th May 2005  
NS/05/00318/FUL Erection of unit (No.3) for free range egg production CONAPP 25th May 2005  
NS/05/00319/FUL Erection of unit (No.1) for free range egg production CONAPP 25th May 2005  
NS/05/00320/FUL Erection of mobile home for temporary period in connection with egg

production units CONAPP 25th May 2005

NS/05/01787/FUL Relocation of previously approved 12000 bird free range egg production unit amendment to ref: N/05/228/ST/564 CONAPP 7th November 2005

09/01940/AGR Prior Notification for the erection of one agricultural implement shed PPNREQ 7th August 2009

09/02268/COU Change of Use of former airfield land to form dog agility training area; erection of storage shed GRANT 30th December 2009

10/01350/OUT Outline application for the erection of an agricultural workers dwelling to include means of access WDN 29th June 2010

PREAPP/20/00484 Proposed installation of a solar farm and associated infrastructure PREAMD 21st January 2021

21/01594/SCR Proposed screening opinion for the installation of a solar farm and associated infrastructure EAN 26th October 2021

22/04154/AGR Agricultural shed PNR 5th October 2022

#### 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RALNGMTDN4K00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
Local Members Cllr Paul Gill Cllr Rob Gittins
Appendices APPENDIX 1 - Conditions

## **APPENDIX 1 - Conditions**

### **STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

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

Reason: The site is known to hold archaeological interest.

4. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance - Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority before development commences.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

5. (a) 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. This shall follow the concept given in the Landscape Mitigation Plan and the Landscape, Biodiversity and Agricultural Management Strategy approved as part of this planning consent. The details shall include: plant species, sizes, numbers and densities, method of cultivation and planting; and maintenance regime. This is for all grassed areas, tree, shrub, and hedgerow planting. Other than in relation to the hedgerow mitigation planting, the timing of which is specified in (c) below, the submitted scheme shall include details of the timetable for completion of the landscaping.

(b) Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

(c) No development shall take place until the hedgerow mitigation planting approved under the soft landscape scheme has been completed.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in accordance with planning policy; to provide mitigation against glint and glare; and to avoid harm to heritage assets.

6. No development shall take place until details of the external materials and colour of all buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

7. No development shall take place until full details of the HV substation have been submitted to and approved in writing by the local planning authority. The substation shall be construction in accordance with the approved details.

Reason: To ensure a satisfactory appearance for the substation, final details of which have not been provided.

8. No development hereby permitted shall be commenced until a construction traffic routing scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme shall set out procedures and mechanisms to ensure that construction traffic avoids passing through both Childs Ercall and Eaton-upon-Tern, and shall include as necessary:

- details of the approved routing plan for construction vehicles, based upon drawing no. SA40866-BRY-XX-A-0001\_B (Proposed Access Route);
- details of how delivery drivers and their respective employer will be given prior notification of the approved routing plan which is to be adhered to at all times;
- details and location of temporary signage notifying construction vehicle drivers of the approved route and the route which is to be avoided;
- details of a recording system to ensure that the route taken to and from the site for each vehicle is recorded;
- details of a mechanism to ensure that breaches of the routing plan are reported to the driver and their respective employer;
- details of how infringements would be dealt with to prevent recurrence.

Records of the route taken by each delivery driver and the action taken on infringements shall be made available to the local planning authority for inspection upon request at all times.

The approved scheme shall be adhered to at all times.

Reason: To ensure the appropriate routing of construction traffic on the local highway network and in the interests of highway safety.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

9. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fences shall be erected prior to commencing any approved development related activities on site, including ground levelling, 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 LPA.

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

10. Prior to the commencement of the development a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the LA a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

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

11. (a) Unless part (b) of this condition applies, the development hereby permitted shall not

be brought into use until the path as shown on the Landscape Mitigation Plan no. 3081-001C as 'proposed permissive footpath' has been provided and is available for use as a footpath with a minimum width of 2 metres. The path shall thereafter be kept open and available for use as a permissive footpath for the general public for the lifetime of the development.

(b) Part (a) of this condition shall not have effect at any time that the general route of the proposed path as shown on plan no. 3081-001C, forms part of the definitive rights of way network.

Reason: To ensure that the proposed path which is intended to improve connectivity in the area remains available for use at all times.

12. Prior to first use of the site, 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 suitable mature trees on the site:

- A minimum of 4 Schwegler 2F bat boxes.

- A minimum of 4 Schwegler 1B nest boxes (with 32mm entrance hole).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

## **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

14. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Biodiversity & Agricultural Management Strategy (Salopian Consultancy, May 2022).

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

15. The development shall be undertaken in accordance with the Construction Traffic Management Plan which is included within the submitted Transport Statement dated August 2022, ref. SA40866\_TS1\_Issue 2.0.

Reason: To minimise adverse impacts on the highway network and local land users.

16. The construction of the solar farm shall not commence until the passing place as shown

on drawing no. SA40866 BRY 0002 (Site Access) has been completed.

Reason: To avoid congestion on the public highway.

17. No machinery shall be operated or delivery vehicles permitted on the premises before 0700 or after 1900 on weekdays nor before 0800 or after 1300 on Saturdays and not at any time on Sundays or Bank Holidays.

Reason: To minimise adverse impacts on local amenity

18. Airborne dust from construction or demolition operations on the site shall be minimised by spraying with water or by carrying out other such works that may be necessary to suppress dust.

Reason: To minimise adverse impacts on local amenity.

19. Panels and other buildings and structures hereby permitted shall not be cleaned other than with de-mineralised water.

Reason: To avoid the risk of contamination of groundwater.

20. (a) Within one week of the date of first export of electricity, written notice of the date of first export shall be given to the local planning authority.

(b) Electricity generation at the site shall cease no later than the 40th anniversary of the date of first export.

(c) Not less than 6 months before the 40th anniversary of the date of first export, or within 12 months of the cessation of electricity generation at the site, whichever is the sooner, a decommissioning and site restoration scheme shall be submitted to the local planning authority for approval. The submitted scheme shall include details of timescales for decommissioning and site restoration, and shall be implemented in accordance with the approved details.

Reason: To define the temporary period of the development and ensure that the land is satisfactorily reinstated following cessation and/or planned design life to enhance the landscape and visual character of the area.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this

permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

### 3. Bats and trees informative

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to either of the hybrid black poplars (labelled T38 & T40 in the Preliminary Ecological Appraisal (Salopian Consultancy, February 2022) be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

### Nesting birds informative

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/or 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. No clearance works can take place with 5m of an active nest.

### General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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.

#### 4. Landscaping

The submitted landscaping scheme should consider the location of the proposed hedgerow planted in the shade of the existing tree belt (which separates the site from Eaton upon Tern). A standoff to allow enough light for successful establishment is likely to be necessary.