

AGENDA ITEM



Committee and date

Southern Planning Committee

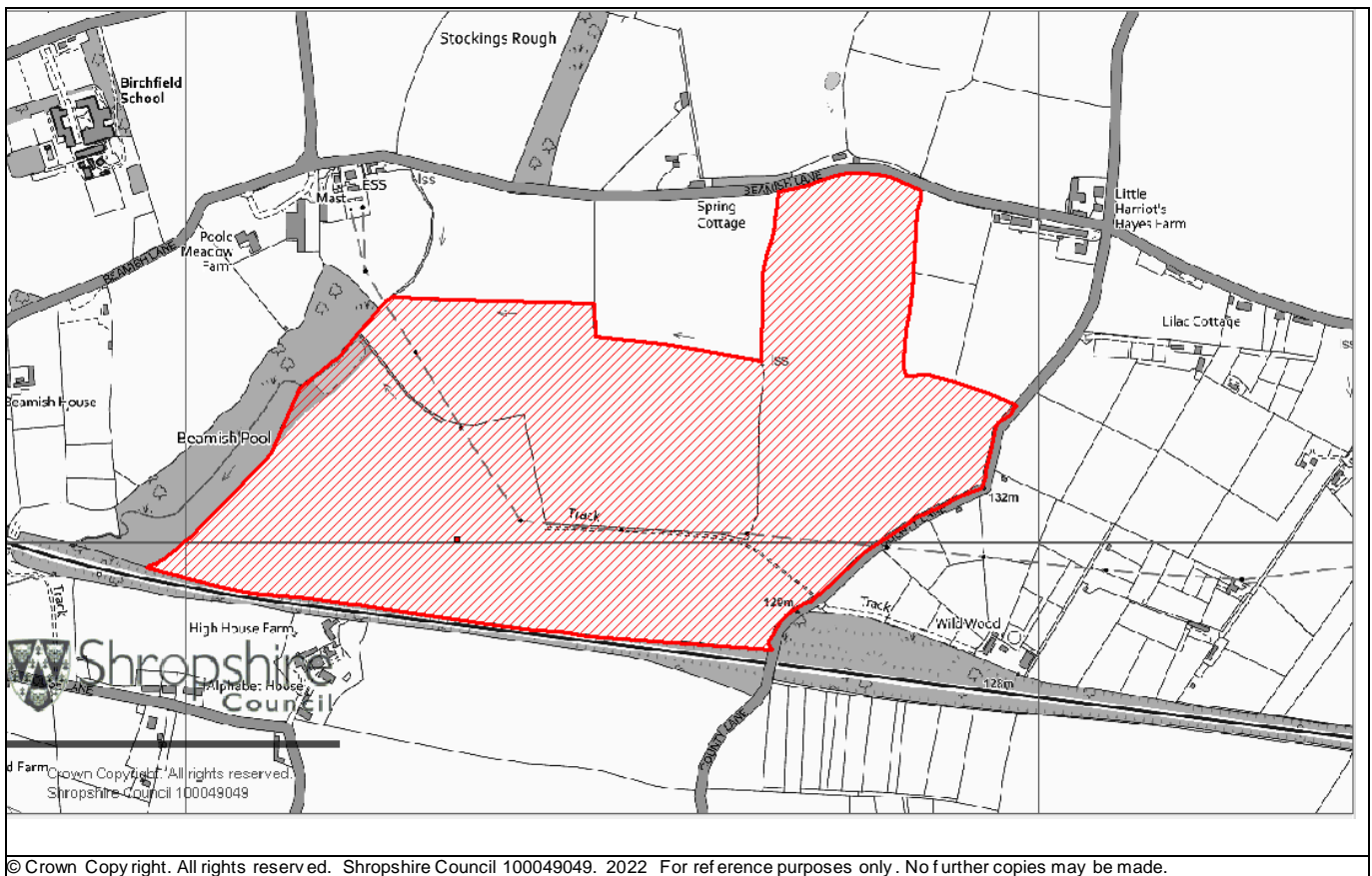
14th March 2023

Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/01816/FUL	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Erection of a solar generating facility (solar farm) with a capacity of up to 16 Megawatts, comprising of ground mounted solar photovoltaic (PV) panels, a battery storage facility, erection of a 2.5m high security fence up to 2.5m high, erection of up to no.19 CCTV Poles with a maximum height from ground level of 3m and associated infrastructure		
<u>Site Address:</u> Land to the West of County Lane Albrighton Shropshire		
<u>Applicant:</u> Boulton Brooks (Renewables County Lane) Ltd		
<u>Case Officer:</u> Rachael Evans	<u>email:</u>	rachael.evans.planning@shropshire.gov.uk
<u>Grid Ref:</u> 383317 - 304005		



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

REPORT

1.0 THE PROPOSAL

1.1 This application is for a solar generating facility (solar farm) with a capacity of up to 16 Megawatts, comprising ground mounted solar photovoltaic (PV) panels, a battery storage facility, erection of security fence of up to 2.5m high, erection of up to no.19 CCTV Poles with a maximum height from ground level of 3m and associated infrastructure including:

- Underground cabling
- Client switchroom
- Storage containers
- Distributer Network Operation (DNO) substation
- Transformer
- Inverter stations
- CCTV cameras

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- Construction compound
- Landscape and Biodiversity enhancement areas

- 1.2 Fully built out and operational, the solar farm would meet the energy needs of approximately 5300 homes in the district. Owing to the amount of energy produced, the development would result in a reduction of approximately 3600 tonnes of CO₂. Construction works are anticipated to take around 6 months. The site would have an operational life of up to 40 years, after which, the solar farm would be decommissioned, and the Land reinstated. The DNO substation would be retained on site in perpetuity.
- 1.3 The solar farm would consist of ground mounted solar panels fixed to an aluminium substructure which would be driven into the ground between 0.8m and 2m in depth. The solar panels would have a maximum height of 2.65m from the adjacent ground level. The aluminium racks which the panels would be mounted on would be laid out in multiple rows running north – south across various field enclosures. The distance between the mounted panels will be dictated by the topography of the land however, a typical distance would be 4.5m between each of the arrays. The panels would be orientated to face the south on a 25-degree angle.
- 1.4 Under Ground Cabling – Underground cabling would be placed around the site connecting the development to the electricity substation to the north-west of the site. The cable trench would be between 0.5m – 1.1m in depth and approximately 0.5m wide. The insulated DC cables from the solar panels (or modules as they are known) would be routed in channels fixed on the underside of the aluminium framework. The trench may also carry earthing and communication cables. The trenches would be backfilled with sand and excavated material to the original ground level.
- 1.5 Batteries – The battery storage facility would be located within the southeast corner of the site. The batteries would be stored within shipping containers. Each battery unit would be made up of a number of battery racks which would have their own battery management system. No.2 Shipping Containers are proposed to store the batteries. Each container would be approximately 12m long, 2.7m wide and 3m high and would sit on beams to enable easy transportation on and off site. Located behind each container would be no.2 transformers (4 in total). The proposed storage container would be approximately 6m long and 2.4m wide and would have a height of approximately 3m. The storage container would be sited on beams for easy manoeuvring on and off site.
- 1.6 Inverters - No. 6 Invertors would be located around the site. The transformers and associated invertors would convert the direct current (DC) energy produced by the panels into alternating current (AC) energy. The AC cables would be laid in the trenches and would run directly to the Albrighton substation.
- 1.7 DNO Containerised Substation /Substation – The substations would be containerised and located within the south east of the site and would be approximately 10m long,

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Land To The West Of

3.5m wide and approximately 4m high. The substation would be set on a compacted / hard core base.

1.8 Security Fencing and Gates– A security fence akin to that of an Agricultural Style fence of approximately 2.5m high would be erected around the panels to prevent unauthorised access into the site. The fence would be weld mesh, coated green. The fencing would contain gaps at the base to allow small mammals passage across the site. Gates to the site would be installed at the access which would be located off County Lane. The gates would be the same height and colour as the security fencing and of similar design.

1.9 CCTV Poles and Satellite Dish – No. 19 CCTV poles are proposed to be erected within the site adjacent to the security fencing. The poles are proposed to be a maximum height of 3m. No lighting is proposed around the site.

1.10 Construction and Operation Period - It is anticipated that the construction of the solar farm would take approximately 3 months. The facility would be unmanned, being remotely operated and monitored. Operational access would only require about one trip by a small van or pick-up truck a month for maintenance and cleaning.

1.11 Mitigation Measures and Enhancements – Key landscaping proposals include:

- Planting of a new native hedgerow between the security fence and railway line towards the south of the site of approximately 30.06ha,
- Orchard planting of approximately 3.34ha
- Planting of a new native hedgerow and woodland planting with understory shrub planting between the security fence and County Lane towards the east of the site,
- Existing hedgerow to be thickened with new native hedgerow planting along the northern boundary adjacent to the security fence,
- Retaining existing trees, hedgerow (and field margins in general) within and adjacent to the site,
- Sow a wildflower meadow outside the security fencing of approximately 4.4ha,
- A delivery of 99.12% Biodiversity Net Gain on site and a 239.90% gain in hedgerow units.

Drainage - The site is within Flood zone 1. No formal drainage system is proposed

1.12 Decommissioning - The solar farm would be decommissioned, and the site fully restored at the end of the 40-year operational lifespan. The decommissioning process would take approximately three to six months with the land restored to its 'normal' agricultural use.

1.13

1.14 Community benefits: Whilst not forming an integral part of the current application the applicant is in discussion with members of the community and is committed to provide

a community benefit fund for use by the local community for the operational period of the development.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is approximately 30.06ha and comprises agricultural land, made up of 3 adjacent field parcels. No.2 33KV and No.1 11KV overhead lines cross the site.

2.2

A section of the northern boundary of the site is adjacent to Beamish Lane opposite which lies an isolated dwelling, Spring Cottage, a non-designated heritage asset. Beyond the remaining northern boundary of the site are field parcels, beyond which lies Beamish Lane. The remaining northern boundary of the site is set back from Beamish Lane by between 42m and 57m.

2.3

A small cluster of buildings are located to the north west of the site. The closest building, Poole Meadow Farm, is approximately 32m from the site boundary. Amongst the small cluster of buildings is an electricity substation and mast.

2.4

To the west of the site is a mature woodland and Beamish Pool (a waterbody), beyond which lies countryside. A railway line running in an east to west direction bounds the site to the south beyond which is countryside. To the south east / east of the site is County Lane. Beyond County Lane, there are a number of isolated dwellings and businesses set within countryside. Vehicular access into the site is proposed from County Lane; opposite an existing site access which serves Wildwood Alpaca farm. A residential dwelling, The Wood, is sited approximately 180m from the nearest point on the eastern boundary of the application site.

2.5

The site is not subject to any statutory designations but is located within the green belt. There are no listed buildings or structures on the application site however, Beamish Farm House, Beamish Lane is a Grade II Listed Building located to the south west of the site and High House Farm, High House Lane is Grade II Listed and Oaken Park Farm, Grade II listed are located to the south of the site, beyond the railway line. Little Harriot Heyes Farm and Spring Cottage, located to the north and north east of the application site are considered to be non-designated heritage assets.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 A copy of the full representations received can be found on the Council's public access website.

4.2 Consultee Comment

Shropshire Council Climate Change Taskforce – 28th July 2022

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
- Greater energy security
- Green growth

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:

- Support Clean and Inclusive Growth:
- Work with others
- Influencing the behaviour of others

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.

It's noted that the developer refers to Shropshire Council's own pledge of achieving net-zero carbon performance across Shropshire by 2030. It's recognised by the Climate Task Force that the development would contribute 16MW towards the approximate total of 5,000MW required to make the county self-sufficient in renewable energy. According to Zero Carbon Shropshire, approximately 2,000MW equates to a carbon saving of approximately 400ktCO₂, if applying this to 16MW then an approximate carbon saving of 3.2ktCO₂ would be expected.

Landscape - Initial Comments 6th June 2022

The methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects, and, with the exception of the approach to the assessment of cumulative effects, has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance.

However, the assessment of landscape effects has not been carried out in accordance with the methodology. In particular we consider that the assessment of landscape character is ill-defined and, at a local/site level, is likely to understate the level of adverse effect, and that the assessment of direct effect on the site's trees scrub and hedgerows under states the potential beneficial effects. Contrary to the methodology, no assessment has been made of landscape value and susceptibility.

We consider that the assessment of visual effects has been undertaken appropriately and in accordance with the methodology.

No assessment has been undertaken of cumulative landscape and visual effects.

The majority of effects are proposed to be adverse into the long term, and only 1 beneficial effect is predicted, although the potential exists for beneficial effects on the trees scrub and hedgerows. Although adverse effects of major and moderate level are predicted into the long term, it should be noted that these effects are limited to close distance to the site, and to locations where the proposed development is visible through gaps in hedges and field openings. Indeed, during the summer months, the dense hedgerows bordering the minor roads in the vicinity of the site mean that its visibility is limited.

The proposals have the potential to comply with Local Plan policies CS6, CS8, CS17, MD2 and MD12, however further information is required in order to demonstrate compliance. The mitigation proposals are appropriate and capable of reducing predicted adverse effects, subject to submission of details on specification and aftercare.

We recommend that, prior to the determination of the application, the LVIA be modified so that:

1. Cumulative landscape and visual effects are assessed
2. Landscape character receptors are defined and assessed at County and Site level
3. Assessments of landscape susceptibility and value are included to evidence the judgements made of sensitivity and overall level of effect
4. The assessment of effect on trees scrub and hedgerows is reviewed

Landscape – Further Comments 23rd January 2023

We have identified a number of differences in the judgements made between the original LVIA and the current revision and having sought clarification from the author of the LVIA, we have reviewed the differences in judgements made. We consider that the assessment of landscape and visual effects, with the exception of viewpoints 1 and 2, have been carried out appropriately in the current LVIA revision, and that the judgements made in the original LVIA for viewpoints 1 and 2 should stand.

An assessment of cumulative landscape and visual effects has been undertaken and, although we disagree with the inclusion of the existing solar farm at Albrighton and

recommend that it be set aside for assessment of cumulative effects, we agree with the assessments made.

The majority of landscape effects are proposed to be adverse/neutral into the long term, although beneficial effects are predicted on the site's vegetation. Beneficial effects on the site's trees, scrub and hedgerows will remain in the long term and after decommissioning of the solar farm, although the beneficial effects on the site's landcover have the potential to be removed in the event of the land being returned to intensive agriculture upon decommissioning.

No beneficial visual effects are predicted, with some remaining as major and moderate adverse into the long term. We disagree with the downgrading of levels of adversity for Viewpoints 1 and 2 and consider that the judgements made in the original LVIA should remain. However, it should be noted that the most adverse visual effects are limited to close distance to the site, and to locations where the proposed development is visible through gaps in hedges and field openings. Indeed, during the summer months, the dense hedgerows bordering the minor roads in the vicinity of the site mean that its visibility is limited. Section 9.13 in the LVIA conclusions notes that the development would result in limited long-term unacceptable visual effects whilst delivering long-term landscape benefits and we would agree with this summary.

The proposals comply with Local Plan policies CS6, CS8, CS17, MD2 and MD12, however we believe that very special circumstances will need to be demonstrated for compliance with national and local Green Belt policy given that the proposals will have an adverse impact on the openness of the Green Belt.

The mitigation proposals are appropriate and capable of reducing predicted adverse effects, subject to submission of details on specification and aftercare.

The recommendations in our June 2022 review have been adequately addressed.

No Objection subject to conditions.

Further Comments - 16th February 2023

An updated layout/landscaping plan was submitted by the applicant to include orchard planting within the site. For completeness, an opinion was sought from the Council's landscape consultant. The Council's consultant has made the following comments:

'An amended landscape strategy has been submitted which is not considered in the LVIA, however we consider that the proposed orchard planting in the revised landscape strategy has the potential to increase the level of beneficial effects on landscape elements within the site and reduce the predicted levels of adverse effects on a number of visual receptors to the north and east. As a result, the effects predicted in the LVIA may be seen as a 'worst case' scenario.'

Highways - Initial Comments 9th June 2022

The proposed development is acceptable in principle however there a number of concerns with regard to vehicular movements in particular the construction process. These are as follows:-

- Vehicles movements, once site is operational, are minimal with one vehicle a week. However, the location of parking provision for the vehicles should be provided in the internal site layout.
- Details of visibility splays and Swept Path Analysis has been reviewed.
- Information such as PIC analysis (CRASH Map data provided but no analysis undertaken).
- It is understood construction traffic is 3/4 vehicles a day (7/8 vehicle movements) during 5 month period for 100 weekdays.
- Main Issue is the proposed access is located directly opposite an animal farm and which may be impeded during the construction process. Concern has been raised by the farm owner.
- Applicant should demonstrate how the proposed access will not affect the existing farm access located opposite during the construction process. Swept paths analysis should be reviewed for construction vehicle access.
- Applicant should consider providing mitigation if possible, during the construction process with regard to the existing farm access.
- Alternatively, the applicant should consider relocating the proposed access during the duration of the construction process in order to avoid the existing access to the farm.
- A pre-commencement walk over Condition Survey on the local highway is proposed. This should be provided with consideration of the details above

Further Highway Comments – 7th November 2022

Additional information was submitted by the applicant and further comments were made by the Highway Authority as follows:

The traffic impact is not considered to be severe and the proposed construction traffic (HGV and otherwise) does not result in a severe or detrimental impact on the highway. Shropshire Council as Highway Authority raises no objection to the granting of consent.

However, we would recommend that a revised CEMP is submitted prior to commencement. For the purpose of clarity any submitted plan should include the following measures to manage construction traffic along County Lane, Albrighton; 1. Provision of minibuses to accommodate for staff travel with maximum 40 construction workers forecast (Para 4.2, Chapter 4, CTMP)

2. Provide onsite parking provision to ensure overspill parking does not occur along County Lane. This includes details of construction worker parking and construction compound details (as per email 160922 from Pegasus Consulting). Applicable to visitors of the site also.

3. HGV traffic to follow designated HGV route as prescribed in CTMP as per Figure 2.1 and provision of plan showing location of passing bays (Drawing P20-0558_SK02) to HGV drivers.
4. Due to lack of adequate visibility splays to the south banks person and/or temporary traffic lights will be required to provide visibility for vehicles on approach to the site and exiting the site. This includes mitigation measures such as temporary construction signage and banksmen at the proposed site access (as stated at 3.2, 3.10, 3.18 and 3.19 of the CTMP) are suitable to manage the access with its restricted visibility (as per email 160922 from Pegasus Consulting)
5. Ensure HGVs vehicles do not impose on the access or hinder movements from the farm opposite during the construction process. This can be aided by banksmen with a review undertaken during the Commencement Survey. Additional mitigation should be provided in terms of kerb realignment to the access to reduce impact on access opposite (as per paragraph 3.7 Chapter 3, CTMP).
6. The largest vehicles to access and egress site is 15.4m Articulated Vehicle and access permitted when County Lane is clear from vehicular movements.
7. Ensure construction phase mitigation is provided as per Chapter 3 Construction Phase Mitigation (paragraphs 3.18 -3.22).
8. During operational phase of the solar farm the proposed access to be relocated.
9. As per the Chapter 5 Conclusion of the CTMP a pre-commencement walk-over Condition Survey prior to construction to be submitted to highways department for their approval. As per paragraph 5.1 this will "extent of the survey will be on County Lane between the site access and its junction with the A41 only. This will incorporate photographic record as appropriate. The report will be a stand-alone document submitted to the highways department for their approval."
10. As per Chapter 5 Conclusion a further condition survey at the end of construction activities as per paragraph 5.2 which states "a further Condition Survey with a further photographic record covering the same extents as previously assessed at the end of construction activities, in order to identify and agree any remedial works reasonably attributable to construction activities. A date for this survey will be agreed once construction of the site is complete".
11. If concerns are raised during the construction process a further condition survey maybe requested as an interim condition survey.

Highways – Further Comments received on the 23rd January 2023

Further to discussions held between the Local Highway Authority and applicant's transport consultant, updated comments in regard to the content to be provided within any CEMP.

No objection subject to conditions.

Historic Environment – Archaeology - Initial comments 28th April 2022

We note that a Heritage Desk-Based Assessment (Pegasus Group, December 2021) has been submitted with this application. The assessment concludes that the proposed

development would result in less than substantial harm at the lowest end of this scale to the heritage significance of High House Farmhouse through changes to its setting. The assessment also concludes that the potential for significant unrecorded archaeological remains is low, however this conclusion remains untested as the recommended archaeological evaluation has not been carried out.

In accordance with NPPF Sections 194-195, Policy MD13 of the Shropshire Local Plan, and our pre-application advice for this application, we recommend that an archaeological field evaluation in the form of a geophysical survey should be carried out of the northern part of the proposed development site, and the results submitted with this application. The aim of this field evaluation would be to locate and assess the extent, survival and significance of any archaeological remains within the proposed development site. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. The field evaluation should conform to the Chartered Institute for Archaeologists Standard and Guidance for archaeological field evaluation (2014). The Historic Environment Team, Shropshire Council would be able to provide the applicant with further guidance on how to proceed with carrying out the evaluation.

There should be no determination of this application until the archaeological evaluation has been satisfactorily completed and a report has been submitted to the Local Planning Authority. On the basis of the results of this assessment and field evaluation, further mitigation (to include possibly a programme of archaeological work) may be required.

Updated comments - 3rd November 2022

Further to our comments and recommendations of 28 April 2022, an evaluation of the proposed development site in the form of a geophysical survey has been completed and reported on (Magnitude Surveys, September 2022). It is advised that the Heritage Desk-Based Assessment and evaluation provide a sufficient level of information about the archaeological interest of the proposed development site in relation to the requirements set out in Paragraphs 194-195 of the NPPF.

Historic Environment – Conservation Officer 23rd May 2022

SC Conservation have previously raised concerns over the setting of Oaken Park Farmhouse (grade II listed), where it considered that the proposal would result in 'less than substantial harm' (as defined under paragraph 202 of the NPPF), despite some mitigation measures being in place such as a new hedgerow to the south of the site. The submitted Heritage Impact Assessment (HIA) from Pegasus seems to conclude that the proposal would consist of 'less than substantial harm' on the lesser end of the scale, where the photos show clear intervisibility, as well as taking account of the ZTV plan where there would be visibility of any development that is 3m high to the south of the site.

SC Conservation generally concur with this though it is arguably slightly up the harm scale due to the proximity of the site taking account of intervisibility, as well as potentially affecting the setting of Oaken Park Farmhouse (grade II listed) that lies within the South Staffs District area, where the South Staffs Conservation Officer may have a view on this. Also, a common issue is the impact of the accompanying infrastructure as well as the panels themselves as shown in the proposed substation drawings, fencing, CCTV etc.

In terms of addressing the paragraph 202 (NPPF) balance public benefits have to be identified, where an argument may be made in terms of significant production of clean energy to the national grid and making up the shortfall now that coal generation has gone. SC Conservation have recently been informed of a successful appeal decision in Nottinghamshire (APP/B3030/W/21/3279533), where the inspector whilst identifying 'less than substantial harm' to a grade II* listed building, allowed the appeal on the basis that the provision of renewable energy should be given 'substantial weight' with 'very significant benefits', despite the harm upon setting. Therefore, the decision maker will need to apply appropriate weight of this decision as part of the overall decision-making process.

Ministry of Defence (MOD) – 13th July 2022

The application site occupies the statutory safeguarding zones surrounding DCAE RAF Cosford. In particular, the aerodrome height, technical, bird strike safeguarding zones surrounding the aerodrome and is approximately 4.4km from the centre of the airfield.

Based on the information submitted, the MOD has no safeguarding objections to the proposals.

Natural England – 30th June 2022

No adverse comments

Environmental Health – 24th May 2022

No objection subject to conditions.

Trees – 18th May 2022

No objection subject to conditions

Ecology – 19th May 2022

No objection subject to conditions and informative

Highways – No objection subject to conditions

Drainage – 11th May 2022

The proposed drainage strategy in the FRA is acceptable

Network Rail – 29th April 2022

No objection subject to conditions and informative.

Environmental Agency – 29th April 2022

No adverse comments

South Staffordshire District Council – No comments received at the time of writing.

4.3 Public Comments

The application has been publicised by the display of a Site Notice (31st May 2022) and was advertised by press notice in the Shropshire Star (28th April 2022).

No. 6 objections have been received in response to the proposed development which include an objection from Cllr Nigel Lumby and Albrighton Parish Council. No representations in support of the development have been received.

A summary of the representations received are as follows:

Albrighton Parish Council

- There is already an existing solar farm in Albrighton and another one at public consultation.
- The site is within the Green Belt and shouldn't be approved unless there are Very Special Circumstances (VSCs) and VSCs have not been demonstrated
- The development will appear as an industrialisation of the landscape
- Whilst there is a need to increase the country's renewable energy production, there is also a need to protect land for food production
- Views will be affected for 40 years
- Concerns over highway safety
- The submitted plans have missed off some existing properties which could be affected by the development

Public objections

Amenity

- The proposed development (and construction of the development) will severely impact the tourist attraction, Wildwood Alpacas
- The Alpaca experience farm provides activities for special educational need groups as well as therapy sessions for individuals. All of which requires a peaceful and tranquil environment
- The Alpaca farm has not been taken into consideration for mitigation measures within the visual impact report
- Impacts on landscape character owing to lighting during construction
- Impact on the visual environment
- The transparency of the hedgerows along County Lane is significantly increased between September and April.

Green Belt

- Why is Green Belt and agricultural land being used?
- Many residents in Albrighton have been refused planning permission over the years for modest extensions within the Green Belt, including an application for a touring caravan for a Traveller family on Beamish Lane
- There is a lack of SC policy around SF within Green Belt, probably because the starting base is it's inappropriate. The Council needs to consider as well as Energy safety, the emerging issue of food safety and the loss of farming land.
- Project is a gross exploitation of valuable farming land in the Green Belt
- Inappropriate development in the Green Belt

BMV

- As a country we need to look at becoming self-sufficient in food production, so the land needs to be protected, along with the wildlife
- We can see the need for renewable energy, but the country is also struggling for food and agricultural land should be used for crops.
- The applicant states that the site would be used for sheep grazing and would continue in some agricultural use throughout the lifetime of the development - this is a neutral factor at best
- The application has failed to demonstrate need and benefit against the loss of the agricultural land to food production, as used at present.

Highway Impacts

- The road from the A41 and the site entrance is narrow with few passing places, none of which are large enough for articulated vehicles
- County Lane is a single-track road which cannot easily accommodate HGV access
- HGVs will not be able to access the site without crossing land within the ownership of Wildwood Alpaca farm.
- County Lane, Beamish Lane and Husphins Lane are all single-track lanes utilised by horse riders, cyclists and walkers.
- Concerns regarding the impact of the development on access to the site during the lengthy construction period
- County Lane is in a dangerous state of repair

Climate Change

- The national target is to be carbon neutral by 2050, this is a government requirement set in law. Shropshire Council have said they want Shropshire to be carbon neutral by 2030, this is not law.
- This means that planning must be considered by material consideration. Granting solar farms to achieve Shropshire Councils self-imposed target should not be a material consideration.

- Shropshire Council Climate Change Task Force are not a statutory consultative body or in fact a consultative body, they are a council department. Granting them consultative body on the portal appears to give them more weight than should be given.
- The environmental impact of the Solar array panels and associated infrastructure manufacturing and transportation to site have not been balanced into the proposed benefits
- Shropshire Council declared a climate emergency and correctly are considering everything they can do to help the environment. SF offers a low carbon means of energy production and is instantly attractive. However, when sites are identified in the Green Belt the siting of large areas of solar panels is instantly contrary to the reason, ethos of the Green Belt restrictions

Community Benefits

- The application has failed to identify specific benefits to the residents of Albrighton. Unlikely any local employment in construction stage or maintenance. Unlikely any long term local economic benefit for Albrighton businesses. The applicant has chosen not to provide community money to the parish for community projects, unlike the upcoming Pepperhill development. Albrighton residents do however remember that the existing SF in County Lane offered community support money at application but once granted, the development was sold on and the community money never materialised.
- No benefit to the immediate local area as a result of the project

Other Issues

- Devaluation of properties
- Issue with 40 years as a 'temporary' period
- The view will be of galvanised metal fencing and containers
- Residential and business needs have not been considered
- Inappropriate application with two other solar sites (Bonnigale and Albrighton Pepper Hill) within a 5-mile radius of Albrighton village.
- The developers have creatively missed properties of the submitted plans
- The developers have failed in their duty to publicise the plan. There are many people in the area are unaware of the proposals.
- The development is akin to a prison
- County Lane is occupied by three equestrian facilities, a dog training school and an Alpaca farm.
- The dwelling known as 'The Wood', County Lane, is cut off most plans. The proposal borders around the property on two sides, north east and north west, the visual impact from this property is high.
- Impact on views of the open countryside

Policy Context
Justification for the Development
Green Belt
Landscape and Visual Impact
Glint and Glare
Heritage / Archaeology
Noise
Highways
Ecology/Trees
Drainage
Community Engagement
Impact on the Railway

6.0 OFFICER APPRAISAL

6.1 POLICY CONTEXT

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) also advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration that constitutes guidance for local planning authorities as a material consideration to be given weight in determining applications.

6.1.2 The adopted Development Plan comprises of the following:

- The Core Strategy DPD – adopted 24th February 2011
- Site Allocations and Management of Development Adopted Plan – adopted 17th December 2015

6.1.4 Notwithstanding this, as set out above, the NPPF is a material consideration in the assessment of the application. A summation of the pertinent issues as set out in the NPPF are as follows:

Renewable energy: The National Planning Policy Framework (NPPF) is a key material planning consideration. Paragraph 11 establishes a presumption in favour of sustainable development whilst Paragraph 158 advises that ‘when determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable’.

As such, planning permission should be granted for renewable energy development unless:

- The level of harm would “significantly and demonstrably outweigh benefits” when assessed against the requirements of the NPPF, or

6.1.5 if specific policies in the NPPF indicate the development should be restricted

6.1.6 The NPPF practice guide on renewable and low carbon energy advises that *“the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”*. The guide encourages use of previously developed

6.1.7 land or advocates continued agricultural use with biodiversity enhancements around arrays and recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site.

Green Belt: The site is also located in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (NPPF137). Green Belt serves five purposes:

- 6.1.8
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF147). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (148).

6.1.9 When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources (NPPF151).

Best and Most Versatile Land: NPPF Paragraph 174 advises that ‘planning policies and decisions should contribute to and enhance the natural and local environment by’ amongst other matters b) ‘recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

6.1.10 Paragraph 175 advises that Plans should: distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵⁸; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

6.1.11 Footnote 58 of Paragraph 175 states that ‘where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’. The footnote therefore introduces a sequential test with respect to BMV land. However, Paragraph 175 which refers specifically to plan making rather than decision-taking. As such, the NPPF requirement to apply a sequential test to proposals affecting BMV (footnote 58) relates to plan making rather than determination of planning applications.

6.1.12 The requirement to ‘recognise’ the ‘economic and other benefits of the best and most versatile agricultural land’ (Para 174) does not amount to an instruction to refuse all applications affecting BMV land. There is no additional national guidance on the weight to be given to protection of BMV land. It is a matter for the decision taker to weigh up against other matters such as renewable energy benefits as part of the planning balancing exercise.

6.1.13 Other Material Considerations

National Policy Statement for Energy

6.1.14 In addition to the NPPF, the Government’s Department of Energy and Climate Change have produced an Overarching National Policy Statement for Energy EN-1 (July 2011). Paragraph 5.10.8 states that ‘on agricultural land, applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination.’ It also states.. ‘The IPC [now the Secretary of State] should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. It should give little weight to the loss of poorer quality agricultural land (in grades 3b, 4 and 5), except in areas

(such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.'

- 6.1.16 Draft revised National Policy Statement EN-3 paras 2.48.13/15 state that: 'Solar is a highly flexible technology and as such can be deployed on a wide variety of land types. Where possible, ground mounted Solar PV projects should utilise previously developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4, and 5 (avoiding the use of "Best and Most Versatile" cropland where possible). However, land type should not be a predominating factor in determining the suitability of the site location.... Whilst the development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2 and 3a, or designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.50 and 2.53. It is recognised that at this scale, it is likely that applicants' developments may use some agricultural land, however applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.'

Zero Carbon Shropshire Plan

- 6.1.17 The "Zero Carbon Shropshire Plan" published in January 2021 by the Shropshire Climate Action Partnership describes its vision for a sustainable Shropshire as follows: "Shropshire will become net zero carbon by 2030. Starting immediately, organisations, businesses and communities across Shropshire will participate in a collaborative approach to rapid decarbonisation; large scale restoration of biodiversity and the natural environment; and the development of sustainable, resilient and inclusive communities and the enterprises required for a sustainable future.". Page 34 of the report advises that that 500 acres (200 ha) of solar farms (plus wind farms) will need to be installed to power the grid and private wire demand, and to create 120GWh/year of electricity generation capacity to provide green hydrogen for HGV/agricultural use.

Assessment of this application

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

- The characteristics of the site and the nature of any impacts to the local environment, soils, landscape, historic environment and amenity.
- The implications of the proposals for Green Belt policy
- Whether any identified impacts are capable of being satisfactorily mitigated.

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

6.1.19

6.1.20

6.2 JUSTIFICATION FOR THE DEVELOPMENT

- 6.2.1 Section 14 of the NPPF sets out the overarching national policy with regard to climate change and makes clear that the planning system should support the transition to a low carbon future in a changing climate and should support renewable and low carbon energy and associated infrastructure.
- 6.2.2 Paragraph 158 of the NPPF does not require applicants for renewable energy schemes to demonstrate the need for the development and sets out that applications should be approved if its impacts are (or can be made) acceptable. However, paragraph 157 of the Framework is clear in that it states that new development should take account of landform, layout, building orientation, massing and landscaping.
- 6.2.3 The main factor determining the suitability of a site to accommodate a solar development is its proximity to a point of connection to the local electricity distribution network which must also have the capacity to receive the renewable electricity generated by the development. The applicant has identified that the development would be connected into the existing Albrighton electricity substation located to the north - west of the site on Beamish Lane. This Site is also located within a Renewable Energy Opportunity Area, identified by Shropshire Climate Action Partnership as being specifically suitable for ground mounted solar or wind energy (see Fig 4 below).

6.2.4



6.2.5

Other key determinants are land availability, technical suitability of the site to deliver the solar farm and its suitability within the planning context. These considerations impose significant constraints on the land which is suitable in practice for solar farm development. As set out within the applicant's submission, the applicant has identified the proposed site as the preferred site within very few suitable locations once these constraints are considered. The applicant has assessed alternative site availability including rooftops, previously developed land and poorer quality land.

6.2.6

Section 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."

6.2.7

The National Planning Practice Guidance (NPPG) on renewable and low carbon energy describes the specific planning considerations that relate to large scale ground-mounted solar photovoltaic farms. It advises that a local planning authority need to consider amongst other matters that: "Where a proposal involved greenfield land, whether:

6.2.8

- (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land;
- and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays."

Policy CS6 of the Core Strategy describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land.

AGENDA ITEM

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Land To The West Of

6.2.9 Objectors to the scheme refer to the loss of Agricultural Land and the need to retain BMV land for food production. The ALC report (Amet Property, November 2021) concludes that approximately 24ha of the site is Grade 3a whilst approximately 6ha of the site is Grade 3b. The author of the report confirms that there was a limitation of 'soil wetness' across the site.

6.2.10 The applicant proposes that the solar farm is a temporary development of 40 years which can be reversed at the end of its lifespan. Agricultural production can be maintained across the site during the operational period of the development and as such, the proposed development would not result in a permanent loss of Agricultural Land or have an adverse impact on the classification of the land.

6.2.11 The application site, which is farmed by the Johnston family, is intensively farmed in a cereal rotation, growing crops such as wheat, oilseed rape and barley. As a result, artificial inputs are required to produce good yields and owing to the location of the site (within the Agricultural holding), it is difficult for the Johnston family to include the site within the rotation with the sheep flock, thus allowing the land to be rested and improve soil fertility whilst maintaining productivity. The applicant proposes to graze sheep on the land, as well as proposing the planting of an orchard of approximately 3.6h (9 acres) for fruit production.

6.2.12 There is approximately 145,279 ha of Best and Most Versatile ('BMV') agricultural land located in Shropshire according to the nationally available Provisional Agricultural Land Classification Data2, comprising around 45% of all land within the county. The Proposed Development would result in the temporary use of just 0.020% of this for grazing and energy production. It is noteworthy that there are no controls which prevent a farmer from switching the use of an agricultural field between arable and grazing uses, both being agricultural, and planning permission would not be required for this. A farmer may choose to do this at any time for a number of reasons, including to rest the land. Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022). Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used nationally by golf courses.

6.2.13 The landowner (J&J Johnston) has set out in a letter (received 13th February 2023) the reasoning behind the chosen site. The landowners farming enterprise comprises of approximately 370 ha (915 acres) which includes approximately 6ha (15 acres) of permanent pasture, 8ha (20 acres) of woodland, 16.1ha (40 acres) of rotational grass leys and 339ha (840 acres) in an arable rotation. A flock of 78 breeding sheep are present on the farm which are supplemented with store lambs.

6.2.14 Over the years the farm has won a number of awards from the Staffordshire Agricultural Society for crops grown and the owners are passionate about food production. The business has invested in land improvements through a variety of drainage and irrigation schemes. It has also invested in a solar photovoltaic system reducing the carbon intensity of grain drying in the Summer. Over the years several environmental

improvements have been implemented including the planting of approximately 400 trees and improvement of hedges. There are around 25 beehives located at the main farm at Wrottesley contributing to the pollinator population and supporting a business in Pillaton with honey sold locally

6.2.15 The land at County Lane is approximately 30ha (75 acres) (8.2% of the total) which includes a small block of woodland. It is an outlier from the main farm complex and grain storage being 3 miles away from Wrottesley Lodge Farm down country lanes. The applicant has advised that it is also more difficult to control the spread of invasive weeds such as blackgrass and damage to the crops from rabbits, as the surrounding land is not under the farms control and much of it is used for horse grazing and so is not managed in the same way. Given that the site is an outlying group of fields, the land is more costly to farm in a volatile economic environment where fertiliser costs have increased by 300% and fuel by approximately 50% in 18 months. The site at County Lane is the least valuable in the context of the agricultural unit due to their location, and the scale of the solar farm means there will be no impact on the viability of the agricultural enterprise as it will only remove around 8% of the land available for production.

6.2.16 The landowner advises that volatility of the market, in addition to other financial pressures means that a stable, regular income from the solar farm is invaluable to support the farm business and ensure it can remain viable, allowing the proactive management of the remaining land. The landowner has advised that the farm also rotates ryegrass and clover leys for sheep grazing which the solar farm will allow on a permanent basis. The crops grown over the years have also often been sold as energy crops which has been encouraged by national agricultural policy. The landowner has provided the example of some of the wheat crop produced has been converted into bioethanol for road fuel.

In total, most of the site, 4/5ths or 24.6ha, is best and most versatile quality. However, the land will remain in agricultural use as sheep pasture between the arrays and will remain in food production with the planting of the orchard for fruit production. The site will be fully reinstated at the end of the design life of the solar farm.

6.3 BENEFITS OF THE PROPOSED DEVELOPMENT

6.3.1 The applicant has provided within their planning statement a detail of the benefits of the proposed development regarding national need for renewable energy. In terms of specific benefits from the current proposals the statement advises that the proposed 16MW capacity of the site is sufficient to power 5300 households per annum. This saves approximately 3600 tonnes of carbon per annum which is equivalent to approximately 2287 cars.

6.3.2 In addition, the development would be of an economic benefit, with around 70 jobs being created during the construction period and around 8 jobs throughout the permanent operation of the facility. Furthermore, environmental benefits would be

created by the proposed development through the implementation of the Orchards and Wildflower Meadows. As set out earlier, the development would result in a BNG of approximately 99.12%.

- 6.3.3 Community Fund – Communities (Albrighton) hosting solar farms should receive a community benefit. These offers are outside the planning process however, we understand that the applicant has been in discussion with the local community in regard to this matter.

PLANNING CONSIDERATIONS

6.4 GREEN BELT

- 6.4.1 Paragraph 137 of the NPPF sets out the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 138 goes on to state that the Green Belt has 5 purposes. The 5 purposes are set out below, with officer commentary in Bold

- 6.4.2 Effect on the five principal purposes of the Green Belt:

a) to check the unrestricted sprawl of large built-up areas;

The development is not sited adjacent to any large built-up area and as such, would not result in any sprawl of the town.

b) to prevent neighbouring towns merging into one another;

Owing to the location of the site, the proposed development would not result into neighbouring towns merging into one another

c) to assist in safeguarding the countryside from encroachment;

Whilst it is acknowledged that there would be some negative impact upon the Countryside the proposed development would be temporary and fully reversible, there would be no permanent encroachment into the Countryside.

d) to preserve the setting and special character of historic towns; not **applicable**

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. **Not applicable**

- 6.4.3 Solar farms are not one of the specific types of development which may be acceptable within the Green Belt. As such, they comprise 'inappropriate development' and therefore require a very special circumstance justification under paragraph 147 of the NPPF. Core Strategy Policy CS5 advises that 'new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt'.

- 6.4.4

NPPF Paragraph 151 advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Importantly, paragraph 151 states that only elements of many renewable projects will comprise inappropriate development and not that renewable energy projects per se constitute inappropriate development. As such, it can be considered that the compatibility of individual renewable energy projects in the Green Belt are to be judged based on their individual merits and circumstances.

6.4.5

Whilst certain elements of the application are capable of being inappropriate development, it is important to recognise that solar farms are not an uncommon feature within the Green Belt across the UK. In many cases, such development has been allowed within the Green Belt on the basis that it is required within the national and local interest and that it has been needed in that particular location. Overall, national Green Belt policy recognises that the renewable energy benefits of solar development can qualify as a very special circumstance to justify inappropriate development within the Green Belt.

6.4.6

The site is located away from any significant defined settlement area however, there is a railway line to the south of the site and built form to the north of the site (business, dwellings and an electricity substation). Whilst there are no existing buildings on the site, infrastructure (ie: overhead power lines) cross the site. As such, it is considered that the proposed development would not appear as an isolated feature within the Green Belt.

6.4.7

Openness is a key characteristic of the Green Belt. The proposed development would, to some extent, reduce the openness of the Green Belt as it would introduce built form to the existing site which comprises open and undeveloped fields. The layout of the development has however been carefully designed with the solar arrays set away from the most publicly visible areas along County Lane and Beamish Lane. The applicant has designed the scheme using the topography of the site and has been conscious to utilise existing field parcels that are currently and screened by existing trees and hedgerows. These would be enhanced further as part of the overall landscaping proposals for the site. The well enclosed nature of the site and the proposed mitigation planting to the boundaries, would seek to ensure that the degree of harm to the Green Belt would be very limited.

6.4.8

The main impact on openness on the Green Belt would be the introduction of the ancillary structures such as the security fencing, CCTV poles and general plant. The security fence is relatively low, and in any event, the applicant could erect a 2m high fence under permitted development. Details of the security cameras to be mounted on the poles has been provided by the applicant and are small in design (not spherical) and would appear indiscreet in the landscape and, context of the site. The

6.4.9 supporting plant, have all been carefully sited within the scheme where they are likely to have limited visual impact from public vantages.

Solar farms are becoming a part of the countryside across the UK and can be regarded as a semi-rural use as opposed to an 'urban' or 'industrial' form of development. The Proposed Development would provide a continued agricultural use in the form of grazing and food production from the orchards and owing to its contained nature, would not result in any urban sprawl. The proposed development is considered unintrusive and once decommissioned the land would be returned to its previous use.

6.4.10 **VERY SPECIAL CIRCUMSTANCES (VSCs)**

In the context of paragraph 148 of the NPPF 'very special circumstances' are needed to justify the limited built elements of the proposed solar farm development. VSCs are not solely limited to one thing, VSCs can be an accumulation of many things. These are summarised as follows:

- The need for renewable energy generation and its role in meeting the challenge of climate change;
- The requirement for the solar farm in this location and the lack of alternative sites;
- Support for the rural economy;
- Wider environmental benefits including planned biodiversity net gain;
- The temporary and reversible nature of the proposal; and
- Community benefits.

6.4.11

The need for renewable energy is discussed throughout and is supported by the comments of the Council's climate change task force and the Council's declaration of a climate emergency.

6.4.12

The applicant has sought to identify whether there are any alternative site locations not within the Green Belt, having regard to relevant locational criteria including proximity to a grid connection. All other potential sites were located within the Green Belt, demonstrating the need to locate solar development within the Green Belt if national targets for renewable energy are to be met. The applicant's survey of potential alternative sites concluded that there are no alternative sites which are suitable and available, which would make a comparable contribution to renewable energy generation, and which demonstrably comprise a more feasible alternative than the application site. The absence of demonstrably better sites within the search area is considered to add weight to the VSC justification for development within the Green Belt.

6.4.13

It is considered at this stage that there will be some impact on openness of the Green Belt but this is capable of mitigation due to the site layout and the applicant's landscaping proposals, having regard also to the baseline visual condition of the site. None of the five purposes of the Green Belt are harmed by the proposed development.

The benefits of the proposals are capable of being considered as a very special circumstance justification for development within the Green Belt.

6.5 LANDSCAPE AND VISUAL IMPACT

- 6.5.1 The NPPF describes in Chapter 15 'Conserving and enhancing the natural environment'. Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia): protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.5.2 Policy CS6 of the Core Strategy and policies MD2 and MD12 of the Sam (DEV)Plan seek to ensure that new development protects, restores, conserves and enhances the natural environment taking into account the potential effects on the local landscape character and existing visual amenity value.
- 6.5.3 The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared in accordance with Landscape Institute guidelines. The LVIA assesses the baseline landscape and visual context at the site and its surroundings and the potential for landscape and visual effects arising from the development. It also identifies mitigation measures to reduce the effect of any identified impacts.
- 6.5.4 As per the Council's consultee comments, the LVIA submitted with the application did not; assess the cumulative landscape and visual effects, take account of the landscape character receptors as defined and assessed at County and site level, make an assessment of landscape susceptibility and value in the evidence of the judgements made of sensitivity and overall level of effect and, did not consider the assessment of effect on trees scrub and hedgerows.
- 6.5.5 An amended LVIA was submitted by the applicant and the Council's landscape consultant was reconsulted.
- 6.5.6 The LVIA states that the site does not fall within any statutory or non-statutory landscape designations. Three solar farm sites (Albrighton Solar Farm, Phase 1 – planning reference 15/02787/FUL, Albrighton Solar Farm Phase 2 – (same reference as above) and Pepperhill Solar Farm (22/03068/FUL, pending determination) have been considered as part of the cumulative assessment. The report concludes that no cumulative effects on landscape elements, character and visual amenity have been identified. The LVIA finds that the effects are almost entirely adverse/ neutral in the long-term.
- 6.5.7 The Council's external landscape consultant has independently reviewed the applicant's LVIA and with the exception of the assessment of landscape and visual

effects for viewpoints 1 (Harriotts Heyes Lane – Minor Adverse) and Viewpoint 2 (west of no. 4 Beamish Lane – Moderate adverse) agrees with the judgements made by the applicant.

- 6.5.8 The most adverse visual effects are limited to close distance to the site, and to locations where the proposed development is visible through gaps in hedges and field openings. Indeed, during the summer months, the dense hedgerows bordering the minor roads in the vicinity of the site mean that its visibility is limited. Section 9.13 in the applicant's LVIA conclusions notes *that the development would result in limited long-term unacceptable visual effects whilst delivering long-term landscape benefits* and the Council's landscape consultant would agree with this summary.
- 6.5.9 Since the submission of the amended LVIA, the applicant has updated their landscape layout plan and has included orchard planting within the scheme. Whilst the orchard planting is not considered within the LVIA, the Council's consultant considers that the orchard will have an effect in reducing predicted adverse visual effects for receptors to the north and east of the site. The predicted landscape and visual effects in the LVIA may therefore be considered to be 'a worst case' scenario.
- 6.5.10 It should be noted that views from private residential properties are not protected by national planning guidance or local planning policy. Accordingly, changes to the character, 'quality' and nature of private views are not a material planning consideration in the determination of a planning application.
- 6.5.11 In toto, the proposed development accords with Policies CS6, CS8 and CS17 of the Core Strategy and Policies MD2 and MD12 of the SAM(Dev) Plan.

6.6 GLINT AND GLARE

- 6.6.1 A Glint and glare study has been carried out by Pager Power Urban & Renewables. The study has undertaken geometric reflection calculations at RAF Cosford (the ATC Tower and two runways), 19 train driver receptors, 20 road receptors along the A41 and 72 dwelling receptors.
- 6.6.2 The assessment concludes that:
- No solar reflection is geometrically possible towards the ATC Tower
 - A low impact is predicted towards runway approach paths 06 and 06L which is considered acceptable within the associated guidance.
 - No solar reflections are geometrically possible towards runway approaches 24 and 24R
 - For two sections of railway track where a solar reflection is predicted, screening in the form of existing vegetation and/or terrain will significantly obstruct the views of the reflecting panels. This means that observers located along these sections of track will not experience solar reflections in practice. For a 660m section of railway track, marginal views of the reflecting panels may be possible

under baseline conditions; however, the applicant has proposed screening at the south of the site and to be maintained at a height of 3m above ground level. As a result of this screening, solar reflections are predicted to be significantly screened, no impact is predicted, and no further mitigation is required.

- The results of the modelling indicate that solar reflections are geometrically possible towards 9 out of the 20 assessed road receptors along the A41. However, screening in the form of existing vegetation will significantly obstruct the views of the reflecting panels. This means that observers located along the A41 will not experience solar reflections in practice.
- The results of the modelling indicate that solar reflections are geometrically possible towards 42 out of the 72 assessed dwelling receptors. For 40 of the dwellings where a solar reflection is predicted, screening in the form of existing vegetation, terrain, dwellings and/or buildings will significantly obstruct the views of the reflecting panels. This means that observers located in these surrounding dwellings will not experience solar reflections in practice. For two dwellings located to the south of the proposed development, views of the reflecting panels may be possible under baseline conditions despite partial screening in the form of the existing vegetation. Solar reflections are predicted for less than 60 minutes per day and for more than 3 months years per year. Subsequently, the applicant has proposed hedgerows to the south of the proposed development. Mitigation Following detailed screening analysis, it is recommended that screening proposed by the applicant to the south of the proposed development is maintained at a height of at least 4m agl and in such a scenario no further mitigation would be required. See section 9.8 and Appendix I for further details.

6.6.3 The effects of glint and glare and their impact on local receptors has been analysed in detail and once mitigation measures have been introduced, there would be no further mitigation measures required.

6.7 HERITAGE /ARCHAEOLOGY

6.7.1 Section 194 of the NPPF advises that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance This is echoed in Policy CS17 of the Core Strategy and Policy MD13 of the SAM(Dev) Plan.

6.7.2 In determining planning applications, local planning authorities should take account of:

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

- 6.7.3 When considering the impact of a proposed development on the significance of both designated and non-designated heritage asset, special regard should be given to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 202).
- 6.7.4 The applicant has submitted a Heritage Impact Assessment and Geophysical Survey. The Council's archaeology advisor is satisfied with the findings of the report and survey in respect of archaeological matters.
- 6.7.5 The Council's conservation officer has previously raised concerns with the applicant over the setting of Oaken Park Farmhouse (grade II listed), where it considered that the proposal would result in 'less than substantial harm' to the significance of the designated asset (as defined under paragraph 202 of the NPPF), despite some mitigation measures being in place such as a new hedgerow to the south of the site. The submitted Heritage Impact Assessment (HIA) concludes that the proposal would consist of 'less than substantial harm' on the lesser end of the scale, where the photos show clear intervisibility, as well as taking account of the ZTV plan where there would be visibility of any development that is 3m high to the south of the site.
- 6.7.6 The Council's conservation officer generally concurs with this assessment though they consider it is arguably slightly up the harm scale due to the proximity of the site taking account of intervisibility, as well as potentially affecting the setting of Oaken Park Farmhouse (grade II listed) that lies within the South Staffs District area. No comments have been received from officers at Staffordshire County Council.
- 6.7.7 In terms of addressing the paragraph 202 (NPPF) balance public benefits have to be identified, where an argument may be made in terms of significant production of clean energy to the national grid and making up the shortfall now that coal generation has gone. The Conservation Officer has drawn our attention to a successful appeal decision in Nottinghamshire (APP/B3030/W/21/3279533), where the inspector whilst identifying 'less than substantial harm' to a grade II* listed building, allowed the appeal on the basis that the provision of renewable energy should be given 'substantial weight' with 'very significant benefits', despite the harm upon setting.
- 6.7.8 The public benefits of the scheme have been set out earlier in this report. Taking the benefits into account in addition to the scheme being fully reversible on the decommissioning of the site, it is concluded that the proposals would not give rise to any significant impacts on heritage assets and therefore, accords with Policy CS17 of the Core Strategy, Policy MD13 of the SAM (Dev)Plan and provisions contained within the NPPF.

NOISE

6.8

6.8.1 The Council's environmental health officer has been consulted on the scheme and has raised no objection to the scheme, subject to the submission of a Construction Management Plan being submitted prior to the commencement of development on site.

6.8.2 The nature of the proposed development is such that it is not likely to cause any unacceptable levels of noise during its operational stage. This is because there are no significant noise sources and traffic to and from the site would be very low. The proposed development would be passive in operation and therefore would not generate any significant operational noise, other than that associated with occasional visits by maintenance/service vehicles. The noise associated with such activities would be negligible and less than that associated with farming activities in the area.

6.8.3 It is accepted that there would be some increase in noise levels at the site during the construction of the development, however, it is considered that noise impacts during construction would be relatively short term. Should planning permission be granted, the submission of a construction management plan condition to include hours of work as well as hours of deliveries to and from the site could be secured by condition.

HIGHWAYS

6.9 Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe". SAMDev Policy MD8 (Infrastructure Provision) states that applications for strategic energy provision will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. The Policy states that in making this assessment particular consideration should be given to the potential for adverse impacts on the following (as related to highways, access, and construction):

- 6.9.1 • Noise, air quality, dust, odour and vibration
- Impacts from traffic and transport during the construction and operation of the infrastructure development
- Proposals for temporary infrastructure will be expected to include measures for satisfactory restoration, including progressive restoration, of the site at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use.

6.9.2 The applicant has submitted a Construction Traffic Management Plan, a Crash Map and drawing identifying the passing places on County Lane (Ref: SK02) to support the application.

6.9.3 The proposed designated route for all traffic during construction would be via County Lane, accessing the site by utilising and widening the existing field access. It is acknowledged by the applicant that County Lane is narrow however, during the

construction period, passing places could be provided within the highway verges and banksmen could be provided, if necessary.

6.9.4 The Panels, frames and associated plant would be predominantly shipped in 12m (40ft) containers on 15.4m long articulated vehicles. It is anticipated that the Invertors / Transformers would be shipped on a 10m rigid vehicle of which there would be 10 deliveries during the construction period. It is anticipated that there would be approximately 354 deliveries to the site during construction phase.

6.9.5 A construction compound to accommodate manoeuvring and parking of vehicles would be created within the site. It is anticipated that there could be up to 40 construction workers on site at peak times.

6.9.6 It is currently anticipated that once the site is operational, there would be approximately one visit per week for equipment maintenance. The largest vehicles that are likely to be used during the operational phase is expected to be no larger than a 7.5t van or 4x4 vehicles.

6.9.7 The Local Highway Authority have reviewed the submitted information and have raised no objection to the proposed development subject to a Construction Management Plan being submitted which could be secured by condition.

6.9.8 The Local Highway Authority are aware of the public comments raised in regard to highway matters however, having assessed the scheme, the proposed development accords with Policy CS6 of the Core Strategy and the proposed development does not raise any issues with regards to highway safety.

6.9.9 It is noted that comments have been made from the occupiers of the Alpaca Farm on County Lane in regard to the applicant / developer having to cross third party Land to access the development site. The Local Highway Authority have reviewed the swept path of the access and have confirmed that the applicant would not require third party land to access their site.

ECOLOGY

6.10 Paragraph, 180 of the NPPF states that when determining applications, local planning authorities should apply a number of principles. These are set out within sections (a-e). Paragraph 180 (e) goes on to state that development whose primary objective is to conserve or enhance biodiversity should be supported; whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The planning application is accompanied by an Ecological Assessment (EA) incorporating a Biodiversity Management Plan (Appendix 5). The site is not located

6.10.2 within any statutory designated sites for nature conservation and is outside of any Impact Risk Zones relating to this development type

6.10.3 The layout of the development has been designed to avoid field boundary features such as hedgerows and trees which provide the greatest ecological interest. The habitats and protected and notable species interest within the likely construction zone do not pose a notable constraint to development and the scope of the proposed mitigation measures are sufficient to entirely mitigate the adverse biodiversity impacts resulting from the development and deliver significant gains in biodiversity in line with planning policy and wildlife legislation. This is demonstrated by the BIA calculations, which show that the development is capable of achieving significant net biodiversity gains of 99.12% habitat units and 239.90% linear habitat units.

Detailed design measures to enhance biodiversity include:

- 6.10.4
- Creation of approximately 24ha of grassland sown throughout the site
 - Creation of approximately 4.4ha of species rich meadow outside the perimeter fence
 - Creation of approximately 3.34ha of orchard planting
 - Creation of approximately 0.2ha of structured woodland
 - Creation of approximately 0.7km of native species rich hedgerow planting which will increase diversity
 - Connectivity through the site through the inclusion of small mammal passages within the perimeter fencing.
 - Installation of no.10 bird boxes and no.10 bat boxes along the perimeter fence.
 -

6.10.5 The applicant's Arboricultural Impact Assessment submitted with the application concludes that the proposed development does not require any tree loss or threaten the well-being of any of the site's trees and hedgerow. Two short sections of agricultural hedgerow will need to be removed to accommodate the installation of the fencing around the site.

The report concludes that there will be no pruning required to introduce the solar farm and ongoing management will largely relate to the continuation of hedgerow flail management. The solar farms occupation of the site is also not expected to generate pressure for any unreasonable tree works. The Council's Tree Officer agrees with the conclusions and recommendations set out in the Arboricultural Impact Assessment and considers that the proposed development can be implemented without significant adverse impact on the existing trees, woodland and hedgerows.

6.10.6 The Arboricultural Impact Assessment recommends suitable tree protection measures to be employed to avoid causing damage to retained trees and hedges during construction. These include the installation of temporary protective barriers along internal field boundaries and the use of a 'Cellweb' three dimensional cellular

confinement system as a 'no-dig' construction technique for sections of new access road within the root protection area of retained trees T25, 26, 27, 30 and 31.

6.10.7 The locations of the protective barrier and 'no-dig' construction are shown on the Tree Protection Plan (10747 TPP 01 Rev A [sheets 1-5]) at Appendix C to the Arboricultural Impact Assessment. The Council's Tree Officer considers that the Tree Protection Plan includes sufficient detail for the temporary tree protective barrier, but further details and supporting technical drawing should be provided regarding the specification of the 'no-dig' cellular confinement system for the access road. This could take the form of an arboricultural method statement, secured by condition, should planning permission be granted.

6.10.8 There are no objections from either the Council's ecologist or tree officer in regard to the proposed development. The proposed development would not result in any adverse impacts on biodiversity and would result in a significant Biodiversity Net Gain. Subject to conditions, the proposed development complies with Policies CS6 and CS17 of the Core Strategy, Policy MD12 of the SAM(Dev) Plan and provisions of the NPPF, in particular, paragraph 180 (e).

6.10.9 DRAINAGE

This application is supported by a Flood Risk Assessment (FRA). The FRA confirms that the site is wholly within Flood Zone 1, the lowest risk of flooding.

The applicant has advised that rainfall (runoff) from the proposed solar panels would be localised (ie: drained within the gaps of the panels). This rainfall / run off would be captured by the existing vegetations and go to ground. In areas where there is plant or internal access tracks, any crushed stone bases would provide surface water storage and not impact on the infiltration capacity of the soil below. Where there is granular material (ie: the internal access tracks), no significant change is expected to the greenfield runoff rates and volumes.

6.10.10

The FRA concludes that the proposals will not significantly change the existing surface water runoff patterns on site and as such, no formal drainage features are proposed. The FRA has been reviewed by the Council as Lead Local Flood Authority (LLFA) who consider the FRA acceptable.

6.11

6.11.1 COMMUNITY ENGAGEMENT

6.11.2 The applicant has carried out a comprehensive community exercise prior to the planning application being submitted. The applicant's Statement of Community Involvement confirms that:

- The applicant's agent attended and presented at the Albrighton Parish Council meeting on the 2nd September 2021
- A dedicated website was set up for members of the public to enable comments to be made directly to the applicant via their agent

- A public consultation brochure was sent to 31 addresses with a further 2500 residential properties receiving a flyer regarding the proposals.

6.11.3

No.9 responses were received in response to the consultation. The representations included concerns regarding:

- The principle of the development
- Highways
- Arboriculture and Biodiversity
- Visual Effects
- Flood Risk and Drainage
- Glint and Glare
- Miscellaneous Comments

6.12

6.12.1

It is considered that the applicant has carried out a significant and meaningful consultation exercise prior to submitting the planning application, in accordance with relevant local and national policy and guidance and the Shropshire Council Statement of Community Involvement (2021) and has made appropriate amendments in response to local community feedback

6.12.2

IMPACT ON THE RAILWAY

Network rail have been consulted on the application and have no objection to the proposed development provided that the planting / hedging along the southern boundary of the site remains a minimum height of 3m when measured from ground level. A number of informative notes have been proposed by Network Rail.

6.12.3

It is noted that network rail has requested a palisade fence of 1.8m be erected by the applicant prior to commencement of development on site. The proposed development site would not be accessible by members of the public and, during the lifetime of the development, there would be limited access to the site. It is considered that applying a condition to erect a fence along the boundary would be unreasonable and not meet the tests as set out in paragraph 57 of the NPPF.

6.13

Should the applicant wish to erect a fence along the boundary at their own accord, they could do so under the General Permitted Development Order 2015 (as amended) Schedule 2, Part 2, Class A.

6.13.1

7.0 CONCLUSION

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- 7.1 The proposed solar development would operate for a temporary period of 40 years and the agricultural land would be fully restored after decommissioning. The NPPF and adopted development plan support the transition to a low carbon future and encourage the use of renewable resources.
- 7.2 At the heart of the Framework is a presumption of sustainable development. Paragraph 8 of the Framework sets out that in achieving sustainable development means that the planning system has three overarching objectives, which are interdependent on each other but need to be pursued in mutually supportive ways.
- 7.3 The development would deliver a range of public benefits which are in accordance with the economic, social, and environmental pillars of sustainable development and which will support climate and ecological resilience.
- 7.4 Economically, the proposed development would result in an investment of approximately £11.5million to develop a 16Mw Solar Farm, result in a contribution of £485,000 towards the replacement of no.2 grid transformers at the Albrighton substation, approximately £1.8million spent in business rates as well as community benefits currently in discussion. In addition, a number of employment opportunities would be created during the construction of the development and once the site becomes operational.
- 7.5 Socially, the development would provide approximately 5300 homes with electricity and save approximately 3594 tonnes of CO₂ per annum. The proposed development would not result in any unreasonably adverse highway, visual, heritage, ecological, noise or drainage impacts.
- 7.6 Environmentally, land would be retained for agricultural use, with livestock grazing between the panels. Furthermore, the proposal includes the planting of approximately 3.64ha of orchard, retaining food production on the site. The development would result in a BNG of approximately 99.12% and linear habitat creation of approximately 239.90%.
- 7.7 It is the view of officers that Very Special Circumstances have been demonstrated through the economic, social and environmental benefits of the development which when weighed against an objection to inappropriate development in the Green Belt, are sufficient to outweigh the harm caused, and it is recommended that planning permission is granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD6 - Green Belt & Safeguarded Land

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S1 - Albrighton

RELEVANT PLANNING HISTORY:

09/00905/FUL The erection of a timber shelter to house cows (retrospective) GRANT 1st October 2009

09/01215/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the erection of a timber shelter to house cows (retrospective) NPW 30th September 2009

11/04903/FUL Installation of solar PV panels (retrospective) GRANT 2nd February 2012

22/01816/FUL Erection of a solar generating facility (solar farm) with a capacity of up to 16 Megawatts, comprising of ground mounted solar photovoltaic (PV) panels, a battery storage facility, erection of a 2.5m high security fence up to 2.5m high, erection of up to no.19 CCTV Poles with a maximum height from ground level of 3m and associated infrastructure PDE

BR/APP/FUL/00/0354 Outline application for the erection of two dwellings and construction of new vehicular access REFUSE 30th June 2000

14/04795/SCR Proposed construction of solar photovoltaic farm with associated infrastructure EAN 20th November 2014

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15/04345/FUL Installation of a solar park development with associated works NPW 23rd March 2017

PREAPP/20/00339 Construction of a Solar Farm together with energy storage and all associated works, equipment and necessary infrastructure PREAMD 9th November 2020

21/02761/SCR Request for a screening opinion to determine whether there is a requirement for an Environmental Impact Assessment to accompany a planning application for development of a proposed Solar Farm EAN 23rd June 2021

22/01816/FUL Erection of a solar generating facility (solar farm) with a capacity of up to 16 Megawatts, comprising of ground mounted solar photovoltaic (PV) panels, a battery storage facility, erection of a 2.5m high security fence up to 2.5m high, erection of up to no.19 CCTV Poles with a maximum height from ground level of 3m and associated infrastructure PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RAA131TDN1N00>

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 Member

Cllr Nigel Lumby

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the approved drawings and documents as follows:

Site Location Plan (ref: P20_0558_29) as recorded as received by the local planning authority on the 14th April 2022

Landscape Strategy (Pegasus, ref: P20_0558_28 Rev F)

Technical Details - Mounting Structure (ref: PL.001)

Technical Details - Inverters (ref: PL.005)

Technical Details - Substation (ref:PL.006)

Technical Details - DNO Substation (ref: PL.006b)

Technical Details - Proposed Gate, Fence, Internal Track and Satellite Dish (ref: PL.007)

Technical Details - Storage Container (ref: PL.010)

Technical Details -Energy Storage Container (ref: PL.011)

Documents

Agricultural Lane Classification (Amet Property, 23rd November 2021, Issue 4)

Assessment of Agricultural Food Production and Security Concerns, dated October 2022

Arboricultural Impact Assessment (ref:01746_AIA.001 Rev A) dated November 2021

Construction Traffic Management Plan (ref: P20 – 0558/TR/01) dated November 2021

Design and Access Statement (Pegasus, ref: P20-0558) dated February 2022

Ecological Assessment Report (Avian Ecology, 20th February 2023) V4 Revision 3

Ecological Assessment – Breeding Bird Survey Report V2 Rev1, Avian Ecology

Ecological Assessment – Biodiversity Management Plan V2 Rev 1

Ecological Assessment – Biodiversity Metric Sheet February 2023

Flood Risk Assessment Rev 02 (Calibro, 19th January 2022)

Geophysical Survey Report (ref: MSSJ1368A, Magnitude Surveys) dated October 2022

Heritage Desk Based Assessment (Pegasus, ref: P20-0558) dated December 2021 v2

Landscape and Visual Impact Assessment (Pegasus, ref:P20-0558. Rev.01) dated October 2022

Landscape – Screened Zone of Theoretical Visibility Plan (ref: P20-0558_25)

Passing places (Pegasus ref: P20-0558 SK02)

Planning Statement (Pegasus, ref: P20-0558) dated February 2022

Sequential Analysis Study (Pegasus, ref: P20-0558) dated January 2022

Solar Photovoltaic Glint and Glare Study (Pager Power, May 2021)

Reason: To define the permission and in the interest of proper planning

PRE-COMMENCEMENT

3. Notwithstanding the construction of the means of access off County Lane, prior to the commencement of development, the means of access as shown on Drawing PO-0558 Fig 3.1 shall be fully implemented and retained as such through the life of the development hereby permitted.

Reason: To ensure a satisfactory means of access to the highway and to accord with CS6 of the Core Strategy.

4. Notwithstanding the construction of the means of access off County Lane, prior to any development the first 15m of the proposed access shall be surfaced with a bound material.

Reason: In order to prevent mud and detritus being deposited on the public highway and to accord with Policy CS6 of the Core Strategy

5. Notwithstanding the submitted Construction Traffic Management Plan, prior to the commencement of the development hereby approved including the construction of the means of access, a revised Construction Environment Management Plan (CEMP), based on the submitted outline CTMP, dated November 2021, reference P20-0558/TR/01, shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be adhered to for the construction, operational and decommissioning phases of the development.

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development and to accord with Policy CS6 of the Core Strategy.

6. Within six weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992 and to accord with Policy CS17 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

7. Prior to the commencement of development a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) expanding upon the information provided within the Ecological Assessment report (Avian Ecology, December 2021) and the Appendix 6: Biodiversity Net-Gain (BNG) report (Avian Ecology, December 2021) updated February 2023, in full, measures to:

- i. protect existing habitat during construction works and the formation of new habitat,
- ii. to secure a habitat compensation value of no less than 63.99 Biodiversity Units, shall be submitted to and approved in writing by the Local Planning Authority.

Within the CEMP/HMP document the following information shall be provided:

- i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
- ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
- iii) Details of species composition and abundance (%age within seed mix etc.) where planting is to occur;
- iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
- v) Assurances of achievability;
- vi) Timetable of delivery for all habitats; and
- vii) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development shall thereafter be undertaken in accordance with the approved CEMP/HMP. Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

8. Prior to commencement of development, an Arboricultural Method Statement (AMS), prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA. The AMS shall include a detailed specification and technical drawing(s) to describe how the internal access track shall be constructed within the root protection area of retained trees T25, 26, 27, 30 and 31. The tree protection measures shall be implemented prior to the commencement of development and shall be retained in situ in the approved location until construction works have been completed. The approved tree protection measures shall be removed from site within one month of the development becoming operational.

Reason: to avoid causing damage during construction to nearby trees that are important to the appearance of the development and to accord with Policies CS6 and CS17 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

9.No development shall take place until a detailed soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- i. Plant species, sizes, numbers and densities,
- ii. Method of cultivation and planting,
- iii. Means of protection
- iv. Programme for implementation.

This is for all grassed areas, tree, shrub, and hedgerow planting. The approved soft landscaping scheme shall be implemented as specified and completed no later than the end of the first planting season (November to February inclusive) following completion of the construction of the development. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: In the interest of amenity and to accord with Policies CS6 and CS17 of the Core Strategy.

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

Reason: In the interest of amenity and to accord with Policies CS6 and CS17 of the Core Strategy.

11.No development, including the construction of the means of access as shown on drawing PO-0558 Fig 3.1 , approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest and to accord with Policy CS17 of the Core Strategy and Policy MD13 of the SAM(Dev)Plan

12. During implementation of the development no retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority (LPA). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development and to accord with Policies CS6 and CS17 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

FIRST OPERATIONAL USE

13. Prior to first operational use of the development, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site: - A minimum of 10 external woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, following the recommendations set out in Appendix 4 of the Avian Ecology (December 2021) Ecological Assessment report. A minimum of 10 artificial nests, of external box design, following the recommendations set out in Appendix 4 of the Avian Ecology (December 2021) Ecological Assessment report, shall be erected on the site prior to first use of the development. The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

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

14. Before the County Lane access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number PO-0558 Fig 3.1 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre and to accord with Policy CS6 of the Core Strategy.

GENERAL ADHERANCE

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15. 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, e.g. bat and bird boxes, trees, and hedgerows. 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. Badgers – pre-commencement survey condition

16. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding reptiles and amphibians as provided in Appendix 7 of the Ecological Assessment Report (Avian Ecology, December 2021).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.

17. The development shall be implemented in accordance with the approved Arboricultural Method Statement and the Tree Protection Plan (Appendix C, 10747 TPP 01 Rev A [sheets 1-5]) of the approved Arboricultural Impact Assessment (10746_AIA.001 Rev A, Aspect Arboriculture, November 2021). The tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development and to accord with Policies CS6 and CS17 of the Core Strategy and Policy MD12 of the SAM(Dev)Plan.

18. Notwithstanding the DNO Substation, all photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 40 years of the date the first export of energy from the site and the site shall be reinstated to agricultural fields. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor decommissioning and to accord with Policy CS1, CS5 and CS6 of the Core Strategy.

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INFORMATIVES

Network Rail - As per the consultee response

Ecology – Standard Advice

Landscaping informative - Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species