



Committee and date
Southern Planning Committee
14th March 2023

Development Management Report

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

Summary of Application

Application Number: 22/02441/FUL	Parish: Kemberton PC
Proposal: Installation of solar farm and associated infrastructure	
Site Address: Proposed Solar Farm to the south of Hall Lane, Kemberton, Shifnal	
Applicant: Vattenfall	
Case Officer: Grahame French	email: graham.french@shropshire.gov.uk

Recommendation:- Approve subject to the conditions set out in Appendix 1



Fig 1 location

REPORT

1.0 THE PROPOSAL

1.1 The application is for a solar generating facility with a capacity of 22 megawatts. The solar farm would consist of photovoltaic (PV) panels fixed to metal mounting substructures to form solar arrays. The height of the arrays would be c.2.7m. Associated ancillary infrastructure and works will also be required as part of the

development (i.e., Inverter Stations, Customer Substation, DNO Substation, CCTV with poles of up to 3m, perimeter fencing and gates up to 2m, internal access roads).

- 1.2 The solar arrays would be laid out in multiple parallel rows running east-west across the site. The distance between the arrays will typically be 3 metres. Land between and beneath the panels would be used for biodiversity enhancements and seasonal sheep grazing. DC cables from the solar panels would be fixed on the underside of the arrays and would run along the entire underside of each row, linking to the Inverter Stations and then to the on-site customer and distribution network operator (DNO) substations.
- 1.3 The solar farm would be contained within agricultural stock-proof wire deer fencing up to 2m in height. Internal access tracks will be provided across the site to allow access to equipment for maintenance purposes. The tracks would have a width of 4m and be constructed with crushed aggregate. The proposed site access for all phases of the development is planned to be taken from a new access point located on the B4379 to the west of the site.
- 1.4 The applicant states that the site would generate enough electricity to power approximately 6000 homes annually giving a CO2 saving of approximately 5,280 tonnes per annum. The proposals would deliver biodiversity net gain (BNG) of 24.46% in primary habitat and 7.4% in linear habitats.
- 1.5 Construction would take 6 months. The site would have an operational life of up to 40 years, after which it would be decommissioned, and the agricultural land would be reinstated.



Fig 2 – Site layout

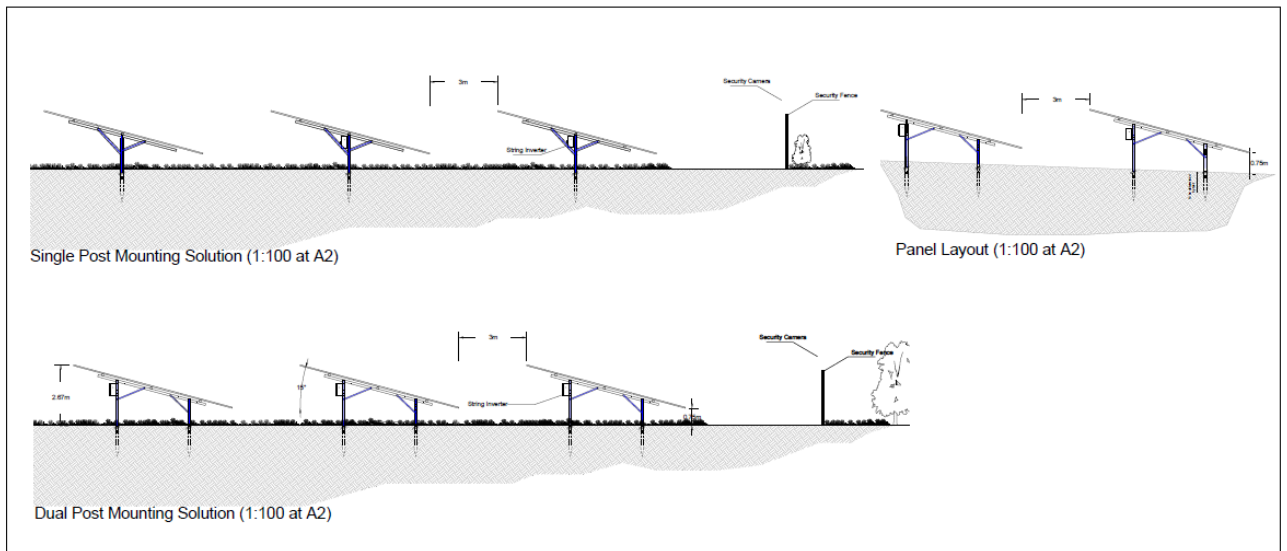


Fig 3 – Panel sections

- 1.6 Construction and operation - It is proposed that impacts during the construction phase are controlled via a Construction Method Statement and Construction Environmental Management Plan. Once installed, 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. At the end of the 40-year operational lifespan of the solar farm, the site would be restored back to full agricultural use with all equipment and below ground connections removed. The landscape enhancement measures would remain.
- 1.7 Amendments - In response to representations made to the Planning Application, a number of amendments have been made to the original submitted plans. The DNO containerised electricity sub-station is proposed to be lower in height than first indicated (will not now exceed 3.5m) and is proposed to be screened by additional (and 'gapped up') hedgerow planting. To further reduce impacts, all previously proposed inverter buildings are also no longer proposed.
- 1.7 Community benefits: Whilst not forming an integral part of the current application the applicant has also committed to provide a community benefit fund for use by the local community.
- 2.0 **SITE LOCATION / DESCRIPTION**
- 2.1 The Application Site extends to 19.9 hectares (ha) of agricultural land and is made up of two adjacent pasture fields.
- 2.2 The site is located to the south of Hall Lane, a short distance to the west of the small settlement of Kemberton. The Site occupies two fields of similar area, one to the north and one to the south, separated by a hedgerow. The southern field extends further eastwards than the northern field, giving the overall site a 'L' shaped layout. The site is generally contained by dense mixed hedgerows featuring a number of mature trees.

2.3 The immediate area around the site is rural in nature. The south-eastern edge of Telford comprising the large industrial area / units of Halesfield is located just over 400 metres west of the site.

2.4 There are no landscape designations on or within 3 kilometres of the site. No statutory ecological designations of conservation concern are on or within 1km of the site, nor are there any non-statutory designations identified within or adjacent to the site. Kemberton Conservation Area is located just over 150 metres west of the site at its closest point. The nearest listed building is located almost 350 metres west of the site. The site is located entirely within Flood Zone 1 and therefore considered at low risk of fluvial flooding. The site lies within designated Green Belt.

3.0 REASONS FOR COMMITTEE DECISION

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

4.0 COMMUNITY REPRESENTATIONS

4.1. Kemberton Parish Council: Objection. (Full document available online)

The proposed development occupies the majority of the undeveloped green space between Kemberton and Telford.

Renewable energy projects are inappropriate development in the Green Belt and should only be accepted in very special circumstances. A general reliance on environmental benefits and an assumption that those benefits will exist is not enough, the benefits must outweigh the harm caused.

The proposed development represents a merging of Telford and Kemberton and a significant encroachment into the countryside in conflict with Green Belt policy. The harm is substantial. There are no significant very special circumstances outlined in the application. The proposal is contrary to policy CS5.

The submission fails to separate Grade 3 land into Grade 3a and Grade 3b. Over a third of the site is classed as "best and most versatile" agricultural land, a significant proportion of the land is high quality agricultural land and is protected under policy CS6.

The site has been identified as a strong site for its ability to protect from urban sprawl and contain development meaning that it plays a significant role in protecting the characteristics of the Green Belt, contrary to policy MD6.

Policy MD8 requires energy infrastructure to respond to national priorities and locally identified requirements and required the contribution made to those objectives to outweigh the potential for adverse impacts. There is a very limited attempt to provide an identified local requirement. The development will have a substantial visual

impact both on their own and in terms of glint and glare impacts on highway users.

The premise that the infrastructure is required in this location is flawed. There is no attempt to assess whether the allocations on other sites are deliverable. It may be that all of the undeveloped land outside the Green Belt is unsuitable for the development, but this has not been evidenced.

The land is not the financially insignificant agricultural land that it is presented as, it is a vital part of an established agricultural enterprise.

There has been no real attempt within the application to understand the open nature of the area within the setting of a designated Conservation Area, the application does not comply with the statutory duty in terms of heritage assets.

4.2 Sutton Maddock Parish Council (Adjoining Parish): Objection. (Full document available online)

A strong objection to inappropriate development. The land forms approx. 20% of available grazing for the farm and the loss of this would have a significant impact on the viability of the farm and its workforce.

The development would significantly impact on the openness of the land resulting in an urbanising impact with the open countryside. There are no very special circumstances which outweigh the harm to the green belt.

The development would have a detrimental impact upon the open rural character of this agricultural landscape, introducing a significant and incongruous modern industrial element into the otherwise rural and unspoilt landscape and is harmful to the visual amenity of the area.

The site is very close to several dwellings and no noise impact assessment has been submitted to demonstrate that the peace and quiet currently enjoyed by the occupiers of these properties will not be adversely affected by the proposed industrial development.

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

4.4i. SC Climate Change Task Force: Support. The climate crisis is a serious threat to the lives of millions of people globally, nationally and locally. The mitigation of greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes. Even if we are successful in mitigating the worst effects, we will continue to experience more pronounced and frequent episodes of extreme weather effects. The much greater frequency of extreme weather events will significantly increase insurance risks and threaten the health, wellbeing and future resilience of our communities and infrastructure.

ii. The Department for Business, Energy and Industrial Strategy publication – ‘Climate Change Explained’ has identified the following likely impacts, The effect of rising temperatures, the effect of warming on rainfall patterns, changes in the oceans, the impact on food production, ecosystems, human health, poverty and the impact of extreme weather events global

iii. In this context, Shropshire Council’s Climate Task Force strongly supports in principle the delivery of additional renewable energy generation infrastructure and

capacity in the county as a positive contribution to the policy objectives outlined below. Solar farms have the potential to deliver significant environmental benefits in terms of:

- Decarbonisation of energy supplies, greater energy security, green growth

iii. Shropshire Council declared a 'Climate Emergency' on 16 May 2019. The Climate Strategy and Action Plan (17th December 2020) sets out a range of principles: 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.

- The UK Government has committed to a legally binding target of net zero by 2050.

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- National Energy Security Strategy:

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iv. Application Specific Comments:

It's recognised by the Climate Task Force that the development would contribute 22MW towards the approximate total of 5,000MW required to make the county self-sufficient in renewable energy. According to Greenhouse gas reporting: conversion factors 2022 – UK electricity this development would be expected to produce an approximate carbon saving of 4.3 ktCO₂.

4.5i. SC Conservation: These comments follow those previously submitted on 4/7/22, where there was concern with the potential setting of the following heritage assets including that of the western side of the Kemberton Conservation Area:

- Church of St Andrew (grade II listed);
- 5 Hall Lane (grade II listed); and
- Brockton Hall Farmhouse (a recently added grade II listed building).

ii. Having consulted the HIA Addendum and the relevant viewpoints it is considered that whilst the proposal would not overly harm the appreciation of the respective heritage assets and character and appearance of the Kemberton Conservation Area, it is still considered that the proposal would consist of 'less than substantial harm' (as defined under paragraph 202 of the NPPF), albeit at the lesser end of the spectrum, especially with regards to visual impact upon the character and appearance of the Kemberton Conservation Area and relevant heritage assets that lie within the south-west portion of the conservation area including St Andrew's Church and 5 Hall Lane. It is acknowledged that the appreciation of the assets would be limited when viewed from the west along Hall Lane given existing hedging and planting including that of the church tower of St Andrew. There is agreement with the applicant that impact upon the recently listed Brockton Hall Farmhouse

would be 'none' to 'negligible', or less than substantial given the distance of the listed building from the site and intervening planting and vegetation.

- iii. Previously there was concern by SC Conservation with regard to associated paraphernalia, where it is noted that one transformer station shall be removed which is welcomed. It is considered that such equipment should have appropriate finishes including juniper green and black (ie for CCTV), where this should be conditioned accordingly.
- iv. It is accepted that landscape mitigation and consolidatory/supplementary and infilling of planting would lessen potential visual impact and could potentially push it down into less than substantial or 'slight adverse' territory, where the amended Landscape Mitigation Plan is noted. The 'decision maker' should consider the paragraph 202 of the NPPF balance with regards to 'harm vs public benefits', taking account of any other potential planning obligations.

4.6i. SC Archaeology: No objection.

- ii. It is advised that the Archaeological Desk-Based Assessment and geophysical survey provide a sufficient level of information about the archaeological interest of the proposed development site itself. It is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works - including the soil stripping for the site compound for the construction phase, inverters, substation and meter room buildings, and any site access tracks necessary during construction phase.

4.7i SC Trees: No objection. I agree with the findings and recommendations of the Arboricultural Appraisal (SC: 596AA, Salopian Consultancy Ltd, 17.05.2022) and consider that the limited tree loss required to implement the proposed development (two trees associated with construction of the new highway access and a length of hedge for the visibility splay) will be more than compensated by the new native tree, woodland and hedgerow planting proposals. Retained boundary trees and hedgerows can be adequately protected during construction by the perimeter security fence, which should be installed prior to other development related activities on site. Specific temporary tree protection fencing will be required around 'in field' tree T87, as described and shown in the Arboricultural Appraisal.

- ii. Details of tree and hedge species, type of planting stock, numbers or proportions of the planting mix, and planting locations have been provided in the Landscape Mitigation Plan (3109-001 Rev B); but details of site preparation, planting methods, means of protection and support for the newly planted trees and post-planting maintenance to ensure successful establishment have yet to be provided. I would therefore recommend attaching tree protection and landscaping conditions, should permission for this application be granted: (included in appendix 1).

4.8 SC Drainage: No objection. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable. An informative note on drainage is recommended.

- 4.9.ai. SC Ecologist: No objection. There is no evidence of protected species or priority habitat. Five ponds were identified within 500m, which could not be surveyed. One of which is within 250m and was found to be dry. No further surveys were recommended.
- ii. Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area. SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat boxes/integrated bat tubes and bird boxes will enhance the site for wildlife by providing additional roosting habitat. Conditions and informatives are recommended (included in Appendix 1).
- 4.9b SC Ecologist: I have reviewed the amended Landscape Management Plan (Lingard Farrow Styles, October 2022) and the Landscape Mitigation Plan Rev C (Lingard Farrow Styles, November 2022). The scheme appears to still be in accordance with the submitted BNG Assessment (Salopian Consultancy, June 2022). I am happy with the submitted information. The landscape condition previously recommended can be removed, in light of the updated landscape information.
- 4.10 SC Environmental Protection: I have examined the submitted noise assessment and have no concerns with respect to noise impact from operation of the proposed plant. However, given the scale of development and proximity of existing housing to the site there is some potential for noise and dust impact upon local residents during construction phase. I would therefore recommend that if permission is granted that a condition requiring submission for approval and implementation of a construction management plan which includes measures to control noise and dust impact is attached.
- 4.11i. SC Highways Verbal comment - no objection subject to recommended conditions and informatives (included in appendix 1).
- 4.12i. SC Landscape advisor: No objection. This is a review of a landscape and visual impact assessment (LVIA) prepared in May 2022 support of a planning application for a proposed solar farm development south of Hall Lane, Kemberton, Shifnal, Shropshire.
- i. The methodology of the LVIA is appropriate for the nature of the proposed development and scale of likely effects. The assessment of effects has been carried out in accordance with the methodology and may be relied on to make a sound planning judgement.
- ii. It is considered that the landscape assessment results are reliable. The overall balance of effects on landscape character is negligible. There will be the long-term 'loss' of two agricultural fields, but the proposed planting will reinforce the existing field pattern, resulting in an improvement to the quantity, quality, diversity, and structure of the vegetation resource of the site and the local landscape character.
- iii. It is considered that the visual assessment results are reliable. The greatest visual effects would be experienced in the early years of the development, prior to the

proposed planting within the landscape mitigation plan affording any screening. These would be experienced from short-range viewpoints. All these visual effects would reduce to slight adverse or less once the planting starts to mature, from approximately years 3 to 5 post-planting. The remaining visual effects would be negligible.

- iv. Cumulative landscape and visual effects have been considered, and no additional effects were found.
- v. We consider that the proposals comply with Local Plan policies relating to landscape and visual matters. The proposals impact adversely on the openness of the West Midlands Green Belt and, unless very special circumstances can be agreed, we do not consider that they comply with national or local Green Belt policy.
- vi. We have made recommendations regarding the provision of further details to the Landscape Mitigation Plan, which may be undertaken by way of a planning condition. We have also request further details to the Landscape Management Plan.
(Officer Note: The Landscape Management Plan has subsequently been updated taking account of these recommendations)

4.13 Councillor Richard Marshall has been informed of the proposals and has referred the application to the committee.

Public Comments

4.14 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. At the time of writing 133 representations have been received, all objecting to the proposals. The main issues of concern can be summarised as follows (Full documents are available online:

- Loss of productive, established agricultural land.
- Huge impact on the viability of the agricultural unit
- Sheep grazing does not allow for any other use
- Loss of Green Belt
- The land has been used successfully for the growing of food crops and has organic status
- From a food security point of view the direct loss of 250,000 litres of organic milk
- Visual amenity
- The barrier between industrial development and agricultural lane will disappear and lead to the continued expansion of the town.
- Why Kemberton of all surrounding areas?
- Sun glare – affect the view of drivers.
- Landscape impact – Minimum screening during late autumn and spring
- The screening will not become effective for 3-5 years
- Heritage impacts
- Breach of Conservation Area legislation
- Biodiversity

- Impact on local wildlife has not been fully assessed
- Leisure
- The countryside has a profound restorative impact on users and the development could put off visitors to the area.
- Proposal is purely on commercial grounds.
- There are alternative brownfield sites within the industrial area and a number of local buildings.
- Increased flooding risk
- A precedent for further applications
- Noise
- Local job losses
- Environmental concerns around batteries – soil leakage
- Energy production claimed does not account for losses and is likely to be 25-30% less

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4.15i CPRE Bridgnorth: While CPRE may be supportive of solar energy projects it will always oppose harmful developments in the countryside.

- The proposal raises serious concerns and is harmful development in the countryside.
- There are no very special circumstances
- No significant local or community benefits
- Urban Sprawl.
- No effort to seek a more sustainable site – brownfield or urban
- Unwanted new access
- Glare from glass panels
- Likely harmful effect on wildlife
- Loss of grade 3 agricultural land
- Loss of a valuable farming business

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Policy context - National Policy

Section 38(6) of the Town and Country Planning Act requires that applications should be determined in accordance with the up-to-date adopted development plan unless material considerations indicate otherwise.

- 6.1.1 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
 - If specific policies in the NPF indicate the development should be restricted.
- 6.1.2 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 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.
- 6.1.3 Green Belt Policy: The site is located within the Green Belt. The implications for Green Belt Policy are considered in a succeeding section.
- 6.1.6 Best and Most Versatile Land Policy: 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’.
- 6.1.7 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.
- 6.1.8 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 B&MV 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 B&MV (footnote 58) relates to plan making rather than determination of planning applications.

- 6.1.9 The requirement to 'recognise' the 'economic and other benefits of the best and most versatile agricultural land' (Para 174) does not amount to an instruction to refuse all applications affecting B&MV land. There is no additional national guidance on the weight to be given to protection of B&MV land. It is a matter for the decision taker to weigh up against other matters such as renewable energy benefits as part of the planning balancing exercise.
- 6.1.10 Other national policy: Overarching Energy NPS EN-1 states that on agricultural land (at paragraph 5.10.8): "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. It also states. "The IPC [now the Secretary of State] should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. 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."
- 6.1.11 Draft revised NPS 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... 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."
- 6.1.10 Development Plan Policy: One of the strategic objectives of the Shropshire Core Strategy (objective 9) is 'responding to climate change and enhancing our natural and built environment'. Policy CS8 supports 'positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation.'. Policy CS5 advises that <development> 'proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.'

- 6.1.11 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, 'where this has no significant adverse impact on recognised environmental assets. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. Policy CS17 seeks to protect and enhance the diversity, high quality, and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage, and ecological assets. The proposals would respond to climate change, but it also necessary to protect the rural environment.
- 6.1.12 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:
- i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
 - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
 - vi. Noise, air quality, dust, odour, and vibration;
 - vii. Water quality and resources;
 - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
 - ix. Cumulative impacts.
- 6.1.13 Policy MD12 (the natural environment) aims to conserve, enhance and restore Shropshire's natural assets, and to ensure that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets including biodiversity and visual amenity. Policy MD13 (the historic environment) provides equivalent protection for heritage assets.
- 6.1.17 In considering the current proposals it is necessary to assess:
- The characteristics of the site and the nature of any impacts to the local environment, soils, landscape, heritage assets and amenities.
 - 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 unacceptably adverse impacts after mitigation has been applied and / or the benefits outweigh any residual impacts, then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158.

However, if any unacceptably adverse effects remain after mitigation and outweigh the potential benefits then the development would not be sustainable.

6.2 Justification for the development:

6.2.1 Justification for renewable energy: Sections 157 and 158 of the NPPF does not require applicants for renewable energy schemes to demonstrate the need for the development. However, the NPPF practice guide on renewable and low carbon energy advises that planning authorities should consider 'the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect'.

6.2.2 The main factor determining the suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network which must also have the capacity to receive the renewable electricity generated by the development. The applicant states that Shropshire now has very few substations with sufficient capacity to accommodate a utility scale solar farm like the one proposed.

6.2.3 The applicant has identified Halesfield substation as having sufficient capacity to accommodate a solar farm of this size. In discussions with the Distribution Network Operator (DNO) it was established a site greater than 3 kilometres away from the Halesfield substation would be unviable in terms of grid connection costs. A site within 3 kilometres of the substation is therefore required for a viable project. The land to the north-west and south-west of the substation is either built on (Telford), or forms part of The Ironbridge Gorge World Heritage Site (WHS).

6.2.4 A golf course is located in the south of the search area, but immediately adjacent to the WHS. A small section of land north of Halesfield and around Nedge Hill is undeveloped but is allocated for residential development, so a solar farm should not be accommodated in this location. This leaves the only available land for the siting of a solar farm as east of the built-up area of Telford. All this land is designated Green Belt. Therefore, the applicant concludes that a viable solar farm connecting to the Halesfield substation can only be sited in a Green Belt location.

6.2.5 When selecting a specific site, the Applicant has considered a range of criteria. These criteria include:

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

The Applicant has carried out a site search exercise and can confirm there are no other alternative sites in the surrounding area that meet the above criteria.

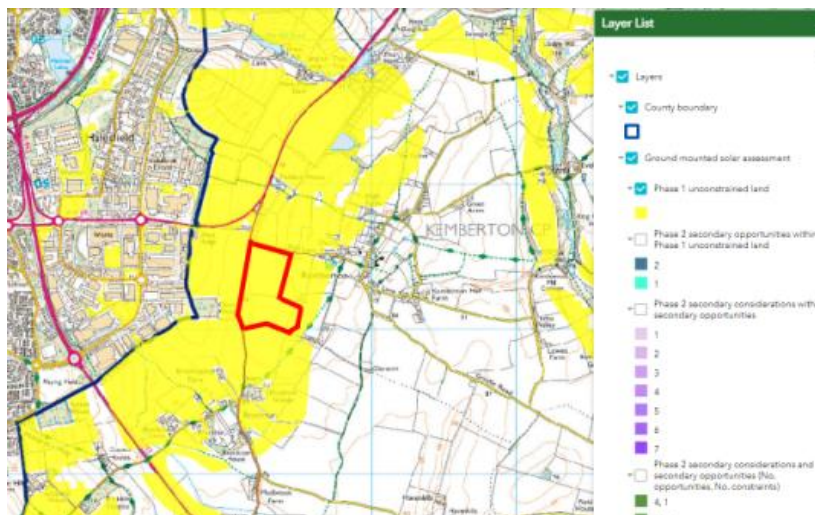


Figure 4 – Zero Carbon Shropshire Solar Opportunity Mapping Study

- 6.2.6 Figure 4 above confirms that the site is located in a solar opportunity mapping area identified by Zero Carbon Shropshire Plan (2021) which while not a Planning Policy document is a Council plan. This is before the additional local constraints referred to above have been applied.
- 6.2.7 Justification – agriculture: The NPPF states at paragraph 174 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 National Planning Practice Guidance on renewable and low carbon energy describes the specific planning considerations that relate to large scale ground-mounted solar photovoltaic farms. A local planning authority will need to consider amongst other matters that: "Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays."
- 6.2.8 Core Strategy Policy CS6 describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land.
- 6.2.9 An agricultural report states that 33% of the land within the site (5.58ha) is of best and most versatile Grade 3a quality with 67% being 3b (i.e. not best and most versatile quality). The applicant states that this is lower than the average for land in Shropshire (73% of all agricultural land) and accordingly, poorer quality land has been used as far as possible within the locational constraints noted above. The survey indicates that there are some limitations with wetness. Objectors point to the fact that the land has produced organic milk and has, in the past, produced food crops. The applicant states however that the economic benefit of the land to agriculture and related supply chain businesses is not great and that the phasing

out of agricultural subsidies over the next 5 years will influence the future viability of food production at the site.

6.2.10 The applicant advises that the proposed solar farm is a temporary form of development which can be fully reversed at the end of its life. Agricultural production can also be maintained (though constrained) during the operational life of the solar park. Consequently, the development proposal would not result in the permanent loss of agricultural land resource or the degradation of its ALC grade.

6.2.11 The applicant cites two appeals where the Inspector considered loss of best and most versatile agricultural land. A Planning Inspector's decision of 15 April 2016 regarding a housing development at land north of Haygate Road, Wellington, Shropshire. That inspector's report reviewed the issue of supply of BMV land in the area of Telford and concluded:

"There would firstly be a loss of just over 15 ha of BMV agricultural land. But as much of the agricultural land surrounding Telford is of BMV status, and as it is clear that this has not prevented the Council from recently granting planning permission for a scheme at Priorslee which will result in a much greater loss of BMV land than here, I can only give this impact a modest amount of weight."

6.2.12 In the case of the proposed development the land would be retained within agricultural use with the land between and beneath the panels used for seasonal sheep grazing. It is considered that this would provide some mitigation for the temporary loss of B&MV land. In addition, there would be significant biodiversity enhancements and the applicant states that the soil would benefit from being taken out of production.

6.2.13 The proposals would affect 5.58ha of best and most versatile agricultural land at the site and this is a material consideration to be weighed against other considerations in assessing a solar planning application. However, this B&MV land is located within an organic dairy farming area rather than an intensive arable field where any B&MV could potentially be farmed to yield a fuller potential per hectare.

6.2.14 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.

6.2.15 Relevant policies and guidance advocate the use of poorer quality land in preference to better quality. However, there is no absolute policy prohibition against the use of best and most versatile land in solar development. Applicants must justify their choice of site and planning authorities must consider any impacts to B&MV land as part of the planning balancing exercise. The ability to graze sheep and other animals between the arrays is likely to be a material issue in assessing any loss of B&MV land within this dairy farming area. It is considered in this instance that the applicant has sought to minimise effects on B&MV land in selecting this site. Other poorer quality land (66%) within the site has also been used for organic dairy farming. As this is not best and most versatile land it is not covered by the NPPF requirement to have regard to the benefits of B&MV land.

6.2.16 In summary, there is, in the opinion of the officer, no evidence that the proposal will result in any significant or permanent loss of best and most versatile agricultural land. Whilst there would be some temporary loss of B&MV land the affected land is farmed within a wider dairy as opposed to intensive crop production regime. It can therefore be considered that the affected B&MV land cannot be used to its full productive potential within the dairy farming regime.

6.3. Benefits of the proposed development

6.3.1 Climate Change: The applicant states that the site would generate enough electricity to power approximately 6000 homes annually giving a CO2 saving of approximately 5,280 tonnes per annum.

6.3.2 Ecological enhancements the applicant has produced a biodiversity metric which indicates that the proposals would deliver biodiversity net gain (BNG) of 24.46% in primary habitat and 7.4% in linear habitats.

6.3.3 Community fund: The applicant is intending to set up a community benefit fund. Such offers are made outside of the planning process.

6.3.4 Economic benefits:

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

6.4 Green Belt

6.4.1 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 NPPF paragraph 147. Core Strategy Policy CS5 advises that 'new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt'. National Green Belt policy is set out in Section 13 of the NPPF'.

6.4.2 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. 'Elements' can logically be interpreted in this instance as referring in particular to buildings such as

switchroom and inverter cabins associated with the solar development. The compatibility of individual renewable energy projects in the Green Belt must therefore be judged based on their individual merits and circumstances.

6.4.3 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.

6.4.4 In support of the application the applicant has provided a number of recent examples where solar farm applications have been allowed in the Green Belt. A recent appeal APP/C1950/W/19/3225810 in Hertfordshire is cited in which the Inspector stated:

- *The harm to the character and appearance is outweighed by the fact that it is a temporary and reversible development;*
- *The scheme would make a valuable contribution to cutting greenhouse gas emissions which provides wider environmental benefits through the increased production of energy from renewable resources; and*
- *The location of the array within a hollow, together with the proposed landscaping, results in the location where the impacts can be made acceptable.*

The Inspector concludes that 'the environmental benefits of the proposal and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist'. Conversely, it is recognised that some other proposed solar development in the Green Belt has not succeeded on appeal.

6.4.4 Individual solar farm proposals will of course raise different issues. However, the approval of solar farms in the Green Belt highlights that there is no automatic presumption of refusal for solar farms in the Green Belt and that a very special circumstance justification may exist based on the renewable energy benefits of such proposals.

6.4.5 Effect on openness and permanence Green Belt (NPPF para 137): Openness is an essential characteristic of the Green Belt and is generally defined as the absence of built form. The Shropshire Green Belt Assessment (2017) advises that 'Openness in a Green Belt relates to lack of built development more than visual openness, although the two often go hand in hand. The key distinction is that where vegetation provides visual enclosure this does not reduce Green Belt openness, even though in practice, it might mean that development would have less visual impact'.

6.4.6 The Shropshire Green Belt Assessment (2017) continues: 'Not all built development is considered to impinge on openness. Green Belt land includes many buildings which, by virtue of their form and arrangement in relation to other development, are compatible with a Green Belt location.'

- 6.4.7 The Shropshire Green Belt Assessment assesses individual Green Belt areas for the strength of their performance in meeting the key purposes of the Green Belt as defined by national policy. The proposed site is located within Broad Area 2 of the Green Belt and is located adjacent to Parcel 22 which is assessed to have a strong rating in protecting from urban sprawl, a moderate rating in protecting the countryside from encroachment and a weak rating in preventing neighbouring towns from merging and preserving the character and setting of historic towns.
- 6.4.7 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 has however been carefully designed with the solar arrays being pulled back from the most publicly visible areas and using existing screening of trees and hedgerows which would be strengthened further by the landscaping proposals. The enclosed nature of the site and the proposed mitigation planting to the boundaries seek to ensure that the degree of harm to the Green Belt would be limited. The main impact on openness on the Green Belt would be the introduction of the ancillary structures such as deer fencing, substations, inverters and other associated plant.
- 6.4.8 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 would prevent any permanent urban sprawl from taking place at this site for the duration of its operational life. Once decommissioned the land would be returned to its previous use.
- 6.4.8 Visual impact is discussed in a subsequent section. However, given the stand-offs to the arrays, the presence of mature woodland and hedgerows around the arrays and the applicant's landscaping proposals it is not considered at this stage that any effects on openness and permanence of the Green Belt would be significant.
- 6.4.9 Effect on the five principal purposes of the Green Belt:
The applicant's Green Belt assessment draws the following conclusions in italic with respect to the 5 Green Belt tests set out in the NPPF:
- a) To check the unrestricted sprawl of large built-up areas;
This parcel does not lie adjacent to a large built-up area and therefore makes no contribution to Purpose 1. Whilst this parcel does not lie adjacent to the urban edge of Telford, it is acknowledged that if the parcels immediately between it and Telford were developed (i.e. parcels P21 and P22), this parcel would play a strong role preventing the urban sprawl of Telford spreading out in Shropshire.
 - b) To prevent neighbouring towns merging into one another;
The parcel is located at a minimum separation distance of ~0.4km from the eastern edge of the settlement of Telford, which has a relationship with the settlement of Shifnal ~3.3km to the north-east of the parcel. The parcel forms part of the settlement gap but, like the adjacent parcel P22, does not lie directly between the two settlements of Telford and Shifnal. Any development

within this parcel, and subsequent loss of openness, may lead to a perception of narrowing the gap between these settlements, however this would be to a fairly limited degree. Beckbury, Albrighton, Kemberton and other villages and hamlets are not considered towns with regard to Purpose 2, therefore they have not been assessed in relation to Purpose 2. Nonetheless, it is acknowledged that any new development that took place within the parcel could lead to the perception of narrowing the physical and visual gap between these settlements.

- c) To assist in safeguarding the countryside from encroachment;
The parcel itself is open countryside, however nearby, and also covered by Green Belt, is the settlement of Kemberton (~150m east of the northern edge of the parcel), the development of Kemberton Stables (~120m east of the parcel) and a nearby bungalow (Corcovado, ~100m south-east of the parcel). Also of note is the more distant edge of Telford and the Halesfield Industrial Estate (~0.4km west of the parcel). These areas of development provide some sense of encroachment within the Green Belt, but the urbanising influences are limited and the parcel plays a moderate role in preventing further encroachment.
- d) To preserve the setting and special character of historic towns;
This parcel is not adjacent to any historic towns. For the purposes of this assessment and The Shropshire Green Belt Assessment (2017) Kemberton is not considered a historic town.
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
All parcels make an equally significant contribution to this purpose, as noted in The Shropshire Green Belt Assessment (2017).

6.4.11 The applicant's Green Belt survey concludes that the site has a 'weak' contribution to the above purposes with respect to the Shropshire Green Belt. It does not protect unrestricted sprawl of large built-up areas and does not lie directly between the two settlements of Telford and Shifnal. It is enveloped by mature hedgerows and trees and proposed supplementary screening/planting so any intrusion on the countryside would be limited. The Site makes no contribution to preserve the setting and special character of historic towns.

6.4.12 Consultants acting for Kemberton Parish Council have challenged this conclusion, claiming that the site is located in a strategic gap between the edge of Telford and the settlement of Kemberton and that it plays an important role in preserving a key gap and sense of openness in this area. The officer considers that the proposals do not materially offend the 5 key purposes of the Green Belt as referenced above. It is however recognised that a number of public representations refer to the value of this gap in preserving Green Belt openness and the setting of Kemberton and its Conservation Area.

6.4.13 Green Belt – Very special circumstances: Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Renewable energy

development is not one of the appropriate forms of development listed in NPPF Paragraphs 149 and 150. Paragraph 151 goes on to say 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’.

- 6.4.14 The term ‘elements of many renewable energy projects’ can be taken to mean not the entirety of the solar proposals. It is considered that the term is likely to refer mainly to the proposed ancillary buildings associated with solar farm development.
- 6.4.14 The switchroom and other building elements of the proposed solar farm scheme are relatively low-level containerised units. The number of these has been reduced and they have been carefully sited behind existing hedgerows and generally separated from any publicly available viewpoints. The applicant’s visual appraisal (succeeding section) does not indicate a specific issue with regard to the visibility of these built elements and this has not been raised as a specific issue by the Council’s landscape adviser.
- 6.4.14 The applicant has put forward the following very special circumstances in support of location of the proposed development and its’ associated ancillary container buildings within the Green Belt:
- 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.
- 6.4.15 The need for renewable energy is referred to elsewhere in this report. This is consistent with draft national energy policy EN1 (overarching) and EN3 (renewable energy) and is supported by the comments of the Council’s climate change task force and the Council’s declaration of a climate emergency. The benefits of the development are referred to in a preceding section.
- 6.4.16 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. No other potential sites capable of linking to the Halesfield substation are located outside of the Green Belt. The absence of demonstrably better sites within the search area is considered to add weight to the very special circumstance justification for development within the Green Belt.
- 6.4.17 It is considered at this stage that there will be some impact on openness and permanence of the Green Belt but this is capable of mitigation due to the site layout and the applicants landscaping proposals, having regard also to the baseline visual condition of the site. None of the five purposes of the Green Belt are considered to be significantly affected 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 Environmental considerations:

6.5.1 Landscape and visual impact: Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: 'Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment taking into account the potential effects on the local landscape character and existing visual amenity value. 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.

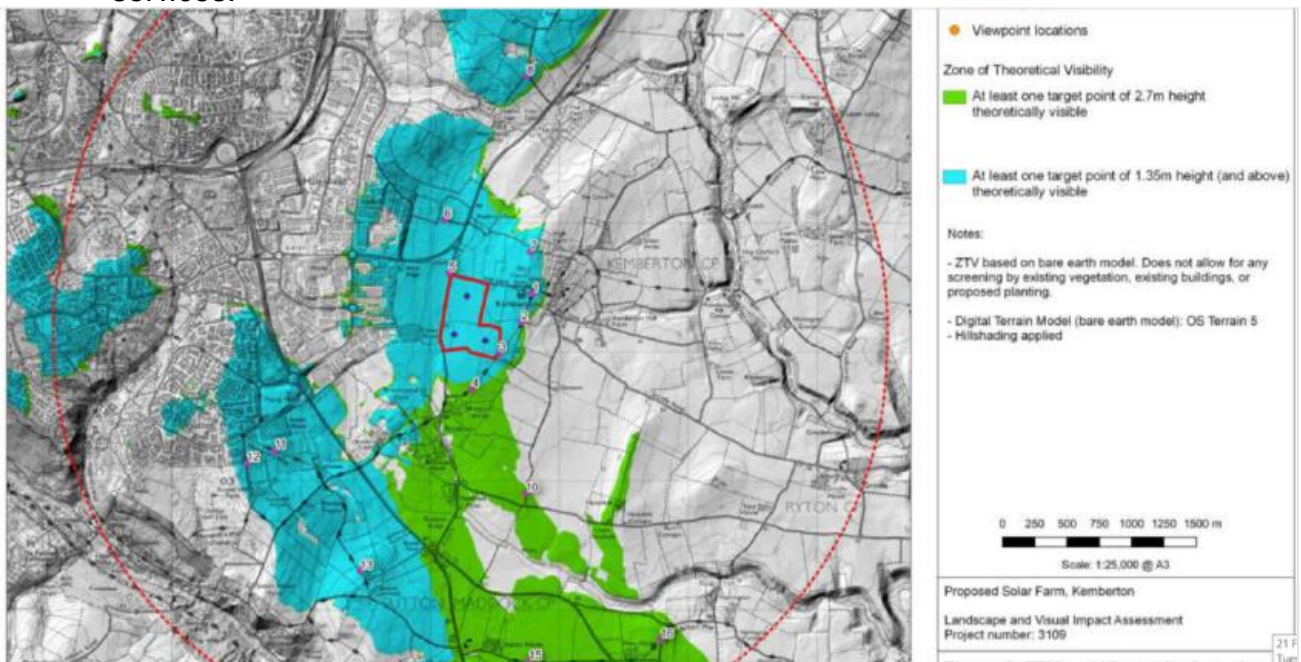


Figure 5 – Viewpoint locations

Viewpoint 01 - PRoW 0128/7/1, edge of Kemberton
Panorama

Panorama for context only

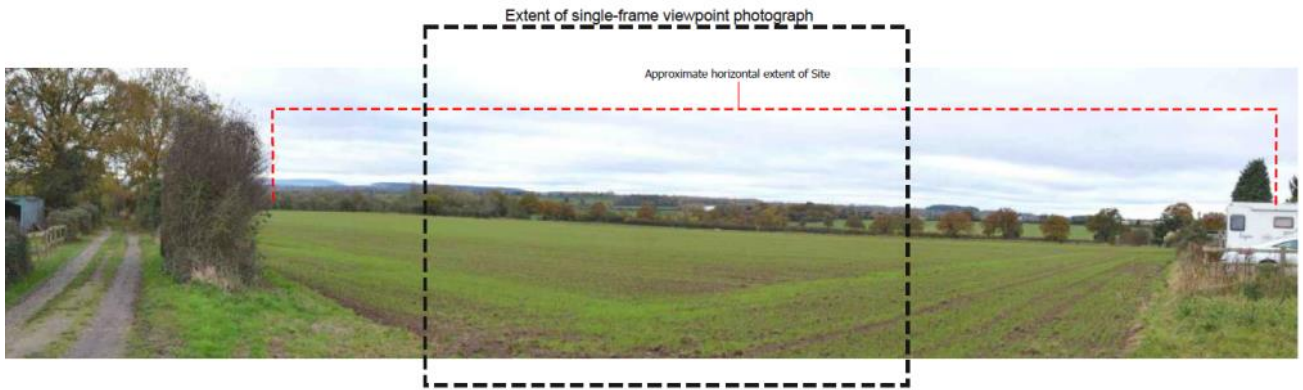


Figure 6 – Viewpoint 1 – edge of Kemberton

Viewpoint 02 - PRoW 0128/7/1, south of Kemberton
Panorama

Panorama for context only

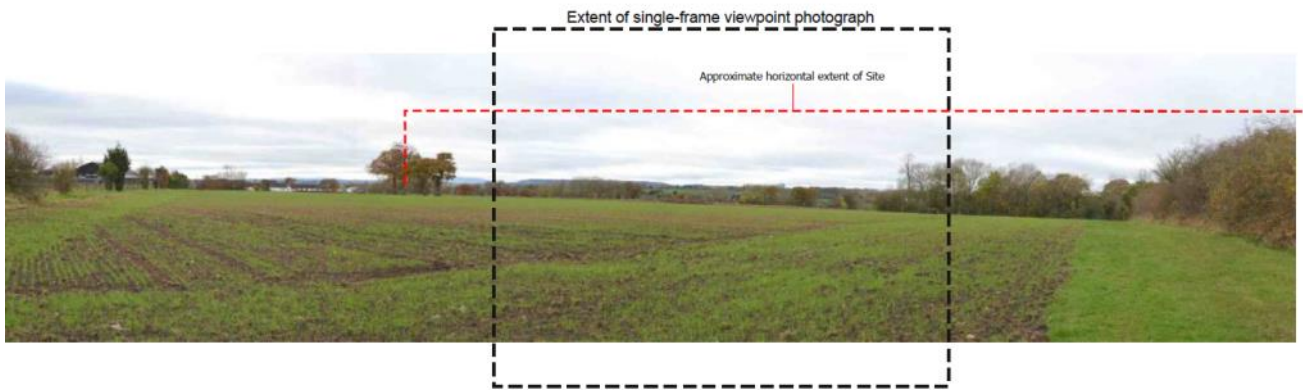


Figure 7 – Viewpoint 2 – South of Kemberton

Panorama for context only

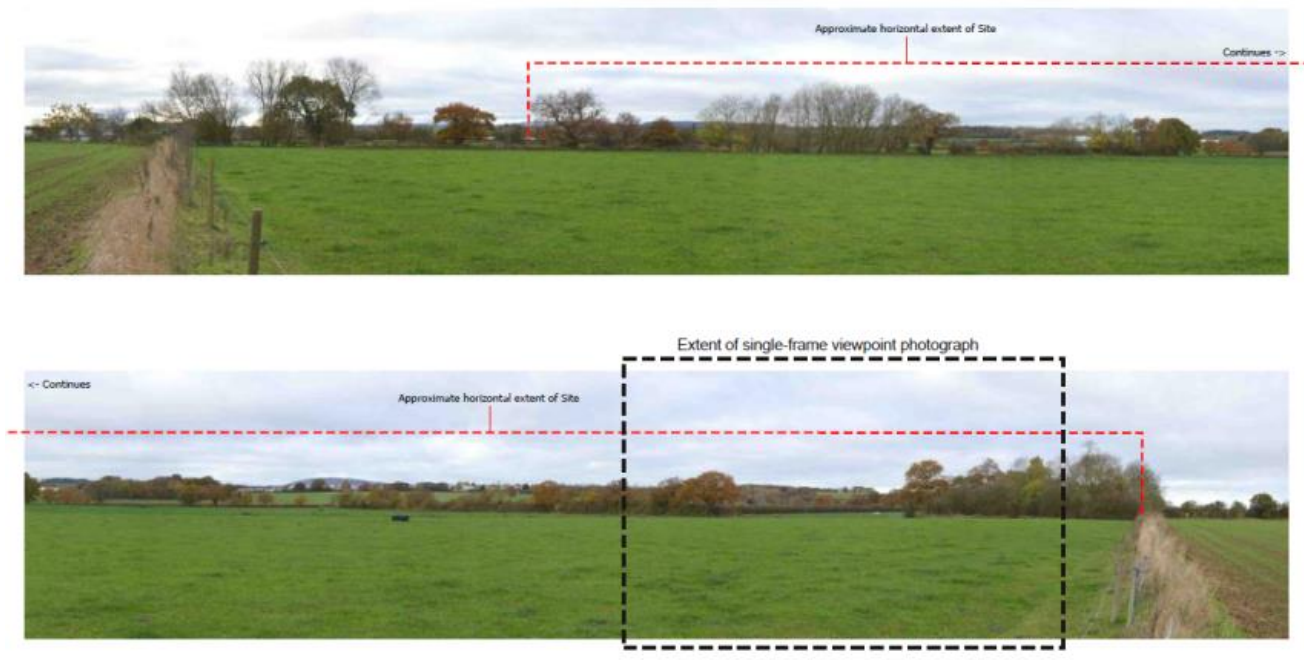


Figure 8 – Viewpoint 3 – Edge of site

- 6.5.2 The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared in accordance with Landscape Institute guidelines. The conclusions and methodology of the LVIA have been supported by the Council's landscape consultant. The LVIA assesses the baseline landscape and visual context at the site and 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.
- 6.5.3 The LVIA confirms that the greatest landscape effect identified is 'slight adverse' for the Sandstone Estatelands Landscape Type of the Shropshire Landscape Typology. It should also be noted that following establishment of mitigation planting the vegetation of the Site and its boundaries will sustain a 'slight beneficial' effect.
- 6.5.4 The greatest visual effects identified are Moderate-Major adverse at year one of operation for users of the Monarch's Way passing adjacent to the proposed solar farm and for residents of Corcovado at a separation distance of c.100m from the solar farm. However, the low profile of the proposed solar farm combined with the relatively level topography means that views to it may be readily screened/filtered by appropriate planting. The implementation of the landscape mitigation plan will reduce these visual effects to 'slight adverse' within c.3-5 years. Residents of Langley House and Langley Cottage may sustain up to a 'moderate adverse' visual effect, but mitigation tree planting will reduce the effect within c.3-5 years to 'slight adverse' when in leaf. The LVIA concludes the proposed development is acceptable in terms of its likely landscape and visual effects, subject to implementation of the proposed Landscape Mitigation Plan.

- 6.5.5 A Landscape Mitigation Plan has been designed to conform with the landscape character, improve the biodiversity, structure, and connectivity of the vegetation resource. It is also designed to provide screening/filtering of the proposed development while minimising potential shading of the proposed solar panels. The boundary fence position has been adjusted to allow space for existing boundary trees and future growth. The landscape mitigation plan includes the following provisions:
- 44no. native specimen trees of 4 different species;
 - c.790m² of native screen planting of 11 different species.
 - c.250m of native hedgerow of 6 different species;
 - Grass and wildflower seeding as required.
- 6.5.6 The proposed native hedges are anticipated to establish to full height (i.e., c.2.7m) and density within c.3-5 years and will provide some immediate light filtering. The proposed grass and wildflower seeding will supplement existing retained grass areas where required. The grass areas will be managed through sheep grazing. Following mitigation, no unacceptable adverse landscape or visual impacts are anticipated.
- 6.5.7 The Council's landscape adviser has supported the LVIA methodology and conclusions. The applicant's visual appraisal supports the conclusion that the proposals can be accepted with respect to visual and landscape effects. The renewable energy benefits of the proposals must also be taken into consideration, as highlighted in particular by the Council's climate change task force. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13)
- 6.5.8 Visual impact – glint and glare: A Glint and Glare assessment has undertaken geometric analysis at 44 residential and 52 road receptors within 1km of the site. The assessment concludes that:
- Solar reflections are possible at 19 of the 33 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at seven receptors, Medium at two receptors, Low at 10 receptors and None at the remaining 14 receptors. Upon reviewing the actual visibility of the receptor, glint and glare impacts reduce to Low at two receptors and None at all remaining receptors. Once mitigation measures were considered, glint and glare impacts reduce to Low at one receptor and None at all remaining receptors.
 - Solar reflections are possible at 25 of the 36 road receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 25 receptors and None at the remaining 11 receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at three receptors and reduce to None at all receptors. Once mitigation measures were considered, glint and glare impacts reduce to None at all receptors.
 - No impact on train drivers or railway infrastructure is predicted. No glare impacts are predicted on aviation receptors at Shifnal Airfield or RAF Cosford. Therefore, impacts on aviation receptors are None.

- 6.5.9 Mitigation measures will be put in place due to impacts at Road Receptors 10, 34 and 36. This includes the planting/infilling of native hedgerows along the northern and western boundaries of the Proposed Development and maintained to a height of at least 3 - 4m.
- 6.5.10 The effects of glint and glare and their impact on local receptors has been analysed in detail. The impact on all receptors is predicted to be Low or None and therefore Not significant after mitigation.
- 6.6 Heritage appraisal
- 6.6.1 Section 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. 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. In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 197).
- 6.6.2 When considering the impact of a proposed development on the significance of a designated heritage asset, special regard should be paid to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 202).
- 6.6.3 A Heritage Assessment assesses the significance of the historic environment and archaeological resources at and surrounding the site, including the effects of the development on heritage assets and their setting. The report concludes the main point of consideration is the experience of the heritage assets in the rural landscape which contributes to their setting. Although none of the heritage assets have any direct historic relationship with the proposed development area, due to topography and via the installation of public footpaths these heritage assets will be experienced differently.
- 6.6.4 The National Planning Policy Guidance (NPPG), helps to define what constitutes harm and how to assess the impact. It explains that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.
- 6.6.5 The Proposed Development across the majority of the site will result in no change in views from the heritage assets due to a general lack of intervisibility, due to local topography and intervening vegetation further enhanced by the landscaping

strategy. The exception is the northern and eastern boundary which are acknowledged to be the most sensitive where there is potential for there to be some views on lower ground in particular. This includes the tower Church of St. Andrew which dominates the skyline and is positioned to benefit its location on higher ground. The development is low level and will not disrupt these views however they will change how the church is experienced visually. The heritage assessment considers that this changed experience does not constitute 'less than substantial harm' as there will be no loss of significance and the appreciation of the designated heritage assets will neither increase nor decrease.

- 6.6.6 The solar arrays and associated structures will change the immediate impression of an agricultural field within a wider rural landscape, though the Proposed Development will be returned to its original use at the end of the lifecycle of 40 years. The rural setting of the Kemberton Conservation Area and other heritage assets will continue to be seen with the backdrop of the developing New Town of Telford to the east.
- 6.6.7 The heritage assessment concludes that the undeveloped, agricultural fields comprising the proposed development site make a positive contribution to the Kemberton Conservation Area, 5 and 2 Hall Lane and Church of St. Andrew. However, the installation of ground-mounted solar arrays will not affect the ability to appreciate the significance of these heritage assets. Although the experience of the heritage assets will change the appreciation and therefore impact on setting will neither increase nor decrease. And as such there is no substantial harm to these assets and therefore no unacceptable adverse heritage impacts. (Policies CS8, CS17, MD8, MD13).
- 6.6.7 An addendum to the heritage assessment considers concerns raised by the Council's conservation service. This advises that a landscape strategy and general lack of inter-visibility will protect the setting of heritage assets including the recently listed Brockton Hall Farm. Although the Proposed Development will alter views specifically to the tower Church of St. Andrew which dominates the skyline, the development is low level and will not disrupt these views. There will be no harm to heritage interests.
- 6.6.8 Whilst accepting some of the findings of the heritage impact assessment the Council's Conservation team advises that most visual harm tends to be with the associated paraphernalia including sub stations, security cameras and fencing etc. that introduces very urban features within a rural setting. On this basis the team considers that the proposals would stray into 'less than substantial harm' territory especially with regards to the western section of the conservation area and heritage assets and the Church of St Andrew (grade II listed). Therefore, the decision maker needs to address such harm vs public benefit of the scheme in accordance with paragraphs 8(c) and 202 of the NPPF, with great weight being given to the conservation of the heritage assets in line with paragraph 199 of the NPPF.
- 6.6.9 Additionally, section 66 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advise that in exercising its planning function special regard should be had to the desirability of preserving a listed building or its setting, or any features of special Architectural or historic interest which it possesses. On

land within a Conservation Area 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

6.6.9 The officer considers with reference to NPPF paragraph 202 that the public benefits of this proposal in terms of renewable energy provision and addressing climate change are sufficient to significantly and demonstrably outweigh any less than substantial harm to heritage assets and the Conservation Area. This is having regard also to the temporary and fully reversible nature of the proposed development and the landscaping proposals. It is concluded that the proposals would not give rise to any significant impacts on heritage assets and can therefore be accepted in relation to heritage policies and guidance including the historic environment chapter of the NPPF, core strategy policy CS15 and SAMDev Policy MD13.

6.7 Other environmental considerations

6.7.1 Noise and amenity: The nature of the Proposed Development is such that it is not likely to cause any form of pollution during its operational stage. This is because there are no significant noise sources, traffic would be very low and the Proposed Development would not be lit at night. Furthermore, the Proposed Development does not include any plans to divert or close any PRowS during either construction or operation. 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.

6.7.2 There would be some temporary noise during the construction phase, which is anticipated to last approximately 12 – 18 weeks. The construction activities may increase noise levels within the vicinity of the Site; however, it is considered that noise impacts during construction would be intermittent, localised and temporary in nature and would be covered by a construction management plan condition. The Proposed Development would not result in any emissions to air during its operation other than those from vehicles associated with periodic maintenance/inspection visits to the Site. Emissions associated with the construction phase would relate to construction vehicles and it is considered would not be of a level to cause harm to the environment or residential amenity.

6.7.3 There are large buffers located between infrastructure and residential receptors surrounding the Site, with those elements of infrastructure which will generate low levels of noise (i.e., inverters and substations) being sited furthest away from sensitive receptors.

6.7.4 A noise assessment has been prepared taking into account relevant planning policy and British Standards and WHO Guidelines and considering likely worst case noise levels generated by the solar farm. The assessment concludes that the operation of the solar farm would generate very low noise levels at surrounding properties throughout the day and night and would not result in unacceptable levels of noise, demonstrating full compliance with the requirements of the NPPF and development plan policy. SC Environmental Protection have not objected subject to a condition

requiring noise and dust controls as part of a construction management plan condition (included in Appendix 1). It is concluded that subject to this the proposals can be accepted in relation to noise and amenity issues.

- 6.7.5 Access / traffic and construction: Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe". SAMDev Policy MD8 (Infrastructure Provision) states that applications for strategic energy provision will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. 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):
- 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.
- 6.7.6 The application is supported by a Transport Statement which sets out the strategy and options for site access, routing for construction traffic, construction vehicle size and frequency and mitigation. The report confirms access to the site is proposed to be taken from a newly constructed access off the B4379. The proposed route of access is from the north and is confirmed in the Transport Statement. The site is well positioned in terms of access routes and no off-site mitigation works are deemed to be required to accommodate the solar farm traffic. The development is not anticipated to lead to any road safety related issues. Permeable gravel roads are to be used for construction traffic travelling around the site.
- 6.7.7 The proposed development will generate a more concentrated period of traffic movements during construction and decommissioning, and a peak of 58 daily traffic movements is anticipated. The construction and decommissioning phases are anticipated to last around six months, so the traffic impacts of the development will not be long term. During the operational life of the development, only a negligible number of light vehicle movements will be generated.
- 6.7.8 Measures required to manage the construction and decommissioning phase of the development in order to prevent congestion, disruption, nuisance and road safety hazards, are discussed in a Construction Traffic Management Plan within the Transport Statement.
- 6.7.9 There has been no objection from SC highways who advise that the Construction Management Plan submitted with the application is sufficient to address highway issues during the temporary construction phase. As such it is considered that a highway based refusal reason could not be sustained and that the proposals can be

accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).

- 6.7.10 Ecology: The planning application includes a Preliminary Ecological Appraisal which confirms that the site layout is designed to maximise retention of existing field boundary vegetation. The removal of 2 trees will be and reduction of one hedgerow by 31m can be offset through new tree planting (44 light standards and 790m² of woodland block planting) as well as 250m of new native mixed species hedgerow.
- 6.7.11 The field compartments currently consist of improved/modified pasture which are considered to be of limited ecological merit. These areas will be seeded using a general purpose meadow mix and thereafter managed using a sensitive grazing regime to enhance the grassland biodiversity.
- 6.7.12 In terms of Great Crested Newts the nearest pond was seen to be dry whilst other ponds fall in excess of 250m from the site. Further Phase 2 surveys to inform licensing or mitigation measures are not deemed necessary. Subject to the implementation of recommendations and implementation of the Landscape Mitigation Plan the assessment concludes that there will be no significant upon protected species.
- 6.7.13 A Biodiversity Net Gain Assessment finds a gain of 27.57 biodiversity units equating to a 24.46% increase in the value of primary habitat. This increase is associated with the enhancement of the remaining 19.33 hectares of “low” condition modified grassland to “good” condition modified grassland. In addition, the planting of a 790m² woodland block and 44 light standards of broadleaved tree which have also contributed to the net gain in primary habitat. In terms of linear habitats, the addition of 1.82 units equating to 7.40% gain has been proposed through the planting of 250m of new species rich hedgerow.
- 6.7.14 A Landscape, Biodiversity & Agricultural Management Strategy provides details regarding how the proposed enhancements to the existing ecological assets can be achieved and maintained through the long-term management of the solar farm.
- 6.7.15 Overall, there would be no adverse impacts on biodiversity and the landscaping proposals would result in a significant biodiversity net gain. SC Ecology has not objected subject to a number of ecological conditions (included in Appendix 1). Subject to this it is concluded that the Proposed Development complies with relevant planning policy regarding ecology / biodiversity (CS6, CS17, MD12).
- 6.7.16 Arboriculture: An Arboricultural Appraisal identifies the removal of a single ‘B’ and ‘C’ grade tree (T61 & T62) will be required to construct the alternative highway access arrangements from the B4379. In addition, the reduction of H54 by approximately 31m in length will also be required. Retained trees can be protected during construction by means of protective barrier fencing to maintain a Construction Exclusion Zone.
- 6.7.17 A significant degree of new tree planting has been proposed including 44 light standards of mixed Alder, Oak Rowan and Wild Cherry, 790m² screening planting

and 250m of new hedgerow planting. Such provisions will both diversify the species assemblage and will aid securing a robust tree stock over future generations.

- 6.7.18 The report concludes, provided that the tree protection measures and working methodologies detailed in the arboricultural method statement (AMS) are adhered to, no adverse effects upon trees proposed for retention or conflict with construction activities are envisaged. The Council's trees service has not objected and has accepted the findings of the tree survey and recommended conditions which are included in Appendix 1.
- 6.7.19 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the site falls entirely within Flood Zone 1 (lowest flood risk). The FRA concludes the proposed development will not have a material impact on the hydrology of the existing site land. Any internal site roads are to be constructed using unbound granular materials, run-off from Photovoltaic (PV) panels are to the existing ground and site levels are to be retained as close as possible. Vegetation shall be retained to all areas except site tracks and transformer units to ensure that the proposals do not increase the risk or intensity of downstream flooding.
- 6.7.20 A short drainage strategy has been produced within the FRA report. The proposal will not increase flood risk and will drain sustainably. The Council's drainage team has not objected, and it is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

Timescale and decommissioning:

- 6.7.21 Current solar photovoltaic arrays have a design life of approximately 40 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future arable productive capacity is protected. A condition covering decommissioning has been recommended in Appendix 1. A decommissioning clause would also be included in the applicant's tenancy agreement and is supported by insurance. The value of the solar equipment at the end of its design life would provide a further incentive for decommissioning.

Leisure and Tourism

- 6.7.22 Core Strategy Policy CS16 (Tourism, Culture and Leisure) seeks to deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy. Amongst other matters the policy seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment.
- 6.7.23 The applicant's visual appraisal supports the conclusion that the site is capable of being effectively screened and would not give rise to any unacceptable visual impacts. No detailed evidence has been presented to support the conclusion that any residual views of the site would be prominent from or would have a significant impact on any local leisure / tourist interests.

6.8 Other matters:

- 6.8.1 Community engagement: The Applicant has carried out a comprehensive pre-application exercise, primarily focused on the local community but also including consultation with other key consultees. The Applicant has responded to concerns from the local community, including during the subsequent planning application consultation process with amendments to the design of the proposals.
- 6.8.2 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.
- 6.8.3 CCTV and privacy: It is proposed that CCTV would be used at the site for security reasons. Cameras would be sensitively positioned and would point away from the nearest residential properties in the interests of privacy.
- 6.8.4 Community benefit funding: The applicant has confirmed that the proposals would deliver funding for the local community. Whilst this is to be welcomed it is not a material planning consideration so no weight can be given to this in determining the application.

7.0 CONCLUSION

- 7.1 The proposed solar development would operate for a temporary period of 40 years and would be fully restored as agricultural land after decommissioning. The NPPF, development plan, and emerging development plan support the transition to a low carbon future and encourage the use of renewable resources. 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.
- 7.2 The 22MW development is sufficient to power 6000 homes annually giving a CO2 saving of approximately 5,280 tonnes per annum. The proposals would deliver biodiversity net gain (BNG) of 24.46% in primary habitat and 7.4% in linear habitats.
- 7.4 In terms of economic benefits, the site is calculated by the applicant to add an additional £1.5m Gross Value Added (GVA) during construction and around £1.8m in operation over the lifetime of the project and an estimated 161 FTE jobs created directly or indirectly. There would also be business rates contributions to the Council of approximately £44,000 per year (based on an assumed £2k/MW, per annum), which could be invested in local services. The applicant is also committed to deliver a local community fund, although weight cannot be attributed to this in the decision-making process.
- 7.5 The application is located within the Green Belt. A detailed assessment has been undertaken which confirms that there are no alternative sites which are available /

viable with the potential to connect to the Halesfield substation and which do not also involve the use of Green Belt land.

- 7.6 In terms of Green Belt policy the NPPF recognises that ‘elements’ of solar farm development may comprise inappropriate development within the Green Belt. This does not mean that the totality of a solar farm development is regarded by national policy as inappropriate development but rather some constituent parts within it. A detailed assessment of the proposals with respect to Green Belt policy has been undertaken. Whilst there would be some effect on openness the mitigation / landscaping proposals serve to minimise this.
- 7.7 None of the 5 key purposes of the Green Belt are considered to be harmed. The NPPF specifically acknowledges that the benefits of a solar farm development, including with respect to renewable energy, can qualify as very special circumstances to justify development in the Green Belt (NPPF151). When the wider benefits of the proposals are taken into account as noted above it is considered that the proposals clearly meet the requirements for a very special circumstance.
- 7.8 Just under a third of the site is located on best and most versatile quality land. National policy does not preclude the use of such land for solar farm developments provided an applicant can give evidence that lower quality land is not available. It is considered that the applicant has provided sufficient evidence to justify this choice of site which has a significantly lower percentage of B&MV land than the average for Shropshire farmland.
- 7.9 In terms of heritage the Conservation officer considers that the development would result in less than substantial harm to the setting of the western part of the Kemberton Conservation Area and the tower of the parish church. It is considered that the public benefits of the proposals including renewable energy provision are sufficient to outweigh any such harm, having regard also to the proposed mitigation measures including landscape planting.
- 7.10 The potential effects of the proposals have been assessed in detail and there have been no objections from other technical consultees with respect to issues such as highways, trees, ecology and drainage. Detailed planning conditions have been recommended to ensure the highest level of control of the development. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan.
- 7.6 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S158). It is concluded that the proposals are sustainable and can therefore be accepted, subject to the recommended conditions.
- 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
- 8.1 Risk Management: There are two principal risks associated with this recommendation as follows:

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

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

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

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

9.0 FINANCIAL IMPLICATIONS:

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

10.0 BACKGROUND:

10.1 Relevant guidance

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

10.1.1 The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to 'support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)'. The NPPF expands further on this principle in paragraph 155: "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

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

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

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

10.1.3 Particularly relevant chapters of the NPPF are:

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

10.2 Relevant planning policies:

10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, "Shropshire will be recognised as a leader in responding to climate change. The Core Strategy has 12

strategic objectives, the most relevant is Objective 9 which aims “to promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management”. Relevant Policies include:

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

10.3 Site Management and Allocation of Development Document

Relevant Policies include:

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

10.4i. Emerging Development Plan Policy

The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. The emerging Local Plan is at an advanced stage of production currently in the Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled. The emerging policies may attract some weight as part of the determination of this planning application.

- ii. The emerging Shropshire Local Plan (2016 to 2038) contains a new policy on climate change. Policy SP3 has been added though the draft policy does not explicitly refer to solar energy schemes. Policy SP3 confirms development in Shropshire will support the transition to a zero-carbon economy including reducing carbon emissions through a number of means, including through 'integrating or supporting both on and off-site delivery of renewable and low carbon energy'.
- iii. Emerging Policy DP26 'Strategic, Renewable and Low Carbon Infrastructure' is also of relevance and reflects the current wording of the National Planning Policy Framework whereby "non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable" and includes a list of technical assessments which should be submitted alongside the application.
- iv. Part k of Policy DP26 refers to solar farm development in particular and describes that:
"Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and on-agricultural land.

Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighboring land uses and residential amenity as well as aircraft safety, (including defence operations)."

Part 3 of Policy DP26 describes that the assessment included within the application submission should be proportionate to the development proposed and include sufficient information to allow for an accurate evaluation of all impacts, both negative and positive, and should also cover all necessary ancillary infrastructure and the cumulative effects of existing or consent development types with similar impacts in the surrounding area.

- v. Other relevant policies contained within the emerging Local Plan include:
- Policy S2: Strategic Approach
 - Policy SP4: Sustainable Development
 - Policy SP10: Managing Development in the Countryside
 - Policy SP12: Shropshire Economic Growth Strategy
 - Policy DP12: The Natural Environment
 - Policy DP16: Landscaping of New Development
 - Policy DP17: Landscape and Visual Amenity
 - Policy DP18: Pollution and Public Amenity
 - Policy DP21: Flood Risk
 - Policy DP22: Sustainable Drainage Systems
 - Policy DP23: Conserving and Enhancing the Historic Environment
 - Policy DP29: Mineral Safeguarding

10.5 Other Relevant Guidance

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

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

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

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

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

11.0 RELEVANT PLANNING HISTORY:

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

12.0 Additional Information:

View application:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RCEFE1TDG8L00>

List of Background Papers: Planning application reference 22/03068/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Richard Marshall
Local Member: Cllr Richard Marshall
Appendices: Appendix 1 – Conditions.

APPENDIX 1

CONDITIONS

Commencement of Development

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

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

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission the operations hereby permitted shall be carried out strictly in accordance with the application form dated 13th May 2022 and the accompanying planning statement and supporting documents and plans.

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Reference SA39827-01 Location Plan), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Highways

4. No development shall take place before details of on-site facilities for the loading, unloading and turning of vehicles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided as approved before construction begins and be available for use for the duration of construction.

Reason: So that vehicles may enter and leave the site in forward gear

5. Before the access is brought into use all obstructions exceeding 0.6 meters high shall be cleared from the land within the visibility splays illustrated on access drawing accompanying the Transport Statement 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.

6. 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

7. Details within the submitted Construction Traffic Management Plan shall be strictly adhered to at all times during the sites' construction and decommissioning.

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

8. Prior to construction beginning a detailed layout of temporary traffic management signs shall be submitted to and approved in writing by the Local Planning Authority and adhered to throughout the construction and decommissioning period

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

Arboriculture

9. All pre-commencement tree works and tree protection measures as detailed in Section 2 (Arboricultural Impact Assessment), Section 3 (Arboricultural Method Statement), Schedule 1 (Tree Schedule), Appendix 5 (Tree Protective Barrier), Appendix 6 (Ground Protection) and Plan 2 (Tree Protection Plan) of the approved Arboricultural Appraisal (SC: 596AA, Salopian Consultancy Ltd, 17.05.2022) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto 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.

10. The development shall be implemented in accordance with the Arboricultural Method Statement (Section 3) and Tree Protection Plan (Plan 2) of the approved Arboricultural Appraisal (SC: 596AA, Salopian Consultancy Ltd, 17.05.2022). The approved 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.

- 11a. No works associated with the development will commence until a final landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be based upon the Landscape Mitigation Plan (3109-001 Rev B, Lingard Farrow Styles Ltd) and include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.
- b. The approved landscaping scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following commencement 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 Local Planning Authority 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: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

Landscape and Ecological Mitigation Plan

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

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

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

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

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

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

Ecology

14. Prior to commencement of the use, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site: A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species. A minimum of 4 artificial nests, of either integrated brick

design or external box design, suitable for Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design), House Martins (House Martin nesting cups) and/or small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development. The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

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

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

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

16. Details of the finishing colour of the CCTV equipment shall be submitted to the Local Planning Authority and thereafter retained for the lifetime of the development.
17. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4.16 of the Preliminary Ecological Appraisal (Salopian Consultancy, 17th June 2022).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

Archaeology

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

Reason: The site is known to hold archaeological interest.

Final decommissioning

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

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

Notes:

Design life

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

Drainage (Shropshire Council Drainage Team comments)

- ii. *For the transformer installation, the applicant should consider employing measures such as the following:*
- *Surface water soakaways*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new driveway, parking area/ paved area*
 - *Greywater recycling system*

Highways

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

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

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

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

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

Ecology

- v. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks,*

or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

- vi. *Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.*
- *If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.*
 - *Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.*
 - *The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.*
 - *All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.*
 - *Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
 - *Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.*
 - *If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*

- *Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.*
- vii. *Where it is intended to create semi-natural habitats (e.g. hedgerow / tree / shrub / wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*

APPENDIX 2

DISCUSSION ON SOLAR FARMS AND FOOD AND ENERGY RESILIENCE

- i. A key policy rationale for protecting of B&MV land is to ensure greater food self-sufficiency, particularly in the event of a national food crisis. International issues have raised the profile of food security in the UK and it is appropriate to place weight on this matter in decision making. However, the UK is a relatively wealthy nation with an efficient agricultural sector. Whilst climate change clearly has significant implications for UK farming there are no significant and recurring histories of famine in the last century and renewable energy can directly address climate change.
- ii. Significant amounts of currently uncultivated land are capable of being brought back into intensive production relatively quickly should the national need for this arise. The area occupied by UK agri-environment schemes in 2021 was 3.6m hectares as opposed to 2.3m hectares for solar farms. It can be argued that the temporary if longer-term use of some best and most versatile land for solar energy production does not offend the core objective of national policy with respect to the strategic food resilience value of B&MV land. This is given the reversibility of solar proposals and the availability of other currently non-productive land to contribute to food production if necessary.
- iii. The UK currently has less resilience in terms of energy production. Coal and gas fired power stations are closing, liquid gas storage capacity has reduced significantly, and the main natural gas storage facility in the North-Sea is not yet ready. Any new nuclear facilities will require major private investment and will take at least 7 years to become operational. Energy prices are high internationally at the moment but are much higher in the UK than on mainland Europe. Recent [BBC News article](#) attributes this to an over-reliance on gas over decades in the UK and a failure to adequately support alternative energy options.
- iv. The Government must therefore consider removing the fracking moratorium and issuing additional gas licenses in the North-Sea in conflict with legally binding climate change objectives. This is compounded by international energy security issues leading to a major increase in energy prices which currently exceeds any equivalent rise in food prices.
- v. According to a recent announcement by the National Grid there is some potential for power cuts this winter unless incentives to industry and the public not to use energy at peak times are observed. It can therefore be argued that at this particular time energy security is a greater threat to the UK's national interests than food security. Solar is one of the few technologies in this respect with the ability to address energy security issues in a realistic timescale. The British Energy Security Strategy 2022 identifies a target of 95% of British electricity coming from low carbon sources by 2030 and 70GW of solar production by 2030. 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
- vi. NPPF 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...

It can be argued that the NPPF requirements to 'recognise the benefits of even small-scale renewable energy development' and 'to approve such applications where impacts can be made acceptable' represents a stronger instruction in national policy terms than the requirement to 'recognise the economic and other benefits of the best and most versatile agricultural land'.