



Committee and date
Northern Planning Committee
17th September 2024.

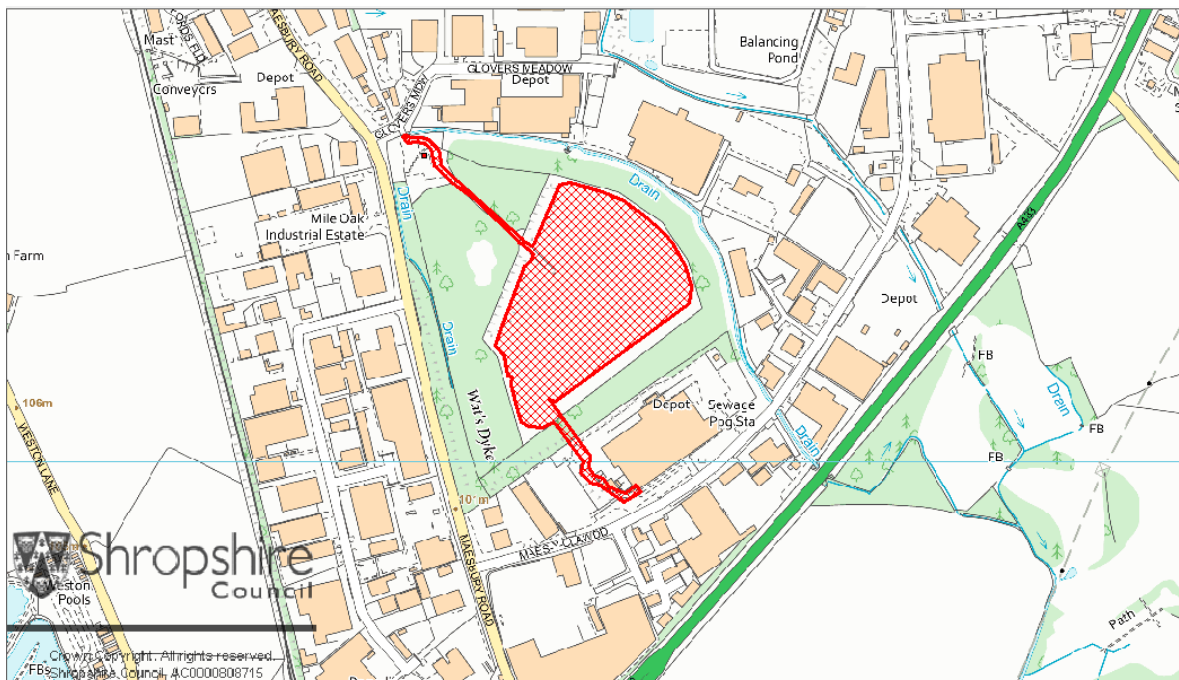
Development Management Report

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

Summary of Application

Application Number: 24/02237/FUL	Parish:	Oswestry Town
Proposal: Installation of a ground mounted 2 megawatt peak (MWp) solar farm to supply Arla Foods and all associated works		
Site Address: Glovers Meadow Maesbury Road Industrial Estate Oswestry SY10 8NH		
Applicant: Mr Simon Stallard		
Case Officer: Sara Robinson	email: sara.robinson@shropshire.gov.uk	

Grid Ref: 329991 - 328360



Recommendation:- Approval subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the installation of a ground mounted 2 megawatt peak (MWp) solar farm to supply Arla Foods and all associated works.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site lies on the former refuse tip which has since been re-filled and used for sheep grazing.
- 2.2 The site is located to the south east of Glovers Meadow and is situated within Maesbury Road Industrial Estate, Oswestry .

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application requires committee determination as the application is council lead and not related to a statutory function and therefore not in accordance with the scheme of delegation.

4.0 Community Representations

4.1 Consultee Comment

4.2 **SC Drainage & SUDS - 20/06/2024**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.

Comments:

The submitted FRA and access track construction details are accepted. 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

4.3 **SC Developing Highways - 25/06/2024**

Recommendations (Date: 25/06/2024)

No objection Having given due regard to the appropriate local and national

planning policy guidance (in particular the National Planning Policy Framework), Shropshire Council as Highway Authority has concluded that the proposed development is acceptable subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Conditions:

Traffic Management Plan

Development shall take place, including any works of demolition in accordance with the p published on 10.06.2024. The management of traffic shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the Proposed Site Layout Drawing no. NCC-ES-PV-103-02 for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

Observations/Comments:

The development proposes the formation of a solar array on the former Oswestry landfill site utilising the existing access off Glovers Meadow. The proposed development was the subject of a recent pre-planning enquiry under reference PREAPP/23/00831. From the highway perspective the documentation has been submitted and it is considered that, subject to the conditions listed above being included on any approval, there are no substantiative highway conditions upon which to base an objection on highway safety grounds.

Informative notes:

Works on, within or abutting the public highway

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
- undertaking 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.

4.4 **Landscaping Officer - 27/06/2024**

Thank you for sending this application for consultation.

We previously reviewed the Landscape Appraisal [Reports4Planning/Nottingham City Council 20.10.2022] and other supporting documents submitted with the application for a Screening Opinion [14.08.2023] as part of a previous consultation. We noted then that the Landscape Appraisal confirmed that it was not a complete Landscape and Visual Impact assessment.

We have reviewed the following documents submitted with this application [24/02237/FUL]:

Landscape Appraisal [Reports4Planning/Nottingham City Council, 20.10.2022]

Design and Access Statement [Shropshire Council, April 2024]

Block Plan [Custom Solar, 14.06.2024]

The original development submitted at Screening consisted of the installation of a 2MWp ground mounted Solar Photovoltaic array that extended across the entire field. However, the DAS provides an update at Section 3.4:

Due to advances in technology, the required site development area has significantly reduced with far fewer solar panels now proposed and only occupying the southern half of the field.

The solar array will now be located in the southern half of the field as illustrated on the Block Plan and Figure 9 of the DAS. However, we note that the Landscape Appraisal has not been updated to show the reduced extent of the solar array, nor is there a revised assessment to illustrate the potential reduction in likely landscape and visual impacts. We previously noted that that the proposed development has the potential to adversely impact the residential amenity of occupants of the Showmans Traveller site adjacent to the adjacent to the north east of the site, particularly during winter months when the screening potential of the deciduous vegetation is lower. However, given the reduced extent of the proposed solar array, and its location, it is likely that there will be a corresponding reduction in any adverse visual impacts.

We had recommended in our Screening Opinion that in order to assess the impacts of the proposed development, a proportionately scoped and executed landscape and visual appraisal [LVA] in support of an application be carried out by a suitably experienced chartered landscape architect in accordance with the best practice set out in GLVIA3 and supporting guidance. Whilst this has not been undertaken, we accept that the reduced scale of the proposed development will

likely result in a reduction of any adverse landscape and visual impacts, as concluded by the DAS at section 12.2.

4.5 **SC Environmental Protection - 09/07/2024**

Environmental Protection has identified the site and surrounding areas as potentially contaminated land under the Councils Environmental Protection Act

1990 Part 2A responsibilities and therefore having regard to the NPPF, the developer will need to demonstrate:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- d) Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The Environment Agency should be consulted on this planning application. This is because it is stated that the area of the site is 4.0 hectares, and the Environment Agency consultation matrix requires that if redevelopment of a site, larger than 2 hectares is upon a Principal Aquifer, with a potentially known identified previous contaminative use, then they are consulted.

The following two reports have been submitted in support of this planning application in respect of a ground mounted 2MWp solar farm, to supply Arla Foods and all associated works at Glovers Meadow, Maesbury Road Industrial Estate, Oswestry, SY10 8NH:

Reports4Planning; for Nottingham City Council; Preliminary Contamination Risk Assessment;

Land at Glovers Meadow, Oswestry, SY10 8NH; Report Ref: 20CLR5108CW, 26th January 2020;

WSP; for Shropshire Council; Ground Condition Assessment Report for the Installation of a SolarFarm at Maesbury Landfill Site; PROJECT NO.

70109410/600/B.1, August 2023.

The proposed development site is a former landfill site and was designed as a dilute and disperse landfill, with no basal liner. There is an existing landfill cap at the Site which is only between 0.8m and 2.0 metres of clay rich materials. The landfill cap reduces water infiltration into the waste mass. There are no landfill gas controls other than passive venting and there is no leachate management at the site.

Reports 4 Planning Preliminary Risk Assessment dated January 2020, that predates the WSP Ground Conditions Report dated August 2023, concludes that the Conceptual Site Model shows that the proposed development of a solar farm will not introduce any further increased risks to the existing risks presented to the wider environment. However, certain precautions will need to be adhered to including a no-dig approach to ensure that the clay cap of the site is left intact. The Preliminary Risk Assessment by Reports 4 Planning assumes that regular monitoring of ground gases, leachate levels and water quality are undertaken. This is not the case, and the last time environmental monitoring of the Maesbury

Road former landfill site was undertaken, was in 2018.

The WSP, Ground Condition Assessment Report, dated August 2023, references a Feasibility Analysis report, and recommends a ballasted mounting system. However, it is stated that there may be alternative methods given the ground conditions.

The supporting Shropshire Council, Design and Access Statement (April 2024) is considering the use of an alternative solution (Section 2.6) to ballast mounting (Tree System Ground Mountings and Solarports X Anchor) that allegedly reduces load on the landfill, reducing concerns around gas migration and leachate escape. This is subject to further testing.

It is imperative that the integrity of the cap is maintained and regardless of whatever mounting system is adopted, there remain concerns regarding the load (weight) placed on an above ground landfill site, and the potential impact that this might have on leachate breakout around the perimeter of the site or indeed, within the site boundary, where leachate is already seeping through the cap on the internal northwest facing slope (western edge of solar panels).

Environmental Protection are not qualified to comment on any settlement analysis calculations. Environmental Protection is not objecting to the proposed siting of a ground mounted solar array on the former Maesbury Road landfill site and in order to identify any potential impact, the development may have on the landfill site and surrounding area, environmental monitoring of existing gas monitoring boreholes, groundwater monitoring boreholes and surface water around the perimeter of the site, should be undertaken and the risks assessed.

Environmental Protection therefore recommends that the following be included as Conditions, should planning permission be granted:

Prior to commencement of the development, a monitoring plan of pollutant linkages shall be submitted to and approved in writing by the Local Planning Authority.

If contamination is found at any time during the lifetime of the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance - Land contamination: risk management (Environment Agency, October 2020; updated July 2023) and

must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation proposal is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to human health and offsite receptors.

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

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

4.6 **SC Ecology - 09/07/2024**

No objection:

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The Ecological Impact Assessment carried out by Eco Tech (May 2024) found no signs of protected or notable species during the site survey. Precautionary working method statement with regards to nesting birds has been provided and will be strictly adhered to.

A biodiversity net gain assessment has been conducted for the site. A net gain of 1.20 habitat units (15.52%). The proposed gains will be achieved by improving the condition of the modified grassland from poor to moderate. Should the plans change, this will need to be reflected in the metric and the Local Planning Authority informed to ensure the minimum 10% gain has still been achieved.

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.

I recommend that the following conditions and informatives are included on the decision notice:

Bat and bird boxes condition

Prior to first occupation / use of the buildings, 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 6 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Working in accordance with method statement condition

All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 5.1 of the Ecological Impact Assessment (Eco Tech, May 2024).

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

Nesting birds informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and 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.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

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 European

hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural

Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be trimmed 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 trimmed 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.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

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.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g.

hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Please contact me, or one of the other Ecology team members, if you have any queries on the above.

4.7 **SC Conservation - 17/07/2024**

Nothing to say on the application from a built heritage perspective and concur with the findings of the HIA report submitted. You may wish to consult SC Archaeology as it is adjacent to Wats Dyke which is a Scheduled Monument, although it is also noted in the HIA that no harm to any designated heritage assets or their setting would arise from the proposed development (this include the Schedule Monument).

Therefore, no comments from a heritage perspective.

4.8 **SC Archaeology - 18/07/2024**

Officers have no comments on this application in regard to archaeological matters.

4.9 **SC Tree Team - 19/07/2024**

The proposed site is surrounded by an area of amenity woodland in early maturity. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur. The AIA indicates that the impact to the existing woodland is minimal in the short term with the only tree removal occurring along the access route and cable route, and overall this will not have a significant impact. There may be some long term issues as the trees grow and may shade the panels, but I believe that this can be addressed through appropriate management of the woodland, allowing some thinning around the edges, which could be undertaken in a way that would be beneficial to the habitat value of the woodland. There is little provision for new planting, but the active management of the woodland would provide a tangible benefit that would help to off_set the loss of open space and potential future woodland area. To ensure that this work is undertaken, I would advise that a management plan detailing objectives and future operations for the retained woodland be provided as a condition of any planning permission. It is also advised that the following tree protection condition is attached to any grant of planning permission.

In this condition retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any retained tree. Paragraph a) shall have effect until expiration of 5 years from the date of

occupation of the building for its permitted use.

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837:2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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.

4.10 **Environment Agency - 25/07/2024**

Thank you for referring the above application which we received on 8th July 2024.

We have reviewed the following information submitted in support of this application:

- Design and Access Statement, April 2024
- Preliminary Contamination Risk Assessment, Report Ref: 20CLR5108CW January 2020
- Ground Condition Assessment Report, PROJECT NO. 0109410/600/B.1, August 2023

We have no objection to the proposed development, subject to conditions.

The following comments are provided for your consideration, relating to the protection of controlled waters. Matters relating to human health should be directed to the Public Health team at the Local Authority.

Site context

The 1:50,000 scale geological map indicates that the bedrock underlying the site is

the Kinnerton Sandstone Formation which is designated as a Principal aquifer. Superficial deposits on site consist of Glaciofluvial Sheet Deposits, which is designated as a Secondary A aquifer.

The Oswestry Brook borders the site to the east.

The majority of the northern part of the site is located within source protection zone

3, relating to two potable water abstractions. Cont/d.. 2

There is a historical landfill located on site, named the Red House Field Landfill Site

which accepted inert, industrial, commercial, household, special and liquid sludge waste. As identified in the contamination report, contamination is highly likely on site.

Given the underlying Principal and Secondary A aquifer, any ground disturbance poses a risk to controlled waters receptors beneath the site and also the nearby surface watercourses.

Land contamination risk to controlled waters

Based upon the submitted information, we understand that the installation of the solar panels requires minimal ground disturbance with the surface ballasted method.

However, the proposed works do still have the potential to mobilise any existing contamination on site (likely originating from the historical landfill) or to introduce contamination during the works (e.g. fuel spills). Nonetheless, the likelihood of a contamination pathway is low due to the capping of the landfill and the minimal ground disturbance.

To safeguard controlled waters, given the sensitivity of the location for controlled waters receptors and the risk of contamination on site, we recommend that a watching brief is conducted during any earthworks/ground disturbance and any unsuspected contamination that is encountered is dealt with accordingly.

In addition, we recommend the following condition be included on any planning permission granted to deal with any significant contamination subsequently identified during development, which may represent a risk to controlled waters. This is in line with paragraph 180 of the NPPF.

CONDITION:

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this

unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

Advice to applicant

The applicant should note that in accordance with Government policy detailed in the National Planning Policy Framework (paragraph 183), ‘where a site is affected by contamination or land stability issues, responsibility for securing a safe development End 3 rests with the developer and/or landowner’. Therefore, should any significant contamination subsequently become apparent then responsibility will remain with these parties.

We recommend the applicant follow the guidance set out in the attached document:

West Midlands Guidance Note for Developers – Sites Affected by Land Contamination

4.11 Public Comments

4.12 Oswestry Town Council - 23/07/2024

Oswestry Town Council welcomes the development with Members highlighting the suitability of the site for a solar array. Members also noted the need to ensure the safety of the site and the need to minimise the risk of fire.

4.13 Following the display of a site notice for the period of 21 days, no public representations were received at the time of writing this report.

5.0 THE MAIN ISSUES

- Siting, scale and design; and impact on landscape character
- Historic environment considerations
- Residential and local amenity considerations
- Highways and access considerations
- Ecology issues
- Drainage and flood risk considerations
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

- 6.1.5 The solar farm would generate 2 MW to supply Arla Foods with any surplus energy exported to the national grid. This additional capacity would make a welcome contribution towards the approximate total of 5,000MW installed capacity required to make the county self-sufficient in renewable energy. The application details note that approximately 2,004kWp of solar energy would be generated, which is equivalent to a carbon saving of approximately 418,559Kg of CO₂ emissions per year.
- 6.1.6 The application has been screened in accordance with Environmental Impact Assessment, (EIA), regulations 2017 in accordance with Council reference number 23/03604/SCR and this concluded that the area of the development will exceed the indicative criteria as set out in the EIA Regulations Schedule 2 – 3(a) for determining significance. With reference to the guidance set out in the NPPG and noting the considerations set out above in this assessment, it is concluded that an EIA is not required. The scheme has been reduced since the original screening and it is considered that the Screening Opinion remains valid.
- 6.2 **Site selection and agricultural land quality considerations**
- 6.2.1 Core Strategy policy CS6 requires that development proposals make the most effective use of land and safeguards natural resources including high quality agricultural land. The NPPF states that the economic and other benefits of the best and most versatile (BMV) agricultural land should be taken into account in planning decisions (para. 180. It states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality, (footnote 62. In relation to solar farms, Planning Practice Guidance advises that local planning authorities should encourage the effective use of land by focussing these developments on previously developed and non-agricultural land, provided that it is not of high environmental value.
- 6.2.2 The site forms a brownfield site which was formerly a refuse tip and is now used for sheep grazing. The Government's Low Carbon and Renewable Energy Guide establishes a presumption in favour of brownfield over greenfield locations for 'larger scale' photovoltaic sites.
- 6.2.3 According to the Provisional Agricultural Land Classification (ALC) (England) Map, the application site is 'urban.' This is due to the application site having previously been utilised as a landfill site, largely for domestic, commercial and industrial waste generated within the local area. Therefore, the proposal does not strictly utilise agricultural land, but utilises former development land, avoiding any potential impact upon agricultural land in the County.
- 6.2.4 It is considered that the proposed development complies with the guidance outlined above.

6.3 Siting, scale and design; and impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate.

6.3.2 Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.3.3 The proposed solar farm will be well screened by existing mature trees and hedgerow boundaries and is not readily visible.

6.3.4 A Landscape and Visual Impact Assessment (LVIA), Landscape Appraisal (reports for planning), undertaken by /Nottingham City Council 20.10.2022, has been submitted with the planning application.

6.3.5 The LVIA was assessed by SC Landscape Officer and has noted that the site development area has significantly reduced with far fewer solar panels now proposed and only occupying the southern half of the field. The solar array will now be located in the southern half of the field as illustrated on the Block Plan and Figure 9 of the DAS. However, the Landscape Officer notes that the Landscape Appraisal has not been updated to show the reduced extent of the solar array, nor is there a revised assessment to illustrate the potential reduction in likely landscape and visual impacts. The Landscape Officer previously noted that the proposed development has the potential to adversely impact the residential amenity of occupants of the Showmans Traveller site adjacent to the adjacent to the northeast of the site, particularly during winter months when the screening potential of the deciduous vegetation is lower. However, given the reduced extent of the proposed solar array, and its location, it is likely that there will be a corresponding reduction in any adverse visual impacts. The Landscape Officer had recommended in the Screening Opinion that in order to assess the impacts of the proposed development, a proportionately scoped and executed landscape and visual appraisal [LVA] in support of an application be carried out by a suitably experienced chartered landscape architect in accordance with the best practice set out in GLVIA3 and supporting guidance. Whilst this has not been undertaken, the Landscape Officer accepts that the reduced scale of the proposed development will likely result in a reduction of any adverse landscape and visual impacts, as concluded by the DAS at section 12.2.

6.3.6 In light of the above it is considered that the proposed development is unlikely to result in an unacceptable visual impact.

6.4 Historic environment considerations

6.4.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13

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

6.4.2 The application is accompanied by Heritage Impact Assessment undertaken by H R HANNAFORD MCI(A), Archaeology Service, Historic Environment Team, Shropshire Council. The information has been assessed by SC Archaeology as well as SC Conservation.

6.4.3 Officers do not consider there to be any above ground heritage issues arising from this application and concur with the findings of the HIA report submitted. The HIA concludes that there will be no intervisibility and no impact, either directly or through development within the setting, upon Wats Dyke.

6.4.4 It is therefore considered that the proposed development would comply with Local Plan Policy MD13 and the NPPF.

6.5 Residential and local amenity considerations

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

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

6.5.2 There is no information in national planning policy or guidance to suggest that this should be a particular consideration in solar farms application, and no evidence has been put forward that the proposal would result in adverse health risks.

6.5.3 The nearest residents are those at Glovers Meadow adjacent to the means of access. It is noted that the proposed solar panels will be sited approximately 150m away beyond the trees to the south. It is therefore considered that once the development is complete the proposed development will not result in an unacceptable impact upon residential amenity.

6.5.4 It is noted that the construction management plan restricts the hours of operation to between 8:00 and 18:00 Monday to Friday with no working or deliveries on Saturdays, Sundays and Bank Holidays. It is considered that these hours of operation during the construction will reduce any disruption to those occupying Glovers Meadow.

6.5.5 Planning Practice Guidance on renewable energy recognises that solar farms are

normally temporary structures and that planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use (para. 013). It is recommended that a condition is included on the decision notice if permission is granted to require that the panels are removed at the end of the temporary 40 year period and that the land is restored in accordance with a decommissioning and site reinstatement scheme to be approved.

6.6 Highways and access considerations

6.6.1 SC Highways have been consulted as part of the proposed development and have raised no objection having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework).

6.6.2 Shropshire Council as Highway Authority has concluded that the proposed development is acceptable subject to the development being constructed in accordance with the approved details and the recommended conditions to secure the development being undertaken in accordance with the Traffic Management Plan as well as parking, loading, unloading and turning as well as informative notes.

6.7 Ecology Issues

6.7.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policies MD2 and MD12 require that development enhances, incorporates or restores natural assets. Para. 180 of the NPPF states that development should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

6.7.2 SC Ecology have been consulted as part of this application and have raised no objection to the proposed development. The SC Ecologist has reviewed the supporting Ecological Impact Assessment carried out by Eco Tech (May 2024) which found no signs of protected or notable species during the site survey. Precautionary working method statement with regards to nesting birds has been provided and will be strictly adhered to.

6.7.3 A biodiversity net gain assessment has been conducted for the site. A net gain of 1.20 habitat units (15.52%). The proposed gains will be achieved by improving the condition of the modified grassland from poor to moderate. Should the plans change, this will need to be reflected in the metric and the Local Planning Authority informed to ensure the minimum 10% gain has still been achieved.

6.7.4 In light of the above and subject to the inclusion of appropriately worded conditions to secure bat and bird boxes, lighting plan, the development is undertaken in accordance with the method statement and relevant informative

notes it is considered that the proposed development complies with planning policies CS17 and MD2.

6.8 **Drainage and flood risk considerations**

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

6.8.2 Due to the scale of the development a Flood Risk Assessment has been submitted in support of the application.

6.8.3 SC SUDS and Drainage have been consulted as part of this application and have reviewed the Flood Risk Assessment. The SC SUDS and Drainage Officer notes 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 on drainage matters.

6.9 **Other**

6.9.1 Land Contamination

SC Environmental Protection and the Environment Agency have been consulted as part of this application due to the potential of land contamination arising from the sites previous use as a former landfill site.

6.9.2 The supporting Shropshire Council, Design and Access Statement (April 2024) is considering the use of an alternative solution (Section 2.6) to ballast mounting (Tree System Ground Mountings and Solarports X Anchor) that allegedly reduces load on the landfill, reducing concerns around gas migration and leachate escape. This is subject to further testing.

6.9.3 It is imperative that the integrity of the cap is maintained and regardless of whatever mounting system is adopted, there remain concerns regarding the load (weight) placed on an above ground landfill site, and the potential impact that this might have on leachate breakout around the perimeter of the site or indeed, within the site boundary, where leachate is already seeping through the cap on the internal northwest facing slope (western edge of solar panels).

6.9.4 SC Environmental Protection is not objecting to the proposed siting of a ground mounted solar array on the former Maesbury Road landfill site and in order to identify any potential impact, the development may have on the landfill site and surrounding area, environmental monitoring of existing gas monitoring boreholes, groundwater monitoring boreholes and surface water around the perimeter of the site, should be undertaken and the risks assessed.

6.9.5 Environmental Protection therefore recommends a condition be attached to a decision should planning permission be granted.

- 6.9.6 The Environment Agency has also been consulted as part of the application process.
- 6.9.7 The Environment Agency have stated that based upon the submitted information, we understand that the installation of the solar panels requires minimal ground disturbance with the surface ballasted method.
- 6.9.8 However, the proposed works do still have the potential to mobilise any existing contamination on site (likely originating from the historical landfill) or to introduce contamination during the works (e.g. fuel spills). Nonetheless, the likelihood of a contamination pathway is low due to the capping of the landfill and the minimal ground disturbance.
- 6.9.9 To safeguard controlled waters, given the sensitivity of the location for controlled waters receptors and the risk of contamination on site, The Environment Agency recommend that a watching brief is conducted during any earthworks/ground disturbance and any unsuspected contamination that is encountered is dealt with accordingly. In addition, we recommend the following condition be included on any planning permission granted to deal with any significant contamination subsequently identified during development, which may represent a risk to controlled waters. This is in line with paragraph 180 of the NPPF. SC Environmental Protection have requested a similar condition to be attached to any grant of permission. Therefore it is recommended that an appropriately worded condition be attached to any grant of permission.
- 6.9.10 Trees
The SC Tree Officer has been consulted as part of this application due to the potential impact to trees. The AIA indicates that the impact to the existing woodland is minimal in the short term with the only tree removal occurring along the access route and cable route, and overall this will not have a significant impact. There may be some long-term issues as the trees grow and may shade the panels, however the Tree Officer believes that this can be addressed through appropriate management of the woodland, allowing some thinning around the edges, which could be undertaken in a way that would be beneficial to the habitat value of the woodland. There is little provision for new planting, but the active management of the woodland would provide a tangible benefit that would help to offset the loss of open space and potential future woodland area. To ensure that this work is undertaken, the SC Tree Officer advises that a management plan detailing objectives and future operations for the retained woodland be provided as a condition of any planning permission.
- 6.9.11 Subject to the inclusion of an appropriately worded condition it is considered that the proposed development complies with relevant planning policies.

7.0 CONCLUSION

Weighing up all the material planning considerations, it is considered that the proposed development complies with relevant planning policies. Subject to the

inclusion of the appropriately worded conditions and informative notes as discussed in this report, the granting of planning permission is recommended subject to the conditions as set out in appendix one attached to this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

OS/07/14833/CMA Alterations to household recycling centre to meet health and safety requirements by relocating recycling facilities, providing additional vehicle circulation space and a new route through the site requiring the removal of an existing hedgerow and trees and surfacing of additional areas (and retention of existing office building) WDN 23rd November 2007

12/03938/FUL Proposed change of use to residence and base for travelling showpeople WDN 7th November 2012

14/00369/COU Change of use from refuse tip to sale of static and touring caravans GRANT 9th April 2014

14/03964/MAW Installation of plant comprising a bio-oxidation unit for a temporary period as part of a landfill gas treatment operation GRANT 16th December 2014

19/04688/FUL Change of use of land to provide business base/residential accommodation for a local family of travelling show people GRANT 28th May 2020

PREAPP/23/00831 Installation of ground mounted 2MWp solar PV and storage battery to supply Arla Foods and all associated works. PREAIP 10th November 2023

24/02237/FUL Installation of a ground mounted 2 megawatt peak (MWp) solar farm to supply Arla Foods and all associated works PCO

SC/MO2007/14833/OS Changes to the Household Recycling Centre to meet Health and Safety requirements by relocating recycling facilities, providing additional vehicle circulation space and a new route through the site requiring the removal of an existing hedgerow and trees and surfacing of additional areas (and retention of existing office building) WDN 22nd November 2007

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SEQ2CFTDIAE00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
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Local Member

Cllr John Price Cllr Chris Schofield

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

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

3. Development shall take place, including any works of demolition in accordance with the Traffic Management Statement published on 10.06.2024. The management of traffic shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 5.1 of the Ecological Impact Assessment (Eco Tech, May 2024).

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Prior to commencement of the development, a monitoring plan of pollutant linkages shall be submitted to and approved in writing by the Local Planning Authority.

If contamination is found at any time during the lifetime of the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance - Land contamination: risk management (Environment Agency, October 2020; updated July 2023) and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The remediation proposal is subject to the approval in writing by the Local Planning Authority. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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

6. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

7. Prior to first occupation / use of the buildings, 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 6 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

8. The development hereby permitted shall not be brought into use until the areas shown on the Proposed Site Layout Drawing no. NCC-ES-PV-103-02 for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

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

9. In this condition retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any retained tree. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree

protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area

fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

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

(c) Not less than 6 months before the 40th anniversary of the date of first export, or within 12 months of the cessation of electricity generation at the site, whichever is the sooner, a decommissioning and site restoration scheme shall be submitted to the local planning authority

for approval. The submitted scheme shall include details of timescales for decommissioning and site restoration, and shall be implemented in accordance with the approved details.

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

Informatives

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

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £145 per request, and £43 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

5. Works on, within or abutting the public highway
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
- undertaking 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-formsand-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.

6. Environmental Protection

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

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

7. Nesting birds informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and 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.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

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 European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural

Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping

wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no

animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

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.

Landscaping informative

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

Please contact me, or one of the other Ecology team members, if you have any queries on the above.

Demi Cook

Planning Ecologist

Shropshire Council

Tel: 01743 254316

Email: demi.cook@shropshire.gov.uk

8. Environment Agency Advice to applicant

The applicant should note that in accordance with Government policy detailed in the National Planning Policy Framework (paragraph 183), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development End 3 rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility will remain with these parties.

We recommend the applicant follow the guidance set out in the attached document:

West Midlands Guidance Note for Developers - Sites Affected by Land Contamination

Guidance Note for Developers/Consultants - Sites Affected by Land Contamination (West Midlands Area)

Overview

This advice applies to sites where land contamination may be present as a result of previous or current land uses. It relates to the protection of ground and surface waters ('Controlled Waters', as defined under the Water Resources Act 1991). For Human Health matters seek advice from the Council's Public Protection / Environmental Health Department.

Government Policy, as detailed in the National Planning Policy Framework takes a precautionary approach to land contamination (See NPPF paragraphs 180, 189-190 and the 'Land Affected by Contamination' section of the National Planning Practice Guidance [NPPG]). Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of clean-up (remediation).

Where contamination is known or suspected (see the Land Contamination DoE Industry profiles) , a desk study, investigation, remediation and other works may be required to enable safe development (Paragraph 189 of the NPPF).

Minimum requirements for submission with a planning application are a desk study and preliminary risk assessment, such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for submission with a planning application for sensitive land use types or where significant contamination or uncertainty is found.

We recommend that proposers should:

1. Follow the risk management framework provided in Land contamination: risk management (LCRM) (previously known as 'CLR11'), when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Applicants should contact the Council's Public Protection / Environmental Health team who may hold records on known/potential land contamination. If during site works, contaminated material is suspected, you are advised to stop works and seek further guidance. Remediation of contaminated land may also require an authorisation under environmental permitting legislation. We do not recommend individual environmental consultants but the 2 following web link may help find environmental consultants that undertake contaminated land assessments: <http://www.endsdirectory.com/>

Information that should be submitted with planning applications

Preliminary Risk Assessment: As a minimum the applicant must submit a Preliminary Risk Assessment. (This is also known as a Phase 1 Desk Study, and may include a site walkover.)

Preliminary Risk Assessments should include:

- o Details of the current and former uses of the site (usually referring to an Envirocheck - or similar - report and a site walkover).

- o Discussion of the risks posed by the site to 'Controlled Waters' receptors i.e. conclusions regarding the possible / likely sources of contamination that may be present based on the uses of the site and walkover, the likely contaminant pathways and the potential 'Controlled Waters' receptors.
- o Create a rough outline of the situation (known as a 'conceptual model'), e.g. a diagram that includes the most important information about the land, the contamination, what it can harm and how.
- o Consideration of potential options to deal with any risks posed by the site to 'Controlled Waters' receptors e.g. breaking the source-pathway-receptor linkage. This does not need to be a full remedial options appraisal but does need to demonstrate that the developer understands the issues that may be encountered and the possible scale of remediation.

Please refer to the contaminated land pages on GOV.UK for more information.

The conclusions of the report should contain recommendations on how the contamination, will be dealt with through the development so that the site can be made safe for users and the environment and will not cause or exacerbate pollution.

In some cases this information may be sufficient to determine whether the principle of development is acceptable subject to planning conditions to secure the conclusions of the report, such as further detailed investigation, site remediation and validation.

In other cases there may be insufficient information at this stage to make a decision on the application, and more information may be required prior to determination. This is more likely to be the case if the site is particularly contaminated, the site setting is more sensitive or the end use proposed is particularly sensitive to contamination. In these cases the applicant will need to submit more detailed information.

Site Investigation Report: The next stage of more detailed information is a Site Investigation Report. (This is also known as a Phase 2 Detailed Site Investigation.) The 'Detailed Investigation' phase is the on-site validation of the conceptual model. Through intrusive investigation, chemical testing and quantitative risk assessment, the Phase 2 study can confirm possible pollutant linkages. It should also provide appropriate remediation options.

There are two stages:

- o generic quantitative risk assessment - to collect more site information for comparison with general standards, also known as generic assessment criteria (GAC). This will help improve your conceptual model and decide if the level of risk needs more detailed assessment or a plan for dealing with the contamination.
- o a detailed quantitative risk assessment - to collect more site information for comparison with bespoke standards, also known as site specific assessment criteria (SSAC). This will help you decide on options and a plan to deal with any contamination. These options could provide a consideration of likely costs.

For more complex sites, additional information on the remediation measures / remedial actions may be required before permission can be granted. This is outlined below.

Meeting and/or detailed document review

If you would like to discuss your proposals further, or for us to review technical reports/documents, this will be chargeable in line with our cost recovery service. This may help to ensure that they are comprehensive before formal submission or where concerns have been raised on a planning application.

Please contact our Sustainable Places team directly by email at:
<WestMidsPlanning@environment-agency.gov.uk>

Discharge of conditions after permission is granted

Where planning conditions have been imposed to deal with further investigation, remediation, validation and monitoring, we can offer advice prior to your formal submission. This will be chargeable in line with our cost recovery service. Please contact us on the details above.

Once permission has been granted subject to conditions, the developer will need to deal with the contamination on site. This is the remediation phase. The remediation phase of the process is generally split into two parts - remediation and validation.

Remediation Strategy: This is a document detailing the objectives, methodology and procedures of the proposed remediation works. (It may also be called a Remediation Method Statement or Remedial Actions Statement or Report.) Where necessary it should also include a verification plan that provides details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works to ensure development occurs in the right parts of the site in the correct sequence to ensure pollution is not caused. The developer should submit this information for approval before any works commence. Once this has been submitted and approved as part of the discharge of conditions application the development can proceed in the way the Remediation Strategy has set out.

Validation Report: Following completion of the works, the developer must submit a Validation Report as part of the discharge of conditions application. (It may also be called a Verification Report.) This document demonstrates that the works have been carried out satisfactorily in accordance with the Remediation Method Statement and that the remediation targets have been achieved. In most cases this will allow the planning conditions to be discharged in full.

Monitoring Programme: In some cases a programme of monitoring is required as part of the remediation phase, or as part of the validation to demonstrate the site has been satisfactorily remediated. Sometimes monitoring may be required for a longer time period after the development has been completed. The Remediation Method Statement (and possibly the earlier Preliminary Risk Assessment and Site Investigation Reports) should have made clear where this will be necessary and established in detail what will be involved.) Monitoring may be necessary for landfill gas, groundwater and surface water (such as taking samples from a watercourse on a regular basis over a set period of time). Where these measures are necessary the planning conditions should include this, and in some cases a Section 106 Planning Agreement may be a more appropriate mechanism for securing necessary monitoring, such as when monitoring from off-site locations is required or if it is required for a particularly long time period.

Re-use of materials and the Environmental Permitting Regulations 2016

Remediation of contaminated land may require an authorisation under the Environmental Permitting Regulations 2016. Further information can be found at the following links:

- o <https://www.gov.uk/government/collections/standard-rules-environmental-permitting#materialsrecovery-and-recycling>
- o <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>
- o <https://www.gov.uk/government/publications/deployment-form-for-land-and-groundwater-remediation>

Under the CL:AIRE ('Contaminated Land: Applications in Real Environments') Code of Practice materials should be re-used on site in a sustainable way. See information at:

<http://www.claire.co.uk/>

If contaminated / waste material needs to be removed from the site it should be deposited at a Permitted waste management facility. Records of any transfer/deposit of waste should be included in the Validation Report.

Sources of further information and guidance

Environment Agency technical guidance on land contamination:

<https://www.gov.uk/government/collections/land-contamination-technical-guidance>

The above webpage includes some of the following:

- o Guiding Principles for Land Contamination

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

- o Land contamination: risk management (LCRM) (previously known as 'CLR11')

- o Planning Practice Guidance on Land Affected by Contamination

<https://www.gov.uk/guidance/land-affected-by-contamination>

- o Pollution Prevention Guidelines (PPG27) - Installation, decommissioning and removal of underground storage tanks (withdrawn but available in the National Archives)

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/pmho0402bgsh-e-e.pdf>

Environment Agency Guidance "Groundwater Protection" (previously known as 'GP3')

<https://www.gov.uk/government/collections/groundwater-protection>

DEFRA Guidance relating to Part 2 A of the Environmental Protection Act:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735-cont-land-guidance.pdf and

<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Complete=0&ProjectID=18341>

Last Updated: November 2021. Contact: Environment Agency, Sustainable Places Team, West Midlands

Area. WestMidsPlanning@environment-agency.gov.uk

