



# Planning Inspectorate

SHROPSHIRE COUNCIL  
APPEAL BY ECONERGY INTERNATIONAL LTD (REF APP/L2345/W/23/3332543)  
SOLAR FARM COMPRISING AN UP TO 30MW SOLAR ARRAY AND ASSOCIATED  
INFRASTRUCTURE  
LAND WEST OF BERRINGTON

## **Note of case management conference held on 18 December 2024 Venue - Teams**

### **Purpose of the conference and attendance**

1. The purpose of the conference was to consider the ongoing management of the case to ensure that the appeal is dealt with in an efficient and effective manner. It was led by myself as the appointed Inspector. The text in italics relates to post CMC updates.
2. Participants on behalf of the parties were as follows:

For the Appellant, Ecoenergy International Ltd:

- David Hardy (DH), Partner, CMS Cameron McKenna Nabarro Olswang LLP
- Anthony Heslehurst, Director, RSK ADAS Ltd

For Flour not Power:

- Claire Wild (CW)

Other individuals associated with the Appellant were in attendance.

### **Identification of the site and description of development**

3. The application form refers to the site as land south of Berrington. It was agreed that the site is more accurately identified as land to the west of Berrington, Shrewsbury, SY5 6HA.
4. There was no objection to inclusion of the term solar farm in the description of development, which would then read: a solar farm involving the erection of an up to 30MW solar PV array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling.

### **Main issues and other matters**

5. My initial assessment of the likely main issues was set out in my pre-conference note (para 5) as:

- i) The implications of the proposed development for meeting the challenge of climate change.
- ii) The effect of the proposed development on the character and appearance of the area.
- iii) The implications of the proposed development for best and most versatile agricultural land.
- iv) The effect of the proposed development on skylarks.
- v) The effect of other considerations on the overall planning balance.

DH and CW agreed with this identification of main issues.

6. It was also agreed that the effect on the setting and setting of heritage assets should be addressed, but that this need not be a main issue and could be covered by consideration of the written material submitted.
7. My current understanding of the main issues is, therefore, as set out in the pre-conference note.

### **The procedure for the appeal**

8. Following the quashing of the original appeal decision, the LPA had decided not to defend the refusal of planning permission. More recently, having concluded a legal agreement with the Appellant, Flour not Power has withdrawn from the appeal process as a Rule 6 party and has also withdrawn its objections to the proposal. Several individuals have also withdrawn their objections.
  9. In the light of these developments, DH argued that an inquiry was not needed, and that the appeal could be considered appropriately at a hearing. CW was neutral on the matter.
  10. I undertook to give my decision on procedure in this note. *This matter remains under consideration, and a decision on the procedure for the appeal will be made as soon as possible.*
  11. There was no objection to a face-to-face event, in the form of either an inquiry or a hearing. It was expected that the LPA would be able to arrange live-streaming.
  12. I suggested that if the procedure were to remain as an inquiry, the order of proceedings could be:
    - any interested parties
    - an opportunity for any updates from the LPA
    - the Appellant's evidence.
- DH suggested that the Appellant could rely on its previous evidence with the addition of updates.
13. If the procedure were to change to a hearing, I suggested that topics for discussion could include those in likely main issues (i)-(iv) above.

### **Participation in the inquiry**

- 14.If the appeal remains to be heard at an inquiry, the Appellant is expected to be represented by planning, landscape and ecology witnesses.
- 15.I expressed the view that it would be helpful for the LPA to be represented at an inquiry or hearing, in order to provide any policy updates and contribute to a session on possible conditions.
- 16.CW was not aware of any other likely participants.

### **Timetable**

- 17.An inquiry had been scheduled for five days, 18-21 and 25 February 2025. DH suggested that one day would be sufficient for an inquiry or hearing. Site visits could require a further day. Time estimates should be submitted by 4 February, following which a timetable would be prepared.

### **Inquiry venue**

- 18.The LPA had advised that the venue for an inquiry would be the Shire Hall, Shrewsbury. CW explained that the Council would soon be moving to the Guild Hall where parking is available and which is accessible by public transport. Full details of the venue would be sought from the LPA.

### **Documentation**

- 19.It is intended that all documents should be available electronically in a single place. They had previously been hosted on a Council website, and the Appellant would liaise with the LPA with a view to establishing a similar arrangement. The Appellant and the LPA are asked to review the existing library of core documents. An updated set of core documents should be available by 21 January.
- 20.The Appellant was asked to liaise with the LPA to produce an updated statement of common ground. This should be submitted by 10 January.
- 21.DH confirmed that the relevant plans for the proposal are listed in paragraph 1.8.2 of the Appellant's revised statement.
- 22.In an email of 17 December 2024 on behalf of the Appellant to the LPA, reference was made to the following additional documents:
  - i) An enhanced landscaping plan
  - ii) An updated traffic management plan
  - iii) A landscape maintenance plan.

The enhanced landscaping plan would supersede the landscape masterplan, and the updated traffic management plan would also represent an amendment to the scheme, whereas the landscape maintenance plan would involve additional material. The Appellant would provide a list of the proposed changes in respect of (i) and (ii). CW commented that the

changes were minor in themselves but major in terms of their importance to local people. DH and CW agreed that interested parties were aware of the documents. *I will make a decision on whether this material should be taken into account following receipt of the list of proposed changes.*

23.The Appellant has submitted the legal agreement with Flour not Power, but this is identified as a confidential document. As such I have not read the agreement, and it was agreed that the Appellant would submit a summary of its terms which could be placed in the public domain.

24.Updated statements should be submitted by 21 January, with any rebuttals by 11 February.

25.I requested hard copies of proofs/ statements and relevant plans. Plans should be full-size or at least A3.

### **Planning obligations and conditions**

26.DH explained that the obligation concerning the skylark mitigation strategy remains relevant.

27.The Appellant would propose a new condition concerning landscape maintenance. Possible conditions are intended to be reviewed with the LPA. A revised list of possible conditions should be submitted by 21 January.

### **Site visits**

28.DH and CW agreed that the previous site visit itinerary remained relevant. Details of suggested site visits should be submitted by 11 February.

### **Costs**

29.The Appellant currently has no intention to apply for an award of costs.

### **Notification**

30.The date on the LPA's notification letter was to be checked. *There do not appear to be any inaccuracies concerning the date.*

### **Document submission**

31.Documents and other information should be provided by the following dates:

By 10 January 2025 – an updated statement of common ground.

By 21 January 2025 (4 weeks beforehand) – core documents, update proofs of evidence/ statements, possible conditions.

By 4 February 2025 (2 weeks beforehand) – time estimates.

By 11 February 2025 (1 week beforehand) – any rebuttals, site visit suggestions.

*Richard Clegg*

INSPECTOR, 24 December 2024