



Date: Tuesday, 9 May 2023

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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## **SOUTHERN PLANNING COMMITTEE**

### **SCHEDULE OF ADDITIONAL LETTERS**

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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<b>SOUTH PLANNING COMMITTEE</b>		
<b>SCHEDULE OF ADDITIONAL LETTERS</b>		
<b>Date: 9 May 2023</b>		
<b>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</b>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	22/04355/FUL (Berrington Solar)	Berrington PC
<p>Council resolved unanimously to object to the application; on grounds of visual amenity, lack of recognition of key ecology and nature conservation issues, inappropriate land use in relation to the grade of agricultural land making up the majority of the site, and the impact on. In addition, it is clear that there are errors and inaccuracies in the background information provided. The Council would seek a more effective traffic management scheme.</p>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	22/04355/FUL (Berrington Solar)	Applicant
<p>The following clarifications have been provided in response to queries from the case officer (see also subsequent section with case officer update):</p> <p><u><i>BMV Land</i></u></p> <p>As outlined over the phone, it is not viable for the landowner to enter into a legal commitment on this matter, as this would restrict this land to arable usage for the full 40 year duration of the solar farm's lifespan. This is a consequence of various factors; primarily the need to adapt to changing markets, technologies and national needs over the coming 4-decade operational lifespan of the project. In effect, by limiting what the landowner is able to do with this land, it would potentially put the business at significant risk by making it inflexible/unable to adapt to future events and opportunities. If the development were not to take place, then the same would be true for the existing site. It would also be unenforceable, for example if at some time in the future labour was not available to maintain the specified use of the site.</p> <p>The Agricultural Production Assessment issued on the 19<sup>th</sup> of January 2023 (attached) highlights that the agricultural business is currently facing a 'challenging future' and that it needs to 'remain adaptable if it is to remain economically viable'. The provided Assessment also outlines the range of opportunities for arable crop growth on the northern parcel of land, and the suitability of the land in terms of the quality of soil, as assessed by our in-house specialists as ADAS. In this respect, this land represents a big value asset to the landowner, and one that is in their best interest to utilise moving forward (with or without a formal agreement in place).</p> <p>Notwithstanding the above, the NPPF does not outright exclude development on BMV agricultural land as a rule of thumb. There are numerous examples of where Planning Applications for similar solar proposals have been approved on BMV agricultural sites (both within and outside this authority). We have also issued a full Sequential Report (attached), demonstrating the detailed list of criteria which resulted in our client choosing this particular application site. As you outlined over the phone, the land within this authority's boundary is predominantly rural and much of it is on BMV agricultural land, meaning that BMV land will have to be developed to deliver a solar farm of this scale.</p>		

It is important to highlight that the proposal is a temporary installation, with a lifespan of 40 years, and the land can quickly be reverted back to its original state. Furthermore, the Council should also acknowledge the fact that the land on which the solar PV development will be built upon will be taken out of intensive crop production for this period, meaning there will be a significant reduction of nitrate, phosphates (fertiliser), herbicide and pesticide input into the land and a consequential reduction of the chemicals leaching into the watercourses.

### Other Points Raised

During our phone call, you advised that you had been to the Application Site with Cllr. Claire Wilde (hereafter 'CCW') yesterday who had raised a number of additional points/requests:

- Queried the quality of the agricultural land within the wider landholdings to the north of the Application Site – *Please refer to Agricultural Production Assessment.*
- The proposed additional screening to rear of their private property would be ineffective – *Since the landscaping for this proposal was signed-off by ESP, the property-to-panel buffer has increased up to 170 m, and additional tree planting has been incorporated along this boundary of the scheme. In this respect, we have gone above and beyond in terms of the scheme of mitigation adjacent to CWW's property.*
- There would be views from Cantlop Mill and the associated access track, onto the Application Site – *Since the landscaping for this proposal was signed-off by ESP, additional tree planting has been placed along this southern boundary to further bolster screening between this property and the application site (there is also a 140 m deep buffer at this point).*
- There would be views from Cantlop Settlement to the north across the Application Site and the currently proposed screening along the southern boundary would not screen this – *Landscape matters have been signed off by ESP.*
- *I know there was an additional point with respect to some concerns around a Sandy Bank, please can you indicate where this is on a plan?*

We have taken numerous steps to address Cllr Wild's concerns, however I suspect we are limited in how much progress can be made given that she is the nearest resident to the proposal.

With respect to the quality of the land to the north of the Application Site, I direct you to the Agricultural Production Assessment. Whilst the assessment does not provide the exact ALC grading, it does provide reassurance that this land is capable of being used for arable purposes moving forward (as it was previously). Natural England's online mapping indicates the referenced land falls within Grades 3A or 3B, albeit this is not always 100% accurate and should be taken within a pinch of salt.

As agreed over the phone, I will shortly issue an updated version of the landscape masterplan and layout plan, which removes the on-site skylark mitigation. We are currently working through the details of the alternative off-site skylark mitigation proposals with SC's Ecology Department and expect to have full sign-off within a few working days.

Item No.	Application No.	Originator:
5	22/04355/FUL (Berrington Solar)	Berrington parish councillor

For probity I write to clarify certain recent statements published on the portal by a Cross Houses resident. This to redress the balance of fairness in relation to the planning application under consideration.

It is noted that the residents of Cross Houses were not notified of the planning application, and were unaware of it. As is planning policy, only neighbours received formal notification of the application. One can infer that this is because neighbours, rather than parishioners, are the ones directly impacted by the proposals, and the process seeks to elicit their views. On this basis one assumes that due weight will be given to the concerns of "neighbours" (a formal classification in the consultation process), in comparison with others. Of course anyone aware of the application has a democratic right to submit their views, which I of course support. The phrase is used by the Cross Houses resident: "The number of supporting responses that I COLLECTED (my emphasis) from parish residents...". It is further conceded that these were "collected" on the doorstep. Many of these supporting comments are generic, and given this fact and that they were clearly fomented, I would suggest that may they constitute a "petition". This would result in far fewer legitimate supporting comments.

Further points are made in relation to community benefits and who should be negotiating them. I believe substantially that (taking into account the above points) community benefits should flow to the community directly impacted by the proposals. In this case Berrington & Cantlop. There is no negative impact in Cross Houses. Precedents locally and UK wide suggest that I am correct. The contention that the Parish Council has been inactive is incorrect. It was agreed and ratified at our very well attended community meeting (at which a number of Parish Councillors were present), that two named residents of Berrington & Cantlop with commercial infrastructure experience, would engage with the developer seek to agree IN PRINCIPLE, a potential community benefits package. That package would be taken to the Parish Council for ratification if/when forthcoming, and taken forward by them. I was one of those residents. As I have previously stated we met with the developers representative on the 3rd of March '22 in my living room in Berrington. It was agreed that the developers representative would revert with proposals. No proposal was received and all communication (on all fronts) was unilaterally ceased by the developer thereafter. I understand the the Cross Houses resident contacted the developer to seek to agree a package thereafter. This was without any community consultation, agreement or consent; or that of the Parish Council. I believe the developer may seek to suggest that they have "ticked the box" in this regard. I find this highly disingenuous. I have invited the developer on a number of occasions through this forum to re-engage with the process, but to no avail.

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5	22/04355/FUL (Berrington Solar)	Case officer

Agricultural Mitigation Fund: The applicant has recently agreed to put in place an Agricultural Mitigation Fund to compensate for the temporary loss of best and most versatile land beneath the solar arrays for the 40-year duration of the proposed development. The fund would be secured by means of a s106 legal agreement and would pay a sum of £7k per year for the first 5 years following the powering up of the solar farm site. The sum would be held in an escrow account and would be available for local farmers to facilitate improvements in food production on their land. This might for instance involve reverting currently non-productive HLS land to arable production or improving field drainage to improve yields.

The fund would be available to eligible farmers who are farming in the Berrington area. It is envisaged that bids would be assessed by a steering group with representatives from the local farming community.

The officer considers that this is an appropriate way of seeking to mitigate any loss of arable productive capacity from B&MV land beneath the solar arrays, and this is to be welcomed.

The applicant has confirmed that the proposed Agricultural Mitigation Fund would be in addition to the previously proposed community benefit fund and would not result in any reduction in the proposed level of the latter fund.

Sheep Grazing: The applicant stated that measures are being actively investigated to ensure that sheep can graze successfully between the proposed solar arrays.

Grid connection issues nationally: The applicant company Eco-Energy has also said that the company initially had a national portfolio of proposed solar farm sites with c150MW in total of energy generation potential. However, problems with grid connection issues at other sites has meant that only the 30MW Berrington site remains as a feasible energy generation option.

The officer considers that this highlights the significance of grid connectivity as a limiting factor for solar farm development both nationally and within Shropshire.

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The applicant has published a Skylark mitigation strategy following dialogue with SC Ecology. The conclusions of the strategy are as follows:

It is proposed that a compensation area is required for either (i) a conservation grazing strategy to create a suitably varied grassland ideal for breeding and foraging Skylark or (ii) the creation of 12 Skylark plots in a 6 ha area, as per the findings of the breeding bird survey undertaken by ADAS in 2020. A total of four parcels of land have been identified as being suitable for compensation immediately north of the development area.

If the area is used for grazing, conservation grazing using low stocking densities will be implemented, and will follow stocking rates set out within this document. Grazing will cease between 01 April and 01 June to avoid impacts to ground nesting birds. Habitat structure and Skylark population monitoring will be utilised to ensure that adjustments to stocking rate (depending on over/under grazing) are made to optimize habitats.

If the area is used for arable crop production, Skylark plots will be created covering an area of 16 m<sup>2</sup> to provide suitable foraging areas for the species during the breeding season. The plots will be created by either (i) not being drilled during the winter, or (ii) leaving the plots fallow over the winter period, and then being retained as undrilled areas in the following spring.

Additional habitat management will include the annual trimming of hedgerows around the boundaries of the compensation area in the late winter period (January – March) to ensure that habitat within the compensation area are suitable for Skylark, whilst avoiding impacts to nesting birds, or opportunities for winter foraging.

Long term monitoring of the site will take place for a minimum of five years to gather baseline data on the population dynamics and distribution of Skylarks both within the

mitigation area and also within the solar arrays themselves. This data should be collected annually, and a report with analysis of the findings and any further recommendations for management techniques be submitted at the end of the five year period.

Item No.	Application No.	Originator:
7	22/04842/OUT – West Bungalow Chirbury	Councillor Heather Kidd

Councillor Kidd has recently circulated to Members a document setting out her objections to the above application which are reproduced below:

1. Out of character with the street scene along the B4386. This single bungalow is low level and fits with the bungalow - Tara - next door. Tara was built on land originally occupied by the other half of West Bungalow. It was conditioned to be in keeping with West Bungalow. (Formally the District Nurses house) All houses on that side of the road are well spaced. These are close together and over bearing to Tara next door. Others along the road here are terraced or semi-detached, not what we see here. The bungalows behind are also to be considered.(Just seen to the left of West Bungalow here).
2. The Grade 1 listed Church can be seen from miles around. This development will block its imposing view from one area of the village .The site is just outside the Conservation area and needs to be sympathetic to it. Two houses crammed onto this site will cause significant harm to the setting of this heritage asset and its impact on the village.
3. This is over development of a sensitive site which will add huge access issues to the road and make parking for the very popular school and nursery exceptionally difficult. Only one single entrance is needed to keep the existing amenity. The School has limited parking and relies on pick up and drop off along the road here. This of course happens twice a day. The nursery has pick up at mid day as well. The proposal will result in the loss of parking (a much needed facility in the village). Policy CS6 sets out that proposals resulting in the loss of facilities should be resisted unless provision is made for equivalent or improved provision.
4. Town and Country planning(development management procedure) (England) order 2015 Article5(3) States where access is a reserved matter the application for outline planning permission must state the area or areas where access points to the development proposed will be situated. Should the validity of the application be called into question? Parking spaces are shown but the access could be the whole frontage, this is not clear and needs to be explicit for this to be valid.

Reasons for refusal:

Policy CS4

This does not fit the scale and design sympathetic to the character of the settlement and does not satisfy policy CS6 as required by policy CS4.

SC Conservation (Historic Environment) says:

Difficult to fully assess the potential impacts with all matters reserved. No supporting statement or assessment have been provided. Concern the indicative scheme could appear cramped and overdeveloped on this constrained site.

6.1.3 (From Committee report on MD3)‘Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline (41 in this case), decisions will have regard to:

i. The increase in number of dwellings relative to the guideline; this will mean the village will be 12 over target

ii. The likelihood of delivery of the outstanding permissions; The 13 are in the process of the lease being agreed and the Housing Association intends to be on site this summer/autumn. Outline for the 27 is in the legal sign off period. There is nothing to suggest that this will not be progressed.

iii. The benefits arising from the development; the benefits of this extra property are negligible when set against the impacts

iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; these impacts are negative with respect to the setting and school parking

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8	23/00820/FUL Brockhurst, Church Stretton	Applicant

The following support statement has recently been circulated to Members by the applicant, together with a copy of an updated (Feb 23) statement by the agent:

We would like to introduce our proposal and address some of the reasons for why we are applying for planning to convert the barn at Brockhurst into a family home.

Both myself and my wife have strong family ties to the local area of Church Stretton. I have four generations of my family who have lived in the town, worked in the local area, and attended the schools within the town. I have very fond memories of my childhood growing up within the Church Stretton area and now as a family we are often visiting my parents who reside in the town. My wife’s grandparents also lived in the village and she was a regular visitor to the area throughout her childhood and shares my love and passion for the area. We also got married at St Laurence’s Church in the heart of Church Stretton.

We are a young family with two daughters and we would like for them to have the opportunity of a childhood that we had in the local area and for us to be able to teach them about sustainability and how to live a low impact life in a modern world. In addition, living on Brockhurst would allow us to care and support aging family members who live nearby.

The Barn was previously used for storage for my father’s commercial business, which after the premises were relocated it became a family and agricultural storage space for him and a local farmer. The barn is now no longer needed by either party and is left empty and unused.



The farmer used the surrounding area for his activities including fencing and logging, the use of heavy and noisy agricultural machinery at the site and driving regularly on the main accessway onto Brockhurst as well as disposal of materials in bonfires. His activities at the barn were noted by local residents to cause noise pollution and odours to the immediate surrounding area.

We have actively engaged with the residents who reside within the multiple residential properties on Brockhurst. We have met with them to discuss our proposal, conducted site visits, and encouraged any feedback that they may have around our plans, with the consensus very much in favour of our application as they feel it will significantly enhance and protect the existing building and landscape.

The residents also welcome an extra member to their co-operative which pays for maintenance and upkeep of the driveway leading to the houses and flats as well as the neighbourhood security that another family brings from living in the area.

### Structure

Our application for the conversion of the barn uses the existing breezeblock shell with no alteration to the existing shape or size of the structure. From the structural survey it has been established that the barn has adequate foundations which would not need any alterations or further increasing in size.

The groundworks for waste in the sewage treatment plant are located on the east side of the structure minimising potential disturbance to the scheduled ancient monument (SAM). We would also be happy to have a watching brief from an archaeologist on site for any planned groundwork required. Groundwork required for connection to utilities will be in the form of a trench placed alongside the existing driveway in the direction away from the SAM leading to the main road on Brockhurst where utilities are located.

In line with our previous application refusal reason for the conversion of an out building to a 3 bay garage has been removed in accordance with concerns raised by Heritage England.

### Design and visual impact

We worked closely with our architect to present a brief that maintained the look of an agricultural building, with the low impact design of the building to blend in with the natural surroundings of woodland and open fields. We would like to use a larch style vertical cladding which will weather over time changing to a softer and lighter colour as it ages. The roof will be made up of a standing seam style agricultural finish insulated sheeting with PV panels on the south facing slope of the roof area.

We are also happy to remove the Velux windows on the north roof to increase the minimalistic visual impact of the barn which may be visible from the Ragleth. The property is also not visible from the west as there are no bridle-ways or footpaths which are accessible along the Long Mynd opposite the structure.

To further keep the design minimal, we have chosen composite slim style glazing with a dark outer frame finish to keep a natural look to the barn. Glazing can also have solar reflective coating to minimise glare which may be seen from the Ragleth.

Small areas of the barn such as under the porch by the main entrance would be rendered and painted a light colour to maximise light in areas of the structure which would otherwise have a limited natural source of light. This would also not be visible to walkers from the Ragleth as it is on the west side of the structure.

## Sustainability

The barn aims to be a low impact structure and will be highly insulated to above modern standards and building regulations. Energy will be supplemented by a solar panel array connected to battery storage to maximise the renewable source of energy for the property. We also plan to utilise an air source heat pump (ASHP) to provide sustainable heating to the property.

Excess rainfall will be collected in to water storage butts connected to the guttering of the property and used for maintaining the garden reducing potential surface run off in to the fields.

Outdoor lighting will be in accordance with the ecology report recommendations and will be kept to a minimum where required and on timers and sensors to limit any disruption to potential bats and nocturnal animals. As also recommended in the ecology report we would be installing habitats such as bat and bird boxes to allow for protected roosting areas for these animals. We would very much like to enhance and protect the ecology present at Brockhurst.

## Counter Arguments

Planning boundary objections – The barn building is already present with no alterations to the existing footprint proposed and in its current state has been acknowledged as being unsightly. Our plans to convert the barn will only improve the vista in the Church Stretton valley area due to its low impact design. Several other buildings have also been converted within Brockhurst including a change of use of another barn structure from an agricultural to a residential property, and building of a covered structure for an existing swimming pool complex where there was no existing building on the site.

Setting a precedent for converting agricultural buildings – a minimalistic design and highly insulated and sustainable building should be the aim of all class Q and agricultural conversions. Although class Q should not apply to our barn as it is located within the AONB, our supporting evidence has pointed out that the Written ministerial statement for conversions of properties in AONB areas should achieve a higher standard of design required for conversion, which we believe that our plans meet this requirement set out by the government.

SAM concerns – we are aware of the heritage of the SAM and would be in a place to add security from trespassers who have been known to walk around to the SAM without permission on many occasions. In addition, the SAM is on private farmland which is not accessible from the property. We would adhere to any conditions set out as a requirement for planning to not build structures in sensitive areas of the site such as sheds or children's play areas which may cause harm to the SAM.

We look forward to you visiting the site prior to the committee meeting and will be available should you have any further questions on our proposal.

Yours Sincerely

James and Stephanie Smith Pearse

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