

Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Monday, 6 March 2023

**Committee:**  
**Southern Planning Committee**

**Date:** Tuesday, 14 March 2023

**Time:** 2.00 pm

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

You are requested to attend the above meeting. The Agenda is attached.

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard  
Assistant Director – Legal and Governance

**Members of the Committee**

David Evans (Chairman)  
Nick Hignett (Vice Chairman)  
Caroline Bagnall  
Andy Boddington  
Richard Huffer  
Christian Lea  
Hilary Luff  
Nigel Lumby  
Tony Parsons  
Ed Potter  
Robert Tindall

**Substitute Members of the Committee**

Gwilym Butler  
Rachel Connolly  
Nigel Hartin  
Pamela Moseley  
Cecilia Motley  
Claire Wild  
Mark Williams  
Paul Wynn

Your Committee Officer is:

**Tim Ward / Ashley Kendrick**     Committee Officer

Tel:                             01743 257713 / 01743 250893

Email:                         [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk) / [ashley.kendrick@shropshire.gov.uk](mailto:ashley.kendrick@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 14 February 2023

Contact Tim Ward (01743) 257713.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 5.00 pm on Thursday 9 March 2023

## 4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## 5 Land to the West of County Lane Albrighton Shropshire (22/01816/FUL) (Pages 5 - 50)

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

## 6 Proposed Solar Farm to the south of Hall Lane, Kemberton, Shifnal (22/02441/FUL) (Pages 51 - 98)

Installation of solar farm and associated infrastructure

## 7 The Wyches, Little Worthen, Worthen, Shrewsbury, Shropshire, SY5 9HL (22/04625/FUL) (Pages 99 - 118)

Erection of two three-bedroom dwellings

## 8 Land To The South Of Tong Forge Shifnal Shropshire (22/05521/FUL) (Pages 119 - 146)

Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission)

## 9 Schedule of Appeals and Appeal Decisions (Pages 147 - 154)

## **10 Date of the Next Meeting**

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 11 April 2023.



## Committee and Date

Southern Planning Committee

14 March 2023

## **SOUTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 14 February 2023**

**2.00 - 3.20 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Tim Ward / Ashley Kendrick

Email: [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk) / [ashley.kendrick@shropshire.gov.uk](mailto:ashley.kendrick@shropshire.gov.uk) Tel: 01743 257713 / 01743 250893

### **Present**

Councillors David Evans (Chairman), Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Christian Lea, Hilary Luff, Nigel Lumby, Tony Parsons, Ed Potter and Robert Tindall

### **100 Apologies for Absence**

There were no apologies for absence received.

### **101 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 13 December 2022 be approved as a correct record and signed by the Chairman.

### **102 Public Question Time**

There were no public questions

### **103 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

In respect of agenda item 6 Councillor Nick Hignett declared that he was the local Member and that he would make a statement and then withdraw from the meeting and take no part in the debate or voting.

In respect of agenda item 8 Councillor Nick Hignett declared that he was the local Member and that he would withdraw from the meeting and take no part in the debate or voting.

### **104 Pendeford Lower Barns Road Ludford Ludlow Shropshire (22/03472/FUL)**

The Principal Planner introduced the application which was an application for the erection of one dwelling (following demolition of existing buildings) and detached double garage/garden store, modifications to existing vehicular access, to include removal of trees, and with reference to the drawings and photographs displayed, he drew Members' attention to the layout proposed

Councillor Vivienne Parry, local Ward Councillor made a statement in support of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Garry Thomas, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members considered that the proposals were acceptable and that the new dwelling would replace an outdated and dilapidated dwelling.

A Member commented that there should be sufficient room between the western façade of the garage and the roadside boundary to allow adequate screen of the building. The Principal Planner commented that this could be address by way of a condition if members were minded to approve the application.

**RESOLVED:**

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to apply conditions as necessary including:

- Landscaping
- Materials
- Drainage
- A condition to ensure a minimum gap of 5 metres between the western façade of the garage and the roadside boundary to ensure sufficient space for adequate screening

**105 The Waterfall Malehurst Minsterley Shrewsbury Shropshire (22/05036/FUL)**

The Principal Planner introduced the application which was an application for the erection of one dwelling and with reference to the drawings and photographs displayed, he drew Members' attention to the to the location, layout and elevations.

Councillor Allan Hodges spoke on behalf of Pontesbury Parish Council in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Nick Hignett, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, he then left the room and took no part in the debate or vote

Dyanne Humphreys, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members considered that there was an existing residential use of the plot and that the proposal would improve the visual amenity of the site and that this combined with the personal circumstances of the applicant outweighed any adverse effect on the neighbourhood. They welcomed the proposal to close off the western access to the site as this would improve road safety.

**RESOLVED**

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to apply conditions as necessary including a condition to ensure that the western access to the site is closed off to ensure highway safety.

**106 Proposed Affordable Dwelling To The North Of Glazeley Bridgnorth Shropshire (22/03728/FUL)**

The Chairman advised the meeting that the item had been withdrawn from consideration as the outstanding legal agreement had been received.

**107 20 Willow Park Minsterley Shrewsbury Shropshire SY5 0EH (22/05696/FUL)**

The Principal Planner introduced the application which was an application for the erection of a two storey side extension and with reference to the drawings and photographs displayed, he drew Members' attention to the layout proposed.

The Principal Planner advised Members that the application had been brought before the committee as the applicants partner work within the Planning Service Department.

**RESOLVED**

That in accordance with the Officer recommendation permission be granted subject to the conditions set out in Appendix 1

**108 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 14 February 2023 be noted.

The Principal Planner advised the Committee that he had been informed that an appeal had been lodged regarding the application for a Proposed Solar Farm to the east of Squirrel Lane, Ledwyche, Ludlow which Members had refused against Officer recommendation at the meeting held on 27 September 2022, and that this would be dealt with by way of a hearing.

**109 Exclusion of Press and Public**

**RESOLVED:**

That under Section 100 (A) of the Local Government Act 1972 the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act.

**110 Planning Enforcement Quarterly Report**

Member received the report of the Assistant Director of Economy and Place which updated them on the performance of the Enforcement Team and advised them of the outcome of recent significant decisions.

**RESOLVED:**

That Members note the progress of planning enforcement case investigations and the exercise of delegated powers in respect of decisions in accordance with the Council's enforcement protocol.

**111 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 14 March 2023

Signed ..... (Chairman)

Date: .....



## AGENDA ITEM



Committee and date

**Southern Planning Committee**

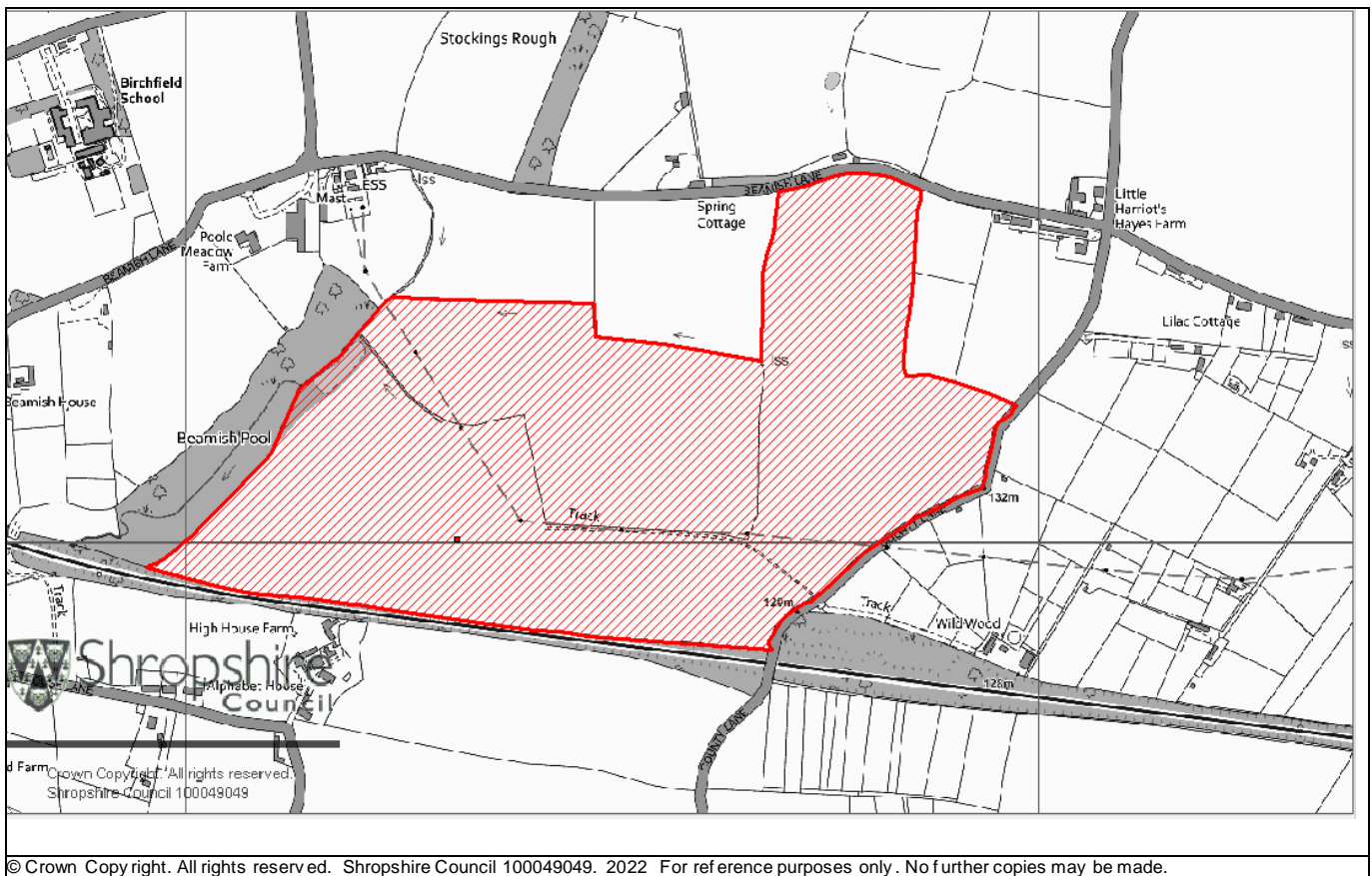
**14th March 2023**

### Development Management Report

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

#### Summary of Application

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



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

## REPORT

### 1.0 THE PROPOSAL

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

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

- Construction compound
- Landscape and Biodiversity enhancement areas

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

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

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

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

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

1.11 Mitigation Measures and Enhancements – Key landscaping proposals include:

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

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

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

1.13

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

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

## 2.0 SITE LOCATION/DESCRIPTION

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

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

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

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

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

## 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

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

## 4.0 Community Representations

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

## 4.2 Consultee Comment

### Shropshire Council Climate Change Taskforce – 28<sup>th</sup> July 2022

Shropshire Council's Climate Task Force strongly supports in principle the delivery of additional renewable energy generation infrastructure and capacity in the county as a positive contribution to the policy objectives outlined below. Solar farms have the potential to deliver significant environmental benefits in terms of:

- Decarbonisation of energy supplies
- Greater energy security
- Green growth

Shropshire Council declared a 'Climate Emergency' on 16 May 2019 reflecting the conclusions of the Intergovernmental Panel on Climate Change (IPCC) at that time. Shropshire Council subsequently adopted a Climate Strategy and Action Plan on 17 December 2020 which sets out a range of principles which include:

Support Clean and Inclusive Growth:

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

Our vision is for Shropshire Council to become carbon net-neutral by 2030 and assist in the ambition for the whole of Shropshire to become carbon net-neutral in the same year. In addition to this, we aim to be entirely renewable energy self-sufficient as an organisation within the decade.

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

### Landscape - Initial Comments 6<sup>th</sup> June 2022

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

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

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

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

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

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

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

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

## **Landscape – Further Comments 23<sup>rd</sup> January 2023**

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

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

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

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

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

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

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

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

No Objection subject to conditions.

## **Further Comments - 16<sup>th</sup> February 2023**

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

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



## Highways - Initial Comments 9<sup>th</sup> June 2022

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

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

## Further Highway Comments – 7<sup>th</sup> November 2022

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

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

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

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

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

## **Highways – Further Comments received on the 23<sup>rd</sup> January 2023**

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

No objection subject to conditions.

## **Historic Environment – Archaeology - Initial comments 28<sup>th</sup> April 2022**

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

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

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

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

### **Updated comments - 3<sup>rd</sup> November 2022**

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

### **Historic Environment – Conservation Officer 23<sup>rd</sup> May 2022**

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

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

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

### **Ministry of Defence (MOD) – 13<sup>th</sup> July 2022**

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

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

### **Natural England – 30<sup>th</sup> June 2022**

No adverse comments

### **Environmental Health – 24<sup>th</sup> May 2022**

No objection subject to conditions.

### **Trees – 18<sup>th</sup> May 2022**

No objection subject to conditions

### **Ecology – 19<sup>th</sup> May 2022**

No objection subject to conditions and informative

**Highways** – No objection subject to conditions

### **Drainage – 11<sup>th</sup> May 2022**

The proposed drainage strategy in the FRA is acceptable

### **Network Rail – 29<sup>th</sup> April 2022**

No objection subject to conditions and informative.

### **Environmental Agency – 29<sup>th</sup> April 2022**

No adverse comments

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

## **4.3 Public Comments**

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

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

A summary of the representations received are as follows:

### Albrighton Parish Council

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

### Public objections

#### Amenity

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

## Green Belt

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

## BMV

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

## Highway Impacts

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

## Climate Change

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

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

### Community Benefits

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

### Other Issues

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

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

## 6.0 OFFICER APPRAISAL

### 6.1 POLICY CONTEXT

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

6.1.2 The adopted Development Plan comprises of the following:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

6.1.10 Paragraph 175 advises that Plans should: distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>58</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

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

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

6.1.13 Other Material Considerations

#### National Policy Statement for Energy

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

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

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

### Zero Carbon Shropshire Plan

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

### Assessment of this application

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

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

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

6.1.19

6.1.20

## **6.2 JUSTIFICATION FOR THE DEVELOPMENT**

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

6.2.4



6.2.5

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

6.2.6

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

6.2.7

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

6.2.8

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

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

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

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

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

6.2.12 There is approximately 145,279 ha of Best and Most Versatile ('BMV') agricultural land located in Shropshire according to the nationally available Provisional Agricultural Land Classification Data<sup>2</sup>, comprising around 45% of all land within the county. The Proposed Development would result in the temporary use of just 0.020% of this for grazing and energy production. It is noteworthy that there are no controls which prevent a farmer from switching the use of an agricultural field between arable and grazing uses, both being agricultural, and planning permission would not be required for this. A farmer may choose to do this at any time for a number of reasons, including to rest the land. Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022). Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used nationally by golf courses.

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

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

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

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

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

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

## 6.3 BENEFITS OF THE PROPOSED DEVELOPMENT

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

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

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

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

## PLANNING CONSIDERATIONS

### 6.4 GREEN BELT

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

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

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

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

b) to prevent neighbouring towns merging into one another;

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

c) to assist in safeguarding the countryside from encroachment;

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

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

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

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

- 6.4.4



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

#### 6.4.5

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

#### 6.4.6

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

#### 6.4.7

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

#### 6.4.8

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

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

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

#### 6.4.10 **VERY SPECIAL CIRCUMSTANCES (VSCs)**

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

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

6.4.11

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

6.4.12

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

6.4.13

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

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

## 6.5 LANDSCAPE AND VISUAL IMPACT

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

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

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

## 6.6 GLINT AND GLARE

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

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

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

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

## 6.7 HERITAGE /ARCHAEOLOGY

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

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

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

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

## NOISE

## 6.8

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

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

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

## HIGHWAYS

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

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

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

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

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

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

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

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

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

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

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

## ECOLOGY

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

6.10.1

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



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

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

Detailed design measures to enhance biodiversity include:

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

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

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

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

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

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

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

## 6.10.9 DRAINAGE

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

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

6.10.10

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

6.11

## 6.11.1 COMMUNITY ENGAGEMENT

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

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

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

6.11.3

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

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

6.12

6.12.1

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

6.12.2

## **IMPACT ON THE RAILWAY**

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

6.12.3

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

6.13

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

6.13.1

**7.0 CONCLUSION**

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

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS9 - Infrastructure Contributions

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD6 - Green Belt & Safeguarded Land

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S1 - Albrighton

### RELEVANT PLANNING HISTORY:

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

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

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

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

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

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

# AGENDA ITEM

Southern Planning Committee - 14th March 2023

Land To The West Of

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

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

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

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

## 11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
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Local Member
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Cllr Nigel Lumby
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Appendices APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

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

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

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

Site Location Plan ( ref: P20\_0558\_29) as recorded as received by the local planning authority on the 14<sup>th</sup> April 2022

Landscape Strategy ( Pegasus, ref: P20\_0558\_28 Rev F)

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

Technical Details - Inverters ( ref: PL.005)

Technical Details - Substation (ref:PL.006)

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

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

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

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

### Documents

Agricultural Lane Classification ( Amet Property, 23<sup>rd</sup> November 2021, Issue 4)

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

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

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

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

Ecological Assessment Report ( Avian Ecology, 20<sup>th</sup> February 2023) V4 Revision 3

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

Ecological Assessment – Biodiversity Management Plan V2 Rev 1

Ecological Assessment – Biodiversity Metric Sheet February 2023

Flood Risk Assessment Rev 02 ( Calibro, 19<sup>th</sup> January 2022)

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

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

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

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

Passing places ( Pegasus ref: P20-0558 SK02)

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

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



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

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

## **PRE-COMMENCEMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## FIRST OPERATIONAL USE

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

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

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

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

## GENERAL ADHERANCE

**15.** Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species. Badgers – pre-commencement survey condition

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

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

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

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

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

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

## INFORMATIVES

Network Rail - As per the consultee response

Ecology – Standard Advice

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



Committee and date  
**Southern Planning Committee**  
**14th March 2023**

## Development Management Report

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

### Summary of Application

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

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



**Fig 1 location**

## REPORT

### 1.0 THE PROPOSAL

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

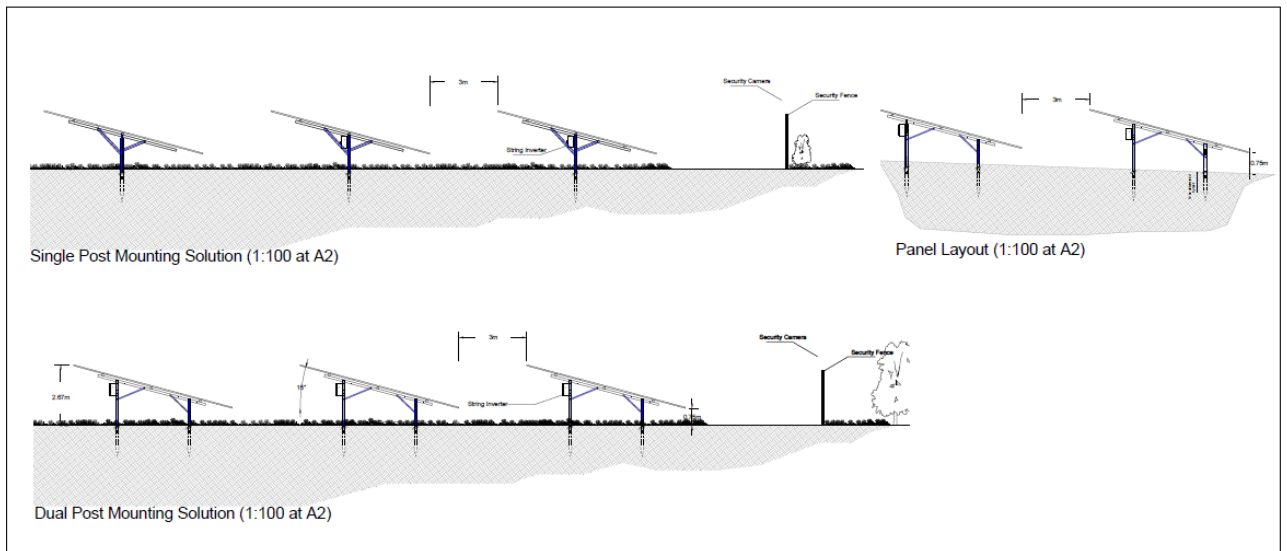
development (i.e., Inverter Stations, Customer Substation, DNO Substation, CCTV with poles of up to 3m, perimeter fencing and gates up to 2m, internal access roads).

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



Fig 2 – Site layout





**Fig 3 – Panel sections**

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

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

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

### 3.0 REASONS FOR COMMITTEE DECISION

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

### 4.0 COMMUNITY REPRESENTATIONS

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

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

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

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

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

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

Policy MD8 requires energy infrastructure to respond to national priorities and locally identified requirements and required the contribution made to those objectives to outweigh the potential for adverse impacts. There is a very limited attempt to provide an identified local requirement. The development will have a substantial visual impact both on their own and in terms of glint and glare impacts on highway users.

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

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

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

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

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

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

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

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

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

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

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

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

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

- Decarbonisation of energy supplies, greater energy security, green growth
- iii. Shropshire Council declared a 'Climate Emergency' on 16 May 2019. The Climate Strategy and Action Plan (17<sup>th</sup> December 2020) sets out a range of principles: support clean and inclusive growth, Work with others, influencing the behaviour of others,
- Our vision is for Shropshire Council to become carbon net-neutral by 2030 and assist in the ambition for the whole of Shropshire to become carbon net-neutral in the same year. In addition to this, we aim to be entirely renewable energy self-sufficient as an organisation within the decade.
  - The UK Government has committed to a legally binding target of net zero by 2050.  
- “
  - National Energy Security Strategy:  
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- iv. Application Specific Comments:  
It's recognised by the Climate Task Force that the development would contribute 22MW towards the approximate total of 5,000MW required to make the county self-sufficient in renewable energy. According to Greenhouse gas reporting: conversion factors 2022 – UK electricity this development would be expected to produce an approximate carbon saving of 4.3 ktCO<sub>2</sub>.
- 4.5i. SC Conservation: These comments follow those previously submitted on 4/7/22, where there was concern with the potential setting of the following heritage assets including that of the western side of the Kemberton Conservation Area:
- Church of St Andrew (grade II listed);
  - 5 Hall Lane (grade II listed); and
  - Brockton Hall Farmhouse (a recently added grade II listed building).
- ii. Having consulted the HIA Addendum and the relevant viewpoints it is considered that whilst the proposal would not overly harm the appreciation of the respective heritage assets and character and appearance of the Kemberton Conservation Area, it is still considered that the proposal would consist of 'less than substantial harm' (as defined under paragraph 202 of the NPPF), albeit at the lesser end of the spectrum, especially with regards to visual impact upon the character and appearance of the Kemberton Conservation Area and relevant heritage assets that lie within the south-west portion of the conservation area including St Andrew's Church and 5 Hall Lane. It is acknowledged that the appreciation of the assets would be limited when viewed from the west along Hall Lane given existing hedging and planting including that of the church tower of St Andrew. There is agreement with the applicant that impact upon the recently listed Brockton Hall Farmhouse

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

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

4.6i. SC Archaeology: No objection.

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

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

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

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

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

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

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

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

#### Public Comments

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

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

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

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

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

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Policy context - National Policy



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

- 6.1.1 Renewable energy: The National Planning Policy Framework (NPPF) is a key material planning consideration. Paragraph 11 establishes a presumption in favour of sustainable development whilst Paragraph 158 advises that ‘when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable’. As such, planning permission should be granted for renewable energy development unless:
- The level of harm would “significantly and demonstrably outweigh benefits” when assessed against the requirements of the NPPF, or
  - If specific policies in the NPF indicate the development should be restricted.
- 6.1.2 The NPPF practice guide on renewable and low carbon energy advises that “the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”. The guide encourages use of previously developed land or advocates continued agricultural use with biodiversity enhancements around arrays and recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site.
- 6.1.3 Green Belt Policy: The site is located within the Green Belt. The implications for Green Belt Policy are considered in a succeeding section.
- 6.1.6 Best and Most Versatile Land Policy: NPPF Paragraph 174 advises that ‘planning policies and decisions should contribute to and enhance the natural and local environment by’ amongst other matters b) ‘recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.
- 6.1.7 Paragraph 175 advises that Plans should: distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>58</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- 6.1.8 Footnote 58 of Paragraph 175 states that ‘where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’. The footnote therefore introduces a sequential test with respect to B&MV land. However, Paragraph 175 which refers

specifically to plan making rather than decision-taking. As such, the NPPF requirement to apply a sequential test to proposals affecting B&MV (footnote 58) relates to plan making rather than determination of planning applications.

- 6.1.9 The requirement to ‘recognise’ the ‘economic and other benefits of the best and most versatile agricultural land’ (Para 174) does not amount to an instruction to refuse all applications affecting B&MV land. There is no additional national guidance on the weight to be given to protection of B&MV land. It is a matter for the decision taker to weigh up against other matters such as renewable energy benefits as part of the planning balancing exercise.
- 6.1.10 Other national policy: Overarching Energy NPS EN-1 states that on agricultural land (at paragraph 5.10.8): “Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. It also states. “The IPC [now the Secretary of State] should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. It should give little weight to the loss of poorer quality agricultural land (in grades 3b, 4 and 5), except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.”
- 6.1.11 Draft revised NPS EN-3 paras 2.48.13/15 state that: “Solar is a highly flexible technology and as such can be deployed on a wide variety of land types. Where possible, ground mounted Solar PV projects should utilise previously developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4, and 5 (avoiding the use of “Best and Most Versatile” cropland where possible). However, land type should not be a predominating factor in determining the suitability of the site location.... Whilst the development of ground mounted solar arrays is not prohibited on sites of agricultural land classified 1, 2 and 3a, or designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered... It is recognised that at this scale, it is likely that applicants’ developments may use some agricultural land, however applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”
- 6.1.10 Development Plan Policy: One of the strategic objectives of the Shropshire Core Strategy (objective 9) is ‘responding to climate change and enhancing our natural and built environment’. Policy CS8 supports ‘positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation.’. Policy CS5 advises that <development> ‘proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.

6.1.11 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, 'where this has no significant adverse impact on recognised environmental assets. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. Policy CS17 seeks to protect and enhance the diversity, high quality, and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage, and ecological assets. The proposals would respond to climate change, but it also necessary to protect the rural environment.

6.1.12 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:

- i. Residential and other sensitive neighbouring land uses;
- ii. Visual amenity;
- iii. Landscape character and sensitivity, including impacts on sensitive skylines;
- iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
- v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
- vi. Noise, air quality, dust, odour, and vibration;
- vii. Water quality and resources;
- viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
- ix. Cumulative impacts.

6.1.13 Policy MD12 (the natural environment) aims to conserve, enhance and restore Shropshire's natural assets, and to ensure that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets including biodiversity and visual amenity. Policy MD13 (the historic environment) provides equivalent protection for heritage assets.

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

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

6.1.18 If there are no unacceptably adverse impacts after mitigation has been applied and / or the benefits outweigh any residual impacts, then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158.

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

6.2 Justification for the development:

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

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

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

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

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

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

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

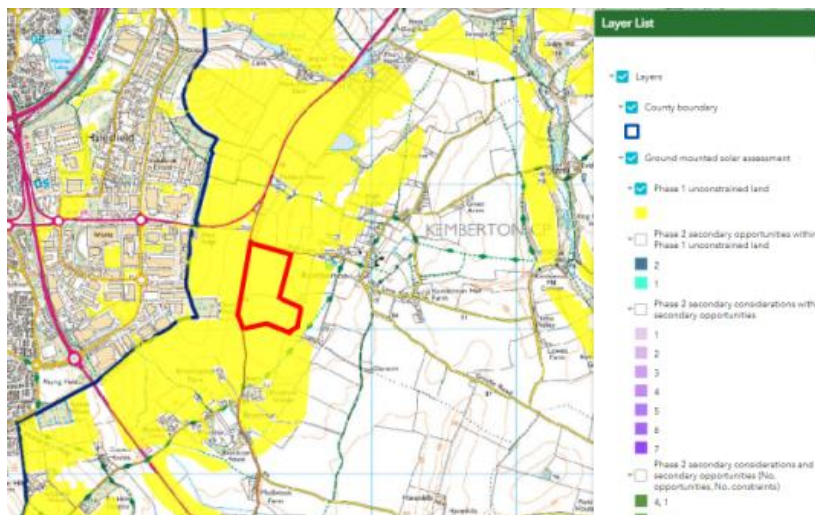


Figure 4 – Zero Carbon Shropshire Solar Opportunity Mapping Study

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

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

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

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

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

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

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

6.2.14 Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022). Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used nationally by golf courses.

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

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

### 6.3. Benefits of the proposed development

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

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

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

### 6.3.4 Economic benefits:

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

### 6.4 Green Belt

6.4.1 Solar farms are not one of the specific types of development which may be acceptable within the Green Belt. As such, they comprise 'inappropriate development' and therefore require a very special circumstance justification under NPPF paragraph 147. Core Strategy Policy CS5 advises that 'new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt'. National Green Belt policy is set out in Section 13 of the NPPF'.

6.4.2 NPPF Paragraph 151 advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Importantly, paragraph 151 states that only elements of many renewable projects will comprise inappropriate development and not that renewable energy projects per se constitute inappropriate development. 'Elements' can logically be interpreted in this instance as referring in particular to buildings such as

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

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

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

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

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

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

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

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



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

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

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

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

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

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

development is not one of the appropriate forms of development listed in NPPF Paragraphs 149 and 150. Paragraph 151 goes on to say that ‘When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources’.

6.4.14 The term ‘elements of many renewable energy projects’ can be taken to mean not the entirety of the solar proposals. It is considered that the term is likely to refer mainly to the proposed ancillary buildings associated with solar farm development.

6.4.14 The switchroom and other building elements of the proposed solar farm scheme are relatively low-level containerised units. The number of these has been reduced and they have been carefully sited behind existing hedgerows and generally separated from any publicly available viewpoints. The applicant’s visual appraisal (succeeding section) does not indicate a specific issue with regard to the visibility of these built elements and this has not been raised as a specific issue by the Council’s landscape adviser.

6.4.14 The applicant has put forward the following very special circumstances in support of location of the proposed development and its’ associated ancillary container buildings within the Green Belt:

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

6.4.15 The need for renewable energy is referred to elsewhere in this report. This is consistent with draft national energy policy EN1 (overarching) and EN3 (renewable energy) and is supported by the comments of the Council’s climate change task force and the Council’s declaration of a climate emergency. The benefits of the development are referred to in a preceding section.

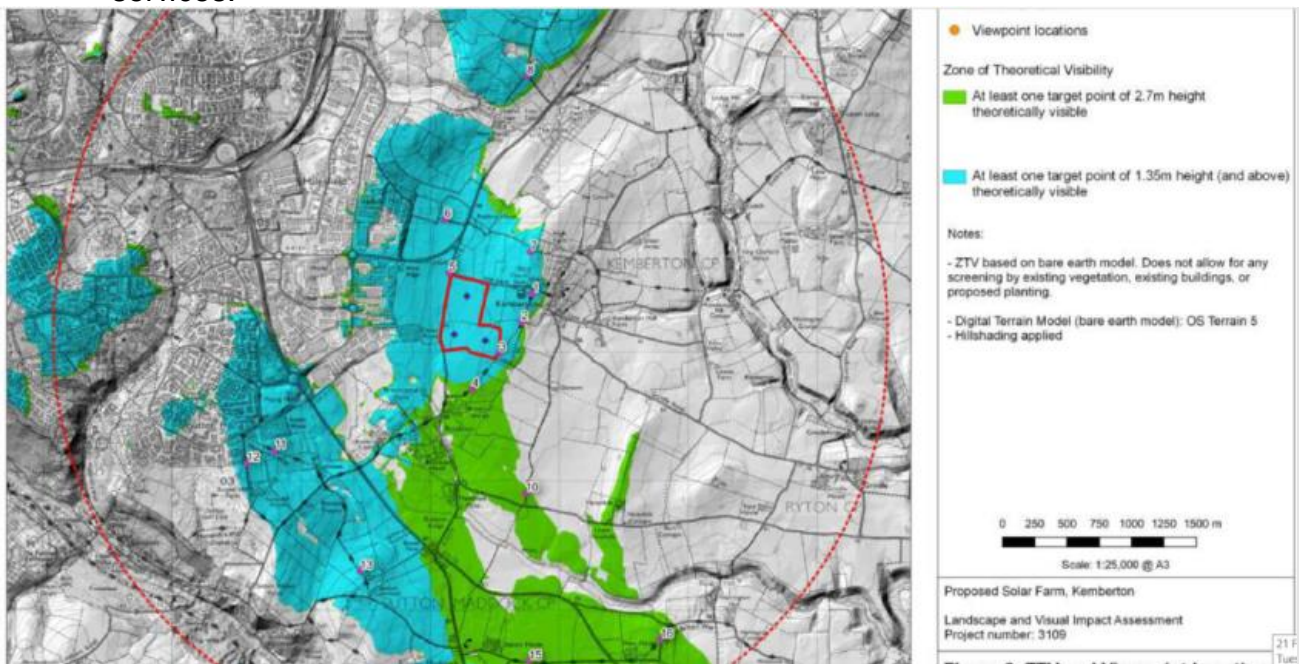
6.4.16 The applicant has sought to identify whether there are any alternative site locations not within the Green Belt, having regard to relevant locational criteria including proximity to a grid connection. No other potential sites capable of linking to the Halesfield substation are located outside of the Green Belt. The absence of demonstrably better sites within the search area is considered to add weight to the very special circumstance justification for development within the Green Belt.

6.4.17 It is considered at this stage that there will be some impact on openness and permanence of the Green Belt but this is capable of mitigation due to the site layout and the applicants landscaping proposals, having regard also to the baseline visual condition of the site. None of the five purposes of the Green Belt are considered to be significantly affected by the proposed development. The benefits of the

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

## 6.5 Environmental considerations:

6.5.1 Landscape and visual impact: Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment taking into account the potential effects on the local landscape character and existing visual amenity value. The NPPF describes in Chapter 15 'Conserving and enhancing the natural environment'. Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia): protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.



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

Panorama for context only

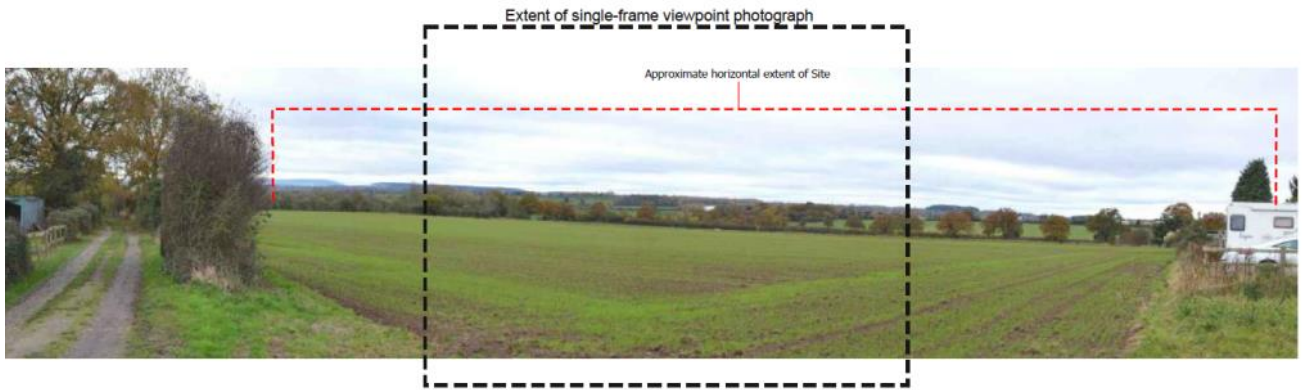


Figure 6 – Viewpoint 1 – edge of Kemberton

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

Panorama for context only

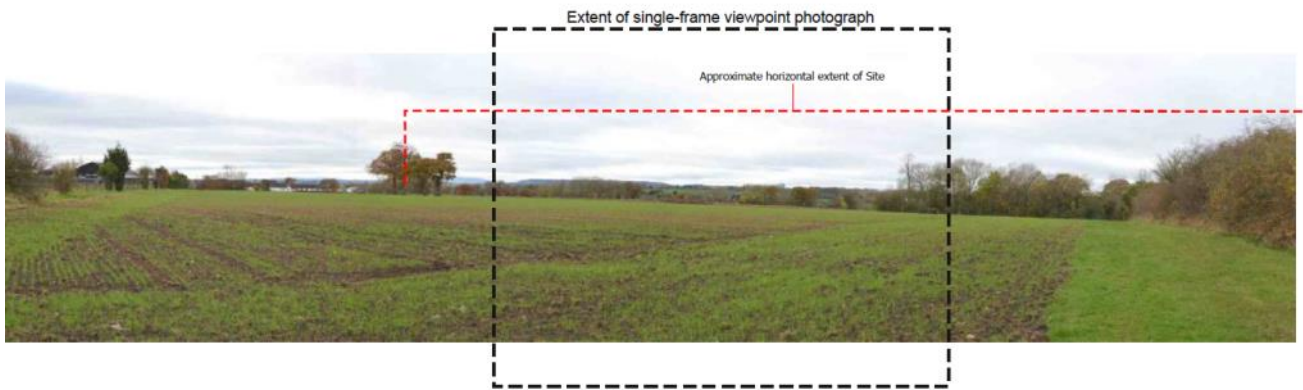


Figure 7 – Viewpoint 2 – South of Kemberton



Panorama for context only

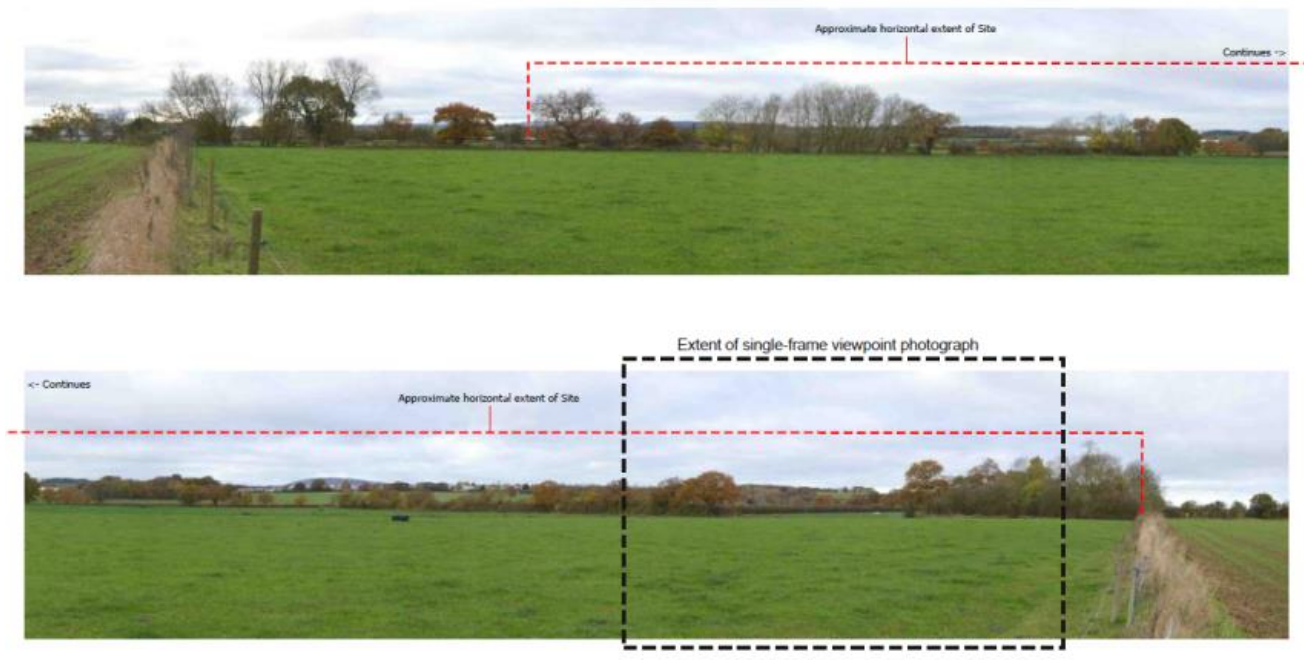


Figure 8 – Viewpoint 3 – Edge of site

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

- 6.5.5 A Landscape Mitigation Plan has been designed to conform with the landscape character, improve the biodiversity, structure, and connectivity of the vegetation resource. It is also designed to provide screening/filtering of the proposed development while minimising potential shading of the proposed solar panels. The boundary fence position has been adjusted to allow space for existing boundary trees and future growth. The landscape mitigation plan includes the following provisions:
- 44no. native specimen trees of 4 different species;
  - c.790m<sup>2</sup> of native screen planting of 11 different species.
  - c.250m of native hedgerow of 6 different species;
  - Grass and wildflower seeding as required.
- 6.5.6 The proposed native hedges are anticipated to establish to full height (i.e., c.2.7m) and density within c.3-5 years and will provide some immediate light filtering. The proposed grass and wildflower seeding will supplement existing retained grass areas where required. The grass areas will be managed through sheep grazing. Following mitigation, no unacceptable adverse landscape or visual impacts are anticipated.
- 6.5.7 The Council's landscape adviser has supported the LVIA methodology and conclusions. The applicant's visual appraisal supports the conclusion that the proposals can be accepted with respect to visual and landscape effects. The renewable energy benefits of the proposals must also be taken into consideration, as highlighted in particular by the Council's climate change task force. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13)
- 6.5.8 Visual impact – glint and glare: A Glint and Glare assessment has undertaken geometric analysis at 44 residential and 52 road receptors within 1km of the site. The assessment concludes that:
- Solar reflections are possible at 19 of the 33 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at seven receptors, Medium at two receptors, Low at 10 receptors and None at the remaining 14 receptors. Upon reviewing the actual visibility of the receptor, glint and glare impacts reduce to Low at two receptors and None at all remaining receptors. Once mitigation measures were considered, glint and glare impacts reduce to Low at one receptor and None at all remaining receptors.
  - Solar reflections are possible at 25 of the 36 road receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 25 receptors and None at the remaining 11 receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at three receptors and reduce to None at all receptors. Once mitigation measures were considered, glint and glare impacts reduce to None at all receptors.
  - No impact on train drivers or railway infrastructure is predicted. No glare impacts are predicted on aviation receptors at Shifnal Airfield or RAF Cosford. Therefore, impacts on aviation receptors are None.

6.5.9 Mitigation measures will be put in place due to impacts at Road Receptors 10, 34 and 36. This includes the planting/infilling of native hedgerows along the northern and western boundaries of the Proposed Development and maintained to a height of at least 3 - 4m.

6.5.10 The effects of glint and glare and their impact on local receptors has been analysed in detail. The impact on all receptors is predicted to be Low or None and therefore Not significant after mitigation.

## 6.6 Heritage appraisal

6.6.1 Section 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In determining planning applications, local planning authorities should take account of:

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

6.6.2 When considering the impact of a proposed development on the significance of a designated heritage asset, special regard should be paid to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 202).

6.6.3 A Heritage Assessment assesses the significance of the historic environment and archaeological resources at and surrounding the site, including the effects of the development on heritage assets and their setting. The report concludes the main point of consideration is the experience of the heritage assets in the rural landscape which contributes to their setting. Although none of the heritage assets have any direct historic relationship with the proposed development area, due to topography and via the installation of public footpaths these heritage assets will be experienced differently.

6.6.4 The National Planning Policy Guidance (NPPG), helps to define what constitutes harm and how to assess the impact. It explains that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

6.6.5 The Proposed Development across the majority of the site will result in no change in views from the heritage assets due to a general lack of intervisibility, due to local topography and intervening vegetation further enhanced by the landscaping



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

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

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

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

## 6.7 Other environmental considerations

6.7.1 Noise and amenity: The nature of the Proposed Development is such that it is not likely to cause any form of pollution during its operational stage. This is because there are no significant noise sources, traffic would be very low and the Proposed Development would not be lit at night. Furthermore, the Proposed Development does not include any plans to divert or close any PRowS during either construction or operation. The Proposed Development would be passive in operation and therefore would not generate any significant operational noise, other than that associated with occasional visits by maintenance/service vehicles. The noise associated with such activities would be negligible and less than that associated with farming activities in the area.

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

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

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

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

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

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

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

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

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

Timescale and decommissioning:

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

Leisure and Tourism

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

## 6.8 Other matters:

- 6.8.1 Community engagement: The Applicant has carried out a comprehensive pre-application exercise, primarily focused on the local community but also including consultation with other key consultees. The Applicant has responded to concerns from the local community, including during the subsequent planning application consultation process with amendments to the design of the proposals.
- 6.8.2 It is considered that the applicant has carried out a significant and meaningful consultation exercise prior to submitting the planning application, in accordance with relevant local and national policy and guidance and the Shropshire Council Statement of Community Involvement (2021) and has made appropriate amendments in response to local community feedback.
- 6.8.3 CCTV and privacy: It is proposed that CCTV would be used at the site for security reasons. Cameras would be sensitively positioned and would point away from the nearest residential properties in the interests of privacy.
- 6.8.4 Community benefit funding: The applicant has confirmed that the proposals would deliver funding for the local community. Whilst this is to be welcomed it is not a material planning consideration so no weight can be given to this in determining the application.

## 7.0 CONCLUSION

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

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

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

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

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

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

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

#### 9.0 FINANCIAL IMPLICATIONS:

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

#### 10.0 BACKGROUND:

##### 10.1 Relevant guidance

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



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

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

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

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

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

10.1.3 Particularly relevant chapters of the NPPF are:

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

10.2 Relevant planning policies:

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

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

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

### 10.3 Site Management and Allocation of Development Document

Relevant Policies include:

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

### 10.4i. Emerging Development Plan Policy

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

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

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

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

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

## 10.5 Other Relevant Guidance

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

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

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

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

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

#### 11.0 RELEVANT PLANNING HISTORY:

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

#### 12.0 Additional Information:

View application:

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

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

## APPENDIX 1

### CONDITIONS

#### Commencement of Development

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

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

#### Definition of the Permission

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

Reason: To define the permission.

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

Reason: To define the permission.

#### Highways

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

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

5. Before the access is brought into use all obstructions exceeding 0.6 meters high shall be cleared from the land within the visibility splays illustrated on access drawing accompanying the Transport Statement and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

6. Prior to any development the first 15m of the proposed access shall be surfaced with a bound material.

Reason: In order to prevent mud and detritus being deposited on the public highway

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

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

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

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

#### Arboriculture

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

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

10. The development shall be implemented in accordance with the Arboricultural Method Statement (Section 3) and Tree Protection Plan (Plan 2) of the approved Arboricultural Appraisal (SC: 596AA, Salopian Consultancy Ltd, 17.05.2022). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- 11a. No works associated with the development will commence until a final landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be based upon the Landscape Mitigation Plan (3109-001 Rev B, Lingard Farrow Styles Ltd) and include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.
- b. The approved landscaping scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following commencement of the development. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the Local Planning Authority becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

#### Landscape and Ecological Mitigation Plan

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

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

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

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

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

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

#### Ecology

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

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

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

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

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

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

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

#### Archaeology

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

Reason: The site is known to hold archaeological interest.

#### Final decommissioning

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



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

Notes:

Design life

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

Drainage (Shropshire Council Drainage Team comments)

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

Highways

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

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

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

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

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

Ecology

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

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

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

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

## APPENDIX 2

### DISCUSSION ON SOLAR FARMS AND FOOD AND ENERGY RESILIENCE

- i. A key policy rationale for protecting of B&MV land is to ensure greater food self-sufficiency, particularly in the event of a national food crisis. International issues have raised the profile of food security in the UK and it is appropriate to place weight on this matter in decision making. However, the UK is a relatively wealthy nation with an efficient agricultural sector. Whilst climate change clearly has significant implications for UK farming there are no significant and recurring histories of famine in the last century and renewable energy can directly address climate change.
- ii. Significant amounts of currently uncultivated land are capable of being brought back into intensive production relatively quickly should the national need for this arise. The area occupied by UK agri-environment schemes in 2021 was 3.6m hectares as opposed to 2.3m hectares for solar farms. It can be argued that the temporary if longer-term use of some best and most versatile land for solar energy production does not offend the core objective of national policy with respect to the strategic food resilience value of B&MV land. This is given the reversibility of solar proposals and the availability of other currently non-productive land to contribute to food production if necessary.
- iii. The UK currently has less resilience in terms of energy production. Coal and gas fired power stations are closing, liquid gas storage capacity has reduced significantly, and the main natural gas storage facility in the North-Sea is not yet ready. Any new nuclear facilities will require major private investment and will take at least 7 years to become operational. Energy prices are high internationally at the moment but are much higher in the UK than on mainland Europe. Recent [BBC News article](#) attributes this to an over-reliance on gas over decades in the UK and a failure to adequately support alternative energy options.
- iv. The Government must therefore consider removing the fracking moratorium and issuing additional gas licenses in the North-Sea in conflict with legally binding climate change objectives. This is compounded by international energy security issues leading to a major increase in energy prices which currently exceeds any equivalent rise in food prices.
- v. According to a recent announcement by the National Grid there is some potential for power cuts this winter unless incentives to industry and the public not to use energy at peak times are observed. It can therefore be argued that at this particular time energy security is a greater threat to the UK's national interests than food security. Solar is one of the few technologies in this respect with the ability to address energy security issues in a realistic timescale. The British Energy Security Strategy 2022 identifies a target of 95% of British electricity coming from low carbon sources by 2030 and 70GW of solar production by 2030. Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022). Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used nationally by golf courses
- vi. NPPF paragraph 158 advises that 'when determining planning applications for renewable and low carbon development, local planning authorities should:

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

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

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## AGENDA ITEM



Committee and date

### Development Management Report

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

#### Summary of Application

<b>Application Number:</b> 22/04625/FUL	<b>Parish:</b>	Worthen With Shelve
<b>Proposal:</b> Erection of two three-bedroom dwellings		
<b>Site Address:</b> The Wyches, Little Worthen, Worthen, Shrewsbury, Shropshire, SY5 9HL		
<b>Applicant:</b> Mr Vadukul		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> trystan.williams@shropshire.gov.uk	

**Grid Ref:** 333441 - 305256



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**Recommendation:** Grant permission subject to the conditions set out in Appendix 1

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission to erect two new detached open-market dwellings on land currently within the curtilage of an existing dwelling. There were previously separate outline permissions for each dwelling (ref. 18/04394/OUT for Plot 1 and 18/02586/OUT for Plot 2), but these lapsed following withdrawal of subsequent applications for reserved matters approval.
- 1.2 As now proposed on further amended plans, both dwellings would have 1½ storeys and three bedrooms, a combination of stone, brick and rendered walls under plain clay tiled roofs, and woodgrain-effect UPVC windows. They are individually designed, however, with differing footprints and detailing, and Plot 1 being slightly taller with dormered first floor rooms, and also having a more formal principal elevation and large external chimneystacks at each end.
- 1.3 Access would be shared with the existing dwelling, via a realigned entrance and resurfaced driveway off a lane to the northwest. A second entrance off a B-road to the south would be permanently stopped up.
- 1.4 Amended plans also clarify the means of drainage, with soakaways for surface water, and sealed cesspools (rather than a package treatment plant as indicated on some initial documentation) for foul drainage.
- 1.5 A revised arboricultural report has also now been submitted to clarify impacts on trees and hedges.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located in the hamlet of Little Worthen, just northeast of Worthen village in the Rea Valley. The existing dwelling, a mid-20<sup>th</sup> Century red brick bungalow named The Wyches, stands elevated towards the northwest end of a long plot which fronts a minor unclassified road known as Workhouse Bank, and has the B4386 Shrewsbury – Montgomery road running along its southeast foot. As mentioned above there are currently entrances off both roads, linked by a partially overgrown driveway along the plot's southwest side. The proposed dwellings would be sited in tandem with The Wyches behind a recently erected close-boarded fence, and accessed off that existing driveway. The total site area (excluding land retained by The Wyches) is 0.2117 hectares. All other boundaries are hedged and border open fields, with that to the southwest also having two mature, protected oak trees. Some portal-framed agricultural buildings lie across the B4386, whilst the closest neighbouring dwellings are between 45 and 70 metres to the southwest and 65 metres to the northeast.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is



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referred to the planning committee for determination because the officer recommendation of approval is contrary to an objection from the Parish Council, and Shropshire Council's Planning and Development Services Manager, in consultation with the Planning Committee Chairman and Local Member, agrees that material planning considerations have been raised and warrant consideration by the full committee.

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee comments**

#### **4.1.1 Shropshire Council Highways Development Control:**

7/11/22 – objection:

At least the first 10-metre stretch of the existing driveway should be widened to 4.5 metres to allow two vehicles to pass without obstructing the public highway. Also, as agreed under the previous applications, the entrance should be improved with 2.4 x 43-metre visibility splays.

#### **4.1.2 21/11/22 – comment:**

No objection to the amended block/layout plan subject to conditions which:

- ensure the existing entrance off Workhouse Bank is upgraded as shown, and in accordance with construction details to be agreed;
- require lowering of the embankment and vegetation within the proposed visibility splays to 0.6 metres; and
- secure the timely and permanent closure of the B4386 entrance.

#### **4.1.3** Additionally, 'informatives' should advise on the requisite licence for works on or abutting highway land, the need to keep adjacent roads and their drains clear of mud and surface/waste water from the development, and arrangements for roadside refuse collection.

#### **4.1.4 15/2/23 – comment:**

The latest revised access plan and transport consultant's email justifying the visibility splays shown thereon are acceptable given the surrounding highways conditions, so no objection is raised. However, given the narrow carriageway along Workhouse Bank, the rural nature of the site and potential impacts of works traffic on neighbouring properties, a condition requiring prior approval of a construction management statement is recommended.

#### **4.1.5 Shropshire Council Flood and Water Management:**

9/11/22 – comment:

An informative should encourage use of sustainable surface water drainage systems (SuDS).

#### **4.1.6 25/1/23 – objection:**

Based on the new dwellings each having three bedrooms, and in accordance with *British Water 'Flows and Loads: 4'*, the proposed cesspools should have capacity

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for five persons' effluent rather than four.

4.1.7 25/1/23 (further response) – comment:

Given the constraints of the plot, sealed cesspools appear to be the only option for foul drainage. Their revised sizing, at 38,400 litres for five people, is acceptable.

4.1.8 Shropshire Council Affordable Housing – no objection:

The scale of the development falls below thresholds at which the Council can require a contribution towards affordable housing provision.

4.1.9 Shropshire Council Ecology – comment:

Refer to standing advice.

4.1.10 Shropshire Council Tree and Woodland Amenity Protection:

23/11/22 – comment:

The oaks on the southwest boundary (identified as Trees T1 and T4 in the submitted arboricultural report) are subject to a Tree Preservation Order (TPO). Whilst there is no sustainable objection to the broad principle of the proposed development, several issues need to be addressed.

4.1.11 The plans offer no details for the routing of services or the layout of surface water soakaways. Since the arboricultural report has not identified this as an issue, presumably there would be no encroachment or excavations in the root protection areas (RPAs) of retained trees except for landscaping and re-edging of the access drive.

4.1.12 Having identified a need for good design and careful delivery of machinery and materials which avoids encroaching into RPAs, the report then undermines this by introducing a loophole for facilitative pruning in Paragraph 3.1.6. This is not acceptable since adequate space is available without affecting the oak trees. Therefore, any lopping or other damage will be treated as a breach of the TPO, and action taken accordingly.

4.1.13 Given the above, any permission granted should include conditions which:

- expressly prohibit any pruning of the oak trees;
- otherwise require full adherence to the recommendations in the arboricultural report; and
- require the Council's notification once the agreed tree protection measures have been established on-site.

4.1.14 12/12/22 – objection:

Following the initial comments, further issues giving rise to greater reservations have come to light. In particular:

- The arboricultural report fails to consider the implications of the proposed access visibility splay for adjacent hedgerows, which are important to the area's

character and for biodiversity. It is unclear whether any impacts could be satisfactorily offset by transplanting the hedges.

- It is also unclear what form of foul drainage is proposed, and hence what the arboricultural implications of this may be.
- The Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) in the arboricultural report should clearly show the existing driveway as an excavation/construction exclusion zone where it passes through the RPAs of retained trees, and any activities in those areas would require a supplementary AMS.

4.1.15 For these reasons, and also bearing in mind the previous concerns about facilitative pruning, it is uncertain that the scheme represents sustainable development as required under the relevant policies.

4.1.16 2/2/23 – comment:

A neighbouring landowner's comments [see below] about ownership of a section of hedge which may be affected by the proposed access improvements are noted. Whilst this is essentially a civil matter, from a planning perspective any loss of hedgerow should be offset with replacement planting.

4.1.17 That aside, the amended arboricultural assessment now includes measures to protect the RPAs of the protected oak trees under the existing access drive. This is welcomed, as is a proposal for arboricultural supervision. However, the report appears to be based on an earlier iteration and reintroduces a retrograde element in that it no longer identifies for removal two weeping ash trees which have advanced dieback.

4.1.18 The amended drainage plan offers a layout which is acceptable subject to removing the ash trees, with the arboricultural assessment confirming that the siting of the cesspools should have no other arboricultural implications. However, any future variations would need to be subject to further consideration and prior approval.

4.1.19 The current AMS also still includes a loophole which would allow facilitative pruning. This remains unacceptable, and as advised previously any such works would be treated as a breach of the TPO.

4.1.20 Overall, therefore, provided the issue of hedges outside the applicant's/developer's control can be resolved, no objection is raised subject to conditions requiring:

- verification of the establishment of the agreed tree protection measures on-site; and
- prior approval of a supplementary AMS and method statement for any variations or amendments which would result in encroachments into agreed RPAs.

4.1.21 Worthen with Shelve Parish Council – objection:

Highway safety is a major concern given first-hand knowledge of traffic volumes

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and speeds along the B4386 in this location. There have been numerous accidents here, and speeding is a priority issue under a community and police partnership, with a camera van visiting regularly. The new access is not considered safe, and comments made regarding access off Workhouse Bank are also noted.

- 4.1.22 Walking between the new dwellings and facilities in Worthen village would be unsafe, as this is a de-restricted section of road without pavements.
- 4.1.23 The Site Allocations and Management of Development (SAMDev) Plan's housing guideline for this Parish has already been exceeded considerably, by some 200%. Policy MD3 says this is a significant consideration and sets specific criteria for further overprovision. Little Worthen itself would effectively double in size if this proposal is implemented in addition to other permitted schemes nearby.
- 4.1.24 The site is not considered to be an infill plot by any definition, and the proposal would in fact expand the settlement into open countryside.
- 4.1.25 The site is overlooked by the Shropshire Hills Area of Outstanding Natural Beauty (AONB), so design and landscape character must be carefully considered. The current proposals for two additional dwellings on the plot would result in a high-density development with a suburban-style layout.
- 4.1.26 Little Worthen is set to lose its 'Community Cluster' designation under a Local Plan review.

## 4.2 **Public comments**

4.2.1 One local resident objects/comments as follows:

- A 43-metre visibility splay southwest of the existing entrance onto Workhouse Bank would be essential for safety reasons, but unachievable without removing an embankment and hedge outside the applicant's control.
- The amended arboricultural report still proposes cutting and thinning of the hedge alongside the site access, despite it being in separate ownership and essential as a stock-proof boundary.

4.2.2 In response the applicant's solicitor writes in support, making the following points:

- The hedge between the site and the neighbour's land is subject to a boundary agreement which resolved that ownership is split down the centreline. The two sides of the hedge can therefore be managed accordingly by their respective owners.
- Ownership and maintenance of the boundary trees is also dealt with in the same manner.

## 5.0 **THE MAIN ISSUES**

- Principle of development
- Affordable housing contribution

- Layout, scale, design and landscape impacts
- Residential amenity
- Access and highway safety
- Drainage
- Ecology

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to achieve managed, targeted growth by steering new open-market housing to sites in market towns, other 'key centres' and certain smaller settlements ('Community Hubs and Clusters') as identified in the SAMDev Plan. Sporadic new housing in the countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances.

6.1.2 Officers acknowledge that Little Worthen is a very small and scattered settlement with few services and facilities of its own, and that a lack of pavements and lighting is likely to discourage residents from walking into Worthen village. However, the hamlet does have a regular bus service to Shrewsbury, and is designated as a distinct component (separate from Worthen village) of a Community Cluster under SAMDev Policies MD1 and S2. This implies broadly that the location *is* sustainable, and carries considerable weight, with the National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date Local Plan should be approved without delay. Policy S2 gives a guideline of approximately thirty additional homes across the Cluster by 2026, and besides conversion schemes these are intended to comprise 'infill' developments of up to five dwellings.

6.1.3 Core Strategy Policy CS4 confirms that new housing must be located within the Cluster settlements themselves, and not on adjoining land or in the countryside in-between. Meanwhile the Local Plan review cited by the Parish Council, besides omitting Little Worthen as a Cluster settlement, proposes to define infill sites as "land with built development on at least two sides and which is also clearly within the built form of a settlement". However, the new Plan remains unadopted at present, and subject to modifications, so currently carries little weight. Moreover, in the context of such a small and loose-knit settlement as Little Worthen it is difficult to identify conventional gap sites.

6.1.4 Officers previously found the proposed site suitable given its containment within the established residential curtilage of The Wyches and by the B4386 to the south, meaning the development would not encroach into the adjacent open fields. The presence of existing dwellings and/or other buildings nearby in most directions is also emphasised. Furthermore, despite the previous outline permissions having lapsed, they still carry some weight as they were granted under the same policies.

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- 6.1.5 Regarding the Parish Council's concern about housing numbers, Shropshire Council's latest Five Year Housing Land Supply Statement reveals that there is in fact still 'headroom' for further development in this particular Cluster, so SAMDev Policy MD3 is not engaged. In any event, the previous outline permissions on this site would have been factored into those figures, so approving this essentially similar proposal would not further increase the total number of homes allowed.
- 6.1.6 Overall, therefore, the proposal is felt to be acceptable in principle.
- 6.2 **Affordable housing contribution**
- 6.2.1 Core Strategy Policy CS11 requires most market housing schemes to make an affordable housing contribution (usually through a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). However, the revised NPPF now states categorically that such contributions should not be sought in connection with any small-scale development. It must therefore be accepted that in this respect the Council's policy is effectively out-of-date, and so no longer attracts significant weight in this instance.
- 6.3 **Layout, scale, design and landscape impacts**
- 6.3.1 Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy more general design requirements under Policy CS6 and SAMDev Policy MD2. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing. Policies CS17 and MD12 seek to protect landscape quality and character, and the NPPF affords the highest level of protection to AONBs.
- 6.3.2 Although the proposed dwellings would undoubtedly be visible, they would generally be seen in the context of the established scattered settlement rather than in isolation. Their arrangement in tandem with The Wyches was effectively accepted under the previous applications, and there is little uniformity to the established development pattern in this area. Despite being slightly taller than The Wyches the new dwellings would sit lower down the slope of the site, and exact details of finished levels can be secured by condition. The design detailing has now been simplified to better reflect the rural vernacular, and satisfactory sample materials submitted upfront.
- 6.3.3 Retaining the mature trees and established boundary hedges will also help to assimilate the development and soften its appearance. The revised arboricultural report largely addresses the Tree Officer's initial concerns about the protected oaks, although for clarity an additional condition expressly preventing any facilitative pruning should still be imposed. Meanwhile the wording suggested for Condition 11 allows removal of the diseased weeping ash trees.

6.3.4 Based on the revised access plan and email confirmation from the applicant's agent, adequate visibility splays can be formed within the highway verge along Workhouse Bank. Any slight trimming of overhanging hedges there would not require the adjoining landowner's consent. However, Condition 5 seeks to distinguish between existing and proposed new hedges and requires planting densities for the latter, as these aspects are unclear on the current landscaping plan.

6.3.5 For these reasons the development's layout, scale and design are considered satisfactory. Moreover, it should not appear unduly prominent or otherwise detract from the generally open character or scenic quality of the surrounding countryside, or demonstrably harm the AONB's setting.

#### 6.4 Residential amenity

6.4.1 Given the generous plot size and the dwellings' limited height, all three (including The Wyches) would have sufficient outdoor amenity space and a reasonable standard of privacy and outlook. None of the neighbouring properties would be significantly affected given their separation.

#### 6.5 Access and highway safety

6.5.1 To confirm, the sole point of access would be the realigned entrance off Workhouse Bank, and Condition 8 ensures closure of the second, substandard entrance off the B4386. As noted above, 2.0 x 25-metre visibility splays are achievable without significantly affecting adjacent hedges, and have been justified by the applicant's transport consultant with reference to Government guidance in *Manual for Streets*, to the Highways Development Control Team's satisfaction.

#### 6.6 Drainage

6.6.1 The standard foul drainage hierarchy (as set out in the Foul Drainage Assessment (FDA1) form, other Environment Agency/National Planning Practice guidance and the Building Regulations) favours using mains sewerage wherever possible, followed in turn by private package treatment plants, septic tanks and lastly sealed cesspools. The latter are regarded as the least sustainable solution as they require regular emptying of untreated effluent for disposal elsewhere, and because in practice they are susceptible to overflows and other problems as a result of poor maintenance, irregular emptying etc. In this instance, however, it has been demonstrated that cesspools are the only workable option because the only mains provision in the area is a pressure sewer/rising main to which the statutory undertaker (Severn Trent Water) will not permit additional connections, and the site is too small for soakaways for a package treatment plant or septic tank to be installed at least 15 metres from any building as required under Environment Agency 'general binding rules'. The Flood and Water Management Team accepts this, and also confirms that the latest plans show cesspools with technically sufficient capacity.

6.6.2 The surface water drainage proposals incorporate SuDS as recommended.

## 6.7 Ecology

6.7.1 No significant impacts on roosting bats, nesting birds or other protected or priority species are anticipated given that the existing dwelling and mature trees would remain intact, and since there are no mapped ponds or designated biodiversity sites in close proximity. Proportionate ecological enhancements can be secured by conditions requiring provision of bat and bird boxes.

## 7.0 CONCLUSION

7.1 The principle of the development is to some extent established by the previous permissions and remains acceptable given the location within a settlement designated for some new market housing. The proposed dwellings' layout, scale and design are considered satisfactory in this context, and with existing trees and hedges retained would not be unduly prominent in the landscape. There are no significant residential amenity or ecological concerns, whilst highways and drainage matters are acceptable to the relevant technical consultees. Meanwhile greater weight must be given to the updated NPPF than to the Council's own policy requirement for an affordable housing contribution. Overall, therefore, the application is considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk management

8.1.1 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.



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## 8.2 **Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

## 8.3 **Equalities**

8.3.1 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**

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

## 10.0 **BACKGROUND**

### **Relevant Planning Policies:**

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

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CS17 - Environmental Networks  
CS18 - Sustainable Water Management

**SAMDev Plan Policies:**

MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD7A - Managing Housing Development in the Countryside  
MD12 - Natural Environment  
S2 – Bishop’s Castle Area Settlement Policy

Supplementary Planning Documents:  
Type and Affordability of Housing

**Relevant Planning History:**

18/02586/OUT – Outline application for erection of one dwelling, to include layout and means of access (via shared driveway with The Wyches) (Plot 1) (permitted February 2019)

18/04394/OUT – Outline application for erection of one dwelling to include access and layout (Plot 2) (permitted March 2019)

21/03501/REM – Approval of reserved matters (appearance, landscaping, layout and scale) in pursuance of outline permission 18/04394/OUT for erection of one dwelling (Plot 2) (withdrawn August 2022)

21/03520/REM – Approval of reserved matters (appearance, landscaping, layout and scale) in pursuance of outline permission 18/02586/OUT for erection of one dwelling (Plot 1) (withdrawn August 2022)

**11.0 ADDITIONAL INFORMATION**

**View details online:** <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RJJU5YTDJLN00>

<b>List of Background Papers:</b> See application documents on Council website
<b>Cabinet Member (Portfolio Holder):</b> Cllr Richard Marshall
<b>Local Member:</b> Cllr Heather Kidd
<b>Appendices:</b> Appendix 1 – Conditions and Informatives

## APPENDIX 1 – CONDITIONS AND INFORMATIVES

### STANDARD CONDITIONS

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 in strict accordance with the approved, amended plans and drawings submitted with the application. .

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6, CS7 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until a construction management statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period, and shall include provision for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials
  - iv. the erection and maintenance of security fencing/hoardings
  - v. wheel washing facilities
  - vi. control of dust, dirt and noise emissions during construction
  - vii. timing of construction works and associated activities
  - viii. recycling/disposal of waste resulting from demolition and construction works
  - ix. a construction traffic management plan

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

4. No development shall commence until details of existing and proposed ground levels and the finished floor levels of the new dwellings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

5. Notwithstanding the submitted plans, no development (including site clearance works) shall commence until there have been submitted to and approved in writing by the Local Planning Authority further landscaping details, to include:
- Clear identification of all existing hedges on and adjacent to the site, and identification of those which are to be retained
  - Clear identification of and specifications for proposed new hedgerow and other planting, to include the species and sizes of all plants, and planting densities
  - Timetables for implementation

The works shall be completed in accordance with the approved details. Any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To help safeguard the visual amenities of the area, and in the interests of residential amenity, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

6. No works in connection with the development hereby permitted, including ground clearance or excavations, shall commence until the local planning authority has been notified and acknowledged in writing that tree protection measures have been established on-site in compliance with the approved tree protection plans and particulars in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023. These agreed tree protection measures shall be retained on-site for the duration of the development works.

Reason: To safeguard significant trees at the site, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

## CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF DEVELOPMENT

7. No excavations, other works or construction-related activities shall be carried out within the tree protection zones identified in the tree protection plan included in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023, except in strict accordance with a supplementary, fully detailed arboricultural impact assessment and task-specific method statement which shall first be submitted to and approved in writing by the local planning authority.

Reason: To safeguard retained trees and hedges in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

8. Prior to the first use or occupation of either of the new dwellings, the existing vehicular access off the B4386 highway at the southeast end of the site shall be permanently stopped up in accordance with precise details which shall first be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

9. Prior to the first use/occupation of either of the new dwellings hereby permitted, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with details of their types and positions, which shall first be submitted to and approved in writing by the local planning authority. These shall include:
- a minimum of two external Woodcrete bat boxes or integrated bat 'bricks' suitable for nursery or summer roosting by small crevice-dwelling UK bat species; and
  - a minimum of two nesting boxes or integrated 'bricks' suitable for swifts (swift bricks or boxes with entrance holes no larger than 65 x 28 mm), starlings (42mm hole, starling-specific design), sparrows (32mm hole, terrace design) and/or house martins (house martin nesting cups)

These shall be retained thereafter for the lifetime of the development.

Reason: To maintain and enhance roosting opportunities for bats and nesting opportunities for wild birds, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

10. No new or replacement external lighting shall be installed or provided on the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.

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Proposed Dwelling South  
East Of The Wyches

Reason: To minimise potential disturbance to bats, and in the interests of the visual amenity of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT

11. Unless specifically required/agreed otherwise under Conditions 7 and 12 of this permission, and except in relation to weeping ash trees T2 and T3 (which may be felled), all works associated with the development hereby permitted (including site clearance works) shall be carried out in complete accordance with the recommendations in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023.

Reason: To safeguard retained trees in accordance with the Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

12. Notwithstanding any indication to the contrary in the updated arboricultural report by A. L. Smith of Tree Health Consulting, received by the local planning authority on 24th January 2023, there shall be no facilitative or other pruning works to the oak trees identified in the report as Trees T1 and T4, and which are protected by the Shropshire Council (Land at The Grove, Little Worthen) Tree Preservation Order 2021, without prior submission and approval of an appropriate application for works to a protected tree.

Reason: To define the consent and safeguard significant trees at the site, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

13. Prior to the first use or occupation of either of the new dwellings, the existing vehicular access off the unclassified road at the northwest end of the site shall be reconfigured and furnished with visibility splays along the adjacent highway carriageway, and on-site parking and turning areas shall be fully laid out and surfaced, in accordance with the approved plans. These features shall thereafter be retained for their intended purposes for the lifetime of the development, and, in the case of the visibility splays, maintained clear of any obstruction above 600mm in height.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

## INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee (currently £116) is payable to the Local Planning Authority for each request to discharge

conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team ([cil@shropshire.gov.uk](mailto:cil@shropshire.gov.uk)).
3. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (including any footway or verge);
  - carry out any works within the publicly maintained highway;
  - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
  - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <http://www.shropshire.gov.uk/roads-and-highways/developing-highways/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

4. Your attention is drawn to the need to ensure provision of appropriate facilities for storage and collection of household waste (i.e. wheelie bins and recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that site accesses, visibility splays, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways and vehicular carriageways) are unobstructed at all times, in the interests of public and highway safety.
5. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
6. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not

permissible for surface water from the development to drain onto the public highway or into highway drains.

7. Active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
8. All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.
9. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst the European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during the course of development works to ensure that these species are not harmed.
  - If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
  - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
  - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
  - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
  - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.



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- Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).
10. In arriving at this decision the 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.

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## AGENDA ITEM



Committee and date  
**Southern Planning Committee**  
**14th March 2023**

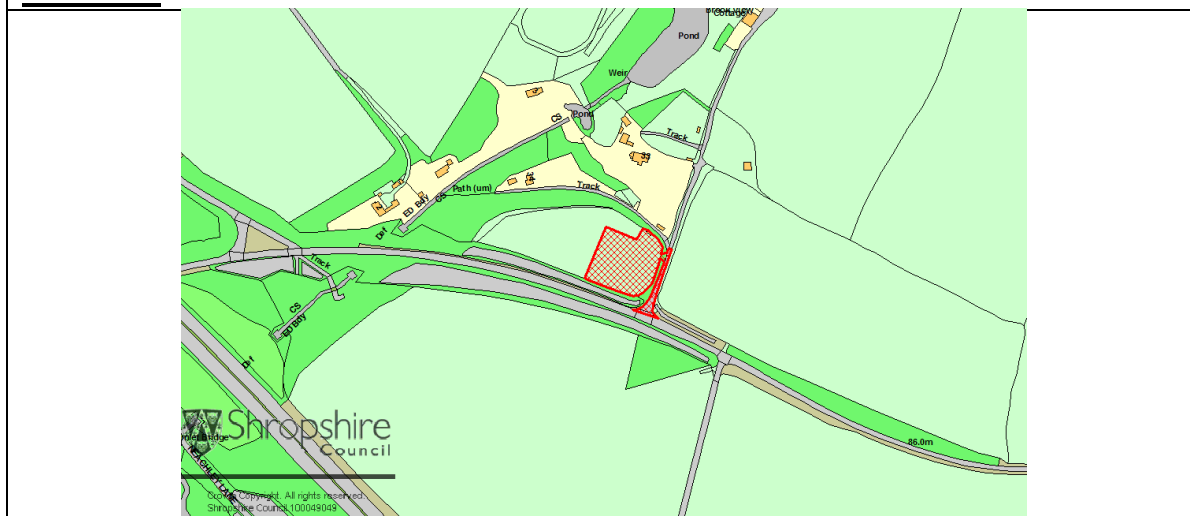
### Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 22/05521/FUL	<b><u>Parish:</u></b>	Tong
<b><u>Proposal:</u></b> Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission)		
<b><u>Site Address:</u></b> Land To The South Of Tong Forge Shifnal Shropshire		
<b><u>Applicant:</u></b> Mrs E Quinn		
<b><u>Case Officer:</u></b> Mike Davies	<b><u>email:</u></b> mike.daves.planning@shropshire.gov.uk	

**Grid Ref:** 378244 - 307890



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is a retrospective planning application for the change of use of land to a Gypsy/Traveller Site and siting of 4 static caravans and 4 touring caravans for an extended gypsy/traveller family. The proposals also include for the provision of 2 single day room buildings along with a twin day room building to provide washing, toilet and cooking facilities for the residents of each of the 4 pitches.
- 1.2 The proposals also include for a pony paddock on the east part of site as well as gates to the site access. A native hedgerow will be planted along the boundary between the pony paddock and the residential caravan site. The western part of the site has been substantially covered in hardstanding since first occupation by the applicant in late 2021.
- 1.3 A similar proposal (21/04533/FUL) on this site last year was refused on 17th May 2022 for the following reasons:
1. *The proposal represents an inappropriate form of development which would be harmful to the openness of Green Belt and rural landscape character of the countryside which is contrary to the Section 13 of NPPF, Policy E of DCLG Planning Policy for Travellers Sites (2015), Policies CS5 and CS12 of the Shropshire Core Strategy (2011).*
  2. *The proposal does not represent a sustainable form of development due to its isolated nature and it is therefore contrary to Section 2 of the NPPF, Policy B of DCLG Planning Policy for Travellers Sites (2015) and Policy CS12 of the Shropshire Core Strategy (2011).*
  3. *The proposal is located a considerable distance from the nearest settlement boundary contrary to Policy H of the DCLG Planning Policy for Travellers Sites (2015) and Policy CS12 of the Shropshire Core Strategy (2011).*
  4. *The applicant has failed to undertake an appropriate ecological impact assessment which is contrary to Paragraph 180 and 182 of the NPPF, Policies CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev Plan.*
- 1.4 The revised application submitted contains substantially more information in relation to the personal circumstances of the appellant and their extended

family the other site occupants which were not included with the previous submission.

- 1.5 In addition, the definition of Gipsy and Traveller has changed from that given in the PPTS (2015) as the recent Smith judgement determined that this was discriminatory on both disability and racial grounds and as such the definition should be altered to include those who could no longer travel due to being infirm or elderly.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is situated within the Green Belt at the junction of Stanton Road and Lizard Lane leading to RSN Commercials at Tong Forge. There is a hedgerow with a belt of trees around the perimeter of the site fronting on Stanton Road and Lizard Lane which is a restricted by-way. Public Footpath 0149/14/1 runs along the northern edge of the site.
- 2.2 The site is predominantly surrounded by agricultural fields with RSN commercials to the north. Access to the site is gained via a restricted by-way 0149/15/5 and as such whilst the by-way is a public highway and is maintainable at the public expense to a level commensurate with its public use – i.e. it is not publicly maintained to enable use by vehicles as there is no public right to do so.
- 2.3 The application makes various claims about the former use of the site, but offers very little in the way of substantive evidence to support these. There are no records held by the Council that offer any substance to these claims and historic aerial photos of the site do not indicate the site is previously developed land as suggested by the applicant.
- 2.4 In any event if the site was used at some point in the past as a contractor's compound in relation to the construction of the M54 motorway (1973-75), this would only have been a temporary use and since the use ceased the site has been reclaimed by nature leaving little evidence of any previous use which would support the claim that the site is previously developed land.

## **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have objected to the application and the ward member objects, however the ward member whose constituency adjoins the eastern edge of the site has expressed support for the proposals. The officer recommendation differs from the views of the ward member and therefore the matter cannot be determined under delegated powers, without the agreement of the Chair/Vice Chair of the Southern Planning Committee.

## 4.0 Community Representations

### 4.1 Consultee Comment

- 4.1.1 **Tong Parish Council** - This is contrary to the policy on the Green Belt- there are no extenuating circumstances here that would permit development.
- Additional traffic on Stanton Rd and Lizard Lane would promote further hazard.
  - There has never been hardcore on the land.
  - We fully support the Planning Authority, in its previous decision on this retrospective application.
  - The needs of travelling families are well provided for within the County and future needs come under the provision of the Local Plan.
- 4.1.2 **SC Waste Management** - The waste management team have offered standing advice in relation to new developments.
- 4.1.3 **Public Rights of Way** - The application proposes access over a route that is recorded as a public Restricted Byway that does not appear to carry public motorised vehicular rights. The applicant is very strongly advised to satisfy themselves that they can demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles and it is a road traffic offence to drive a motor vehicle on a Restricted Byway without lawful authority.
- 4.1.4 **County Ecologist** - No objection: The information and plans submitted in association with the application have been reviewed along with the survey work carried out. Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.5 **SC Landscape Consultant** - The development has led to adverse landscape effects. The hardstanding, vehicles and other items on the site have introduced discordant landscape elements uncharacteristic of the receiving landscape and the loss of an area of grassland, with no mitigating measures other than a proposed length of new hedgerow to balance this loss. At an application site level, this represents a notable loss of the vegetation cover of the site. The Design & Access Statement notes that there will be no adverse visual impact but provides no evidence to support this statement, and from my site visit I consider that this will not be the case. The development is visible from Stanton Lane, from Restricted Byway 0149/15/4 from which access to the site is made, and from public footpath 0149/14/1 which bounds the site to the north. Filtered visibility of caravans was also noted from Lizard Lane to the west, although this view would be limited to winter months. As a

result, and in the absence of any mitigation measures, the development is accompanied by adverse visual effects, however a landscape condition requiring additional screening could help to mitigate against visual impacts

The Design & Access Statement refers to the site being located in an Area of Great Landscape Value; however, I am not aware of this designation.

The development will also lead to permanent harm to openness of the Green Belt. Openness as a landscape characteristic described in a landscape character assessment refers to the degree of enclosure and visual permeability of the landscape; whereas openness of the green belt refers to an absence of urban features and built structures. This definition has been confirmed by the Supreme Court judgement in Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v North Yorkshire County Council [2020], that the visual quality of the landscape is not in itself an essential part of the openness for which the Green Belt is protected. The development has introduced urban elements to a previously undeveloped and open site.

It is therefore considered that the development does not accord with Local Plan policy on landscape and visual matters, or with national or local policy on development in the Green Belt.

- 4.1.6 **Highway Authority** - The site has access onto the Class III road, Stanton Road to the south via a private track/road. From information currently available the private road also serves as a route to a business selling commercial vehicles, residential properties, and adjoining farm/agricultural land. The private road also provides the route of a restricted byway, route code no. 0149/15/4.

Whilst it is accepted that the formation of the proposed development will generate some additional traffic utilising the private road junction, these additional vehicle movements are considered unlikely to have a material impact in view of the existing ones arising from the operations/uses that currently use the road and its junction with Stanton Road. The proposal is considered unlikely to lead to severe harm on the adjacent highway network, which could be demonstrated and/or sustained at appeal.

The means of access to the site is via a restricted byway, the implementation of any permission granted requires the applicant to have actual rights of vehicular access to the site from the public highway. Stipulations governing the use of/implications of the restricted byway are covered by Shropshire Councils Outdoor Recreation Team.

- 4.1.7 **Environmental Protection** – No comments

4.1.8 **County Arborist** – No Objections

4.1.9 **Local Lead Flood Authority** – Drainage shall be designed in accordance with the drainage hierarchy.

## 4.2 **Public Comments**

18 representations from the public supporting the proposals have been received, however they do not refer to any material planning considerations in their expressions of support.

## 5.0 **THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structure  
Visual impact and landscaping  
Highways and Transportation  
Residential Amenity  
Ecology  
Personal Circumstances  
Planning Balance

## 6.0 **OFFICER APPRAISAL**

6.1 Principle of development

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

6.1.2 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); and National Planning Policy Framework (NPPF) (2021). The DCLG Planning policy for traveller sites' (August 2015) also needs to be taken into account in the context of these proposals. Those of relevance to the proposal are considered below as part of the appraisal.

6.1.3 The planning policy context for this development is that the site falls within the Green Belt. The National Planning Policy Framework advises at paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It continues at paragraph 148 stating:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green*



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*Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

- 6.1.4 The change of use and structures to which this application relates constitute inappropriate development in the Green Belt, as confirmed by the DCLG ‘Planning policy for traveller sites’, August 2015 (“PPTS”), Policy E which relates specifically to Traveller Sites in Green Belt. It states at paragraph 16 that:

*“Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”*

- 6.1.5 The applicant in their supporting statement claims that the site was originally used by the Department of Transport as a compound for when the M54 was being built. Having checked the historical records of Bridgnorth Council there is no site history relating to this site which supports this claim. In any event whether or not this use can be substantiated it would only have been for a temporary period during construction of the M54 and it is evident from aerial photographic images that the site has been reclaimed by nature in the intervening period. Therefore, any former use relating to the construction of the M54 that could be attributed to the site has long since ceased.

- 6.1.6 At Policy H (Decision taking) of the PPTS document a number of issues are set out as relevant matters when considering applications for traveller sites. These are set out in paragraph 24 as:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specific criteria to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections.

- 6.1.7 However, at paragraph 16 the PPTS states *“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”*

- 6.1.8 There is a requirement under paragraph 25 of the DCLG policy for local planning authorities to very strictly limit new traveller sites in open countryside that is away from existing settlements or outside areas allocated in the development plan. It continues to say that those sites in rural areas should respect the scale of, and not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Paragraph 26 states when considering applications local planning authorities should attach weight to the following matters:
- a) Effective use of previously developed (brownfield), untidy or derelict land
  - b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d) Not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.1.9 It continues at paragraph 27 by stating that where a local planning authority is unable to demonstrate an up to date 5-year supply of deliverable sites, that this would be a significant material consideration when considering applications for the grant of temporary planning permission. It clarifies however that there are some exceptions to this statement, which include where the proposal is on land designated as Green Belt.
- 6.1.10 Shropshire Core Strategy policy CS5 relates to the Countryside and Green Belt and seeks to restrict housing to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and policies CS11 and CS12. It advises that there will be additional controls over development in the Green Belt in line with Government Guidance. SAMDev Plan policy MD6 also relates to the Green Belt, requiring it to be demonstrated that proposals do not conflict with the purposes of the Green Belt.
- 6.1.11 Shropshire Core Strategy Policy CS12 relates to Gypsy and Traveller provision and pre-dates both the National Planning Policy Framework (NPPF) and the August 2015 DCLG Planning policy for traveller sites. It states that sites would be allocated to meet identified needs and would be supportive of suitable development proposals close to Shrewsbury, the Market Towns, and Community Hubs and clusters. The policy also indicates that suitable development proposals for small exception sites (under 5 pitches), where a strong local connection is demonstrated, may be acceptable under policy CS5 (Countryside and Green Belt). It was anticipated when the Core Strategy was adopted that the provision of new sites would be largely made in the Site

Allocations and Management of Development (SAMDev) Plan. However, the SAMDev Plan adopted in December 2015 does not include site allocations for this purpose. The matter was considered by the SAMDev Inspector in her October 2015 report at paragraphs 71 to 79 (Issue 3). It was the Inspector's conclusion that the Council will be able to demonstrate a five-year supply of pitches and sufficient supply for the remainder of the plan period, having regard to the expected turnover of pitches on Council owned sites. She stated that the evidence confirms that it is not necessary for the SAMDev Plan to make further provision to meet the accommodation needs of the gypsy and traveller community and travelling show persons.

- 6.1.12 The latest assessment of the need for gypsy and traveller pitches in Shropshire is the 2019 update. It summarises the need for gypsy and traveller pitches, transit pitches and travelling show person's plots in Shropshire as assessed in the Gypsy and Traveller Accommodation Assessment 2014 (updated January 2015), with the SAMDev Plan Inspector's Report (20th October 2015) providing additional clarification of baseline figures.
- 6.1.13 With respect to Residential Gypsy and traveller pitches this data shows an assessed need to 2019 of 165 pitches.  
The current need (excluding turnover) = assessed need – assessed and additional supply since January 2015 = 11 Pitches.  
The current need (including turnover) = assessed need – assessed and additional supply since January 2015 = - 24 pitches.
- 6.1.14 At the time of writing this report the Council has commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) review, which will feed into the partial review of the SAMDev Plan to roll that document forward until 2036. A Green Belt review is also underway at the present time as part of the partial review of the SAMDev Plan.

The agent has submitted supporting information in relation to the children of the applicants being schooled locally and underlying health issues that other occupants of the site suffer from. The applicant has provided confidential information detailing their 'personal circumstances' in support of this planning application.

- 6.1.15 The Council's Gypsy Liaison Officer has verified that the applicant and the occupiers of the site are all Travellers. He has knowledge of the family from when he worked for Telford and Wrekin Council. The immediate family of the applicants live in Telford within a bricks and mortar property. He further advises:

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Shropshire Council has no vacant sites at present and Telford and Wrekin Council do not have any pitches available either. A letter of support has also been received from Gypsy Liaison Officer at Telford and Wrekin Council confirming the local connection and non-availability of alternative sites within their district.

- 6.1.16 The GTAA for Telford and Wrekin and that for South Staffs both show that there are shortfalls in site provision to be addressed.
- 6.1.17 The GTAA for South Staffs is dated January 2014 identifies a shortfall of 11 gypsy and traveller pitches over the period 2013/14 to 2017/18 and that, over the longer term for the Plan Period 2013/14 to 2027/28 that a total of 33 additional pitches are required.
- 6.1.18 The June 2016 Telford and Wrekin GTAA has identified a need for 32 gypsy and traveller pitches for the period 2014 to 2031. (The Telford and Wrekin Local Plan is currently at examination).
- 6.1.19 While taken on their own the latest Shropshire Council figures, when turnover is taken into account, indicate that there is no shortfall in provision in Shropshire, account needs to be taken of the geography of the Shifnal area, effectively bounded to the east and north by Authorities which both have a shortfall in provision, and the information provided by the Council's Gypsy Liaison Officer to the effect that there are no pitches available at present on Council operated sites to accommodate the applicants.
- 6.1.20 The above national planning policy and Development Policy context demonstrates that any shortfall in Shropshire to providing a 5-year supply of deliverable pitches, the condition of the land and the personal circumstances of the adults are unlikely to amount to very special circumstances sufficient to justify inappropriate development in the Green Belt. The weight to be accorded to the best interests of the child in addition to any other positive attributes that the site has for the use sought is considered in the Planning Balance section of the report below.
- 6.1.21 In addition to the issue of harm to the Green Belt caused by the inappropriateness of the proposed use and associated built development, consideration must also be given to whether a key characteristic of Green Belt – openness – would be harmed.
- 6.1.22 Openness is both a feature of the quantum of development and the visual impact of the proposal. (Court of Appeal judgement in John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466). In this case the structures comprising of four static caravans, three facilities buildings, four touring caravans and parked vehicles would, by their very presence, impact upon

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openness in comparison with previous agricultural use of the land. However, all these items would be contained within large level plots and the visual impact would be limited due to the extent of the hedgerows surrounding the site and the proposed landscaping. The harm to openness is considered to be moderate but not significant in this case, but it is a matter to which weight must be attached. This factor is also included in the Planning Balance below. It is considered that a decision to permit this application would not need to be referred to the Secretary of State as a departure with reference to the relevant guidance.

- 6.1.23 The issue of visual impact on the Green Belt was further clarified by the Supreme Court in Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council. The court held that openness was a broad concept in relation to the Green Belt and not necessarily related to the quality of the landscape.
- 6.2 Siting, scale and design of structure
- 6.2.1 The application seeks consent for the siting of 4 static caravans and 4 touring caravans, along with 2 single day rooms and a twin day room. The site was previously a green field site which is supported by aerial photographic evidence from Google. Approximately half the site has now been covered into hardstanding without planning permission.
- 6.2.2 The applicant claims that the site is a previously developed site within the Green belt but aerial photographs of the site do not support this. The applicants have not provided any evidence to support their claim that the site is Previously Developed Land and there is no site history to suggest that it was anything other a green field.
- 6.2.3 The site is situated in open countryside within the Green Belt. It is located away from the nearest settlements of Tong which lies on the eastern side of the by-pass (A41) and Shifnal which is located to the south of the M54. The development is near to a small cluster of development around Tong Forge which is located a short distance from the edge of Shifnal albeit on the other side of the M54 motorway. The site is well screened from Stanton Lane by a hedgerow and trees along the boundary with the highway. It is therefore considered that the proposal will not result in substantial harm in terms of Green Belt and its purpose.
- 6.2.4 Policy CS12 advocates support for suitable development proposals for small exception sites (under 5 pitches) in accordance with Policy CS5, where a strong local connection can be demonstrated. In this case a strong local connection does exist, and this is confirmed by the Council's G&T Liaison Officer. It is understood that the applicant and the extended family are based

in the Telford area and support has also been offered by the G&T Liaison Officer from Telford and Wrekin.

- 6.2.5 The recent appeal allowed under APP/L3245/W/22/3300532 - Five Oak Stables, Coton, Whitchurch did not support the LPA's contention that the site was isolated or in an unsustainable location. In this case given the site is located closer to amenities in Shifnal than that of the Whitchurch site and having regard to the fact there are no major physical barriers preventing access to Shifnal it is not considered that reasons 2 and 3 related to the previous refusal of planning application 21/04533/FUL could be sustained at appeal. Policy B of the DCLG Planning Policy for Travellers sites makes it clear that the same considerations for sustainability of housing sites should be applied to Gypsy and Traveller sites however the appeal decision makes it clear that this needs to be considered pragmatically on a site by site basis given that G&T sites will often be located at the extremities of settlements.
- 6.3 Visual impact and landscaping
- 6.3.1 The primary function of the Green Belt is to protect the openness between settlements and prevent them merging into one another. The site was a green field within the Green Belt prior to the applicant moving onto site and introducing hardstanding, caravans and vehicles to the site. The site has changed its appearance and character appearing more urban in form as a result of this unauthorised development.
- 6.3.2 The applicant has suggested that the site is screened by existing hedgerow and trees, but the interior of the site is still visible through these from Stanton Road. The development therefore presents an intrusion into the Green Belt which whilst screened to an extent nevertheless diminishes the openness of the site.
- 6.3.3 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 requires development to respect locally distinctive or valued character and existing amenity value. Additional planting can be secured via condition to further screen the development from outside view. At present the site is surrounded by trees and hedging with glimpses into the site through this foliage, bolstering this would effectively fully screen the development from outside view.
- 6.4 Highways and Transportation
- 6.4.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 111 it states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety."

- 6.4.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.4.3 Concern about the suitability of the access onto Stanton Road has been raised by objectors. However, the Highway Authority do not share these concerns. The relatively low level of trips generated are not considered to have an unacceptable impact on highway safety which is the test set in paragraph 111 of the NPPF.
- 6.4.4 Stanton Road connects the settlement of Shifnal to the A41, however traffic volumes along this route are modest, with the B4379 and A464 acting as the primary routes through Shifnal.
- 6.4.5 The issue of motorised traffic using a restricted by-way has been raised by both the highway authority and the public rights of way officer. Given there is a commercial operation further up Lizard Lane along with residential properties, the by-way is already serving as an access to these properties. Whilst the applicant needs to satisfy themselves legally that they have access to the site, this is a civil matter and not a material planning consideration.
- 6.5 Residential Amenity
- 6.5.1 The site is generally surrounded by countryside with isolated residential properties in the locality. It is not considered that the development will have any significant adverse impact on the amenities of existing residents living in immediate proximity of the site.
- 6.5.2 The use itself is primarily residential in nature and the application does not seek approval to undertake any business activities from the site itself. Whilst, vehicles connected with the businesses of the occupants of the site will be parked on site, business activity is likely to be conducted away from the site and therefore any impact on amenities is unlikely to be at a level which would cause harm to neighbours.
- 6.5.3 To safeguard the amenities of the immediate locality a condition could be attached to any permission preventing business use being undertaken on the site

## 6.6 Ecology

6.6.1 The Ecological Assessment carried out by Camlad Ecology (July 2022) found no trees suitable for roosting bats on site. The vegetative boundaries and trees are considered suitable for nesting birds. Ponds within 250m were assessed for their suitability to support great crested newts. No impact is considered likely to newts.

6.6.2 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.

6.6.3 SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat boxes and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitat. The proposals therefore satisfy the requirements of policies CS6 and CS17 of the Core Strategy and policy MD12 of the SAMDev Plan.

## 6.7 Personal Circumstances

6.7.1 The Council's Gipsy and Traveller Liaison Officer has indicated that the family have a local connection to Telford. However, the lack of detail in the previous submission about who would be living on site meant it was impossible to establish that anyone except the applicant themselves had a local connection. No details were contained in the application about whether children or elderly relatives form part of the extended family and therefore it was difficult to attribute any weight to the personal circumstances in the absence of such detail.

6.7.2 The new application comprises a statement that sets out the personal circumstances of the occupants of each pitch in much more detail than the previous application and on the basis of this additional information it should be easier to assess whether the personal circumstances put forward by the applicant are sufficient to outweigh other material planning considerations in this particular case.

6.7.3 The statement of personal circumstances is supported by two letters from the Headteacher at Shifnal Primary School which confirm that one child residing on the site started school on 4/10/2021, and another child attended between 4/10/2021 and 20/07/2022.

6.7.4 The statement in support of the application also places significant emphasis on the ongoing health issues that several members of the extended family experience, but no corroborative evidence was submitted to support these



claims. The agent was subsequently requested to supply evidence, and this has now been supplied with the health issues relating to occupants being verified by health professionals.

6.7.5 It is therefore considered that based on the personal circumstances advanced with the application relating to the schooling of children locally and underlying health conditions that a case can be made for the existence of 'very special circumstances' in this case based on personal circumstances.

6.8 The Planning Balance

6.8.1 There is a presumption against inappropriate development in the Green Belt. The use of the land as a gypsy and traveller site is inappropriate development in the Green Belt and permission should only be granted if very special circumstances are identified. The NPPF advises at paragraph 148 that very special circumstances will not exist unless the harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A key characteristic of Green Belts is openness, to which there would be moderate harm by the presence of structures and caravans on this land. Substantial weight must therefore be attached to the harm to the Green Belt caused by the development.

6.8.2 There are a number of other factors to weigh in the planning balance against this harm to the Green Belt, which are considered to be material planning considerations, and these are set out below:

6.8.3 It has been established that there is currently no provision available on existing Shropshire Council sites to accommodate Gypsy and Travellers and adjacent authorities in their GTAA assessments acknowledge under provision of sites. This must be tempered by paragraph 27 of the DCLG Planning Policy for traveller sites (DCLG 2015) which states that even if a LPA is not able to demonstrate a 5 year supply (Shropshire Council's position is that it has sufficient supply if turnover is taken into account), the absence of such a supply is a significant material consideration where a proposal is within the Green Belt, however within the county only around 15% of it is Green Belt with this all being south of the A5 and east of the River Severn.

6.8.4 Whilst it is not for individual planning applications to review Green Belt boundaries (Policy E DCLG 2015) the observation can be made that, with regard to the five purposes of the Green Belt set out in paragraph 134 of the NPPF, the site is located in open countryside within the allocated Green Belt in the adopted SAMDev Plan. The site plays an important role in checking unrestricted urban sprawl, acts as a buffer zone preventing neighbouring settlements merging and assists in preventing encroachment into the

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countryside. By tightly controlling development in the Green Belt this also encourages the redevelopment of brownfield sites. The site given its open nature plays an important part in the visual amenities and rural character of the area.

- 6.8.5 The applicant has been confirmed by the Council's Gypsy Liaison Officer to be Irish travellers, the applicant has also advanced forward personal circumstances to justify a relaxation in Green Belt policy, Policy E, paragraph 16 of DCLG 2015 advises that personal circumstances are unlikely to clearly outweigh the harm to the Green Belt on their own.
- 6.8.6 For the purposes of planning policy, the Annex 1: Glossary defines gypsies and travellers as "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such."
- 6.8.7 In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
- a) whether they previously led a nomadic habit of life
  - b) the reasons for ceasing their nomadic habit of life
  - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances. However, a recent court of appeal decision declared the planning definition of 'Traveller' as discriminatory. The definition will now have to change to be more encompassing to include both those of the G&T community who travel and those that don't.
- 6.8.8 The site is situated in open countryside between from the settlements of Tong and Shifnal. However, it is situated closer to Shifnal than the recent appeal allowed at Whitchurch and as such it is therefore considered that the previous reasons for refusal in relation to it being an isolated and an unsustainable location could no longer be sustained having regard to that decision. Paragraph 13 of Policy B of DCLG 2015 states that LPAs should ensure traveller sites are sustainable economically, socially and environmentally and should ensure that, among other matters which are listed, site locations ensure that children can attend school on a regular basis.
- 6.8.9 Weight must therefore be attached to the nature of the site and its connection to the settlement of Shifnal. The extended family members on the site comprise the applicants and their younger children, two older siblings who are married and an elderly relative. The family have a demonstrable local connection to the Telford area, and it is therefore considered that, in the light

of the contents of the DCLG Planning Policy for Gypsy Sites August 2015 (DCLG 2015), the planning balance in this case would be such that no very special circumstances to outweigh the harm to the Green Belt have been advanced, which would justify a departure from the adopted Development Plan.

- 6.8.10 Whilst paragraph 13 of DCLG 2015 references the need to ensure that children can attend school on a regular basis. The contents of Policy E of DCLG 2015 relating to Traveller Sites in Green Belt is prefaced by "Subject to the best interests of the child..." The applicant at present has school aged children on site one of whom attends the local primary school and whilst another is registered to attend, but does not do so at present. The applicants have stressed the importance to them of having a settled base so that their children, so they can attend the local school and the headteacher has also written in support of the proposals to allow the children to receive a proper education.
- 6.8.11 Were the application to be refused the applicants have indicated that they are likely to return to living on the road which will lead to disruption of the education of the children (and their health care). Whilst it is considered that the future needs of the children are a material consideration relevant to the determination of this application. On balance this consideration, when coupled with the negative attributes of the site identified, cumulatively are not considered to amount to very special circumstances of sufficient weight to outweigh the harm to the Green Belt on their own in this case.
- 6.8.12 Policy H of The DCLG Planning Policy for Travellers sites is clear that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Given the Green Belt designation of this site these other material considerations would have to constitute 'very special circumstances.' The case put forward by the applicant does not at present provide a compelling case as to why this site is required above any other and is essentially based on the site being in the ownership of the family. Clearly, many people own land in the Green Belt and all are subject to the same restrictions in terms of developing their land. To allow such a development as proposed would set an undesirable precedent and in the absence of any compelling evidence to the contrary as to why it is necessary to be located on this site as opposed to another more appropriate site it is clear that this proposal also conflicts with the spatial policies of the Development Plan, along with Policy CS12 of the Core Strategy which specifically relates to Gypsy and Traveller sites.
- 6.8.13 A recent appeal APP/L3245/W/20/3253805 for a single G&T pitch in the Green Belt at Beamish Lane at Albrighton was dismissed on the basis of the weight attached to the protection of Green Belt along with the site's isolation

outweighing personal circumstances, a lack of provision and the best interests of the child. The appeal however was based on a single G&T pitch for a young couple expecting a child, so whilst there are some similarities in terms of the Green Belt location the personal circumstances advanced are much more pronounced in the case of the current application.

6.8.14 However, more recently the Planning Inspectorate allowed an appeal for a G&T site in the countryside APP/L3245/W/22/3300532 at Five Oak Stables, Coton, Whitchurch SY13 3LQ. In this case the Inspector cited a lack of alternative provision as weighing in favour of the development. However, this site whilst having a countryside allocation was not Green Belt.

6.8.15 The lack of available Council managed sites in the south east of the county and neighbouring districts, coupled with no future site allocations in the current or emerging local plan means that there is a lack of alternative sites available and as such the LPA approach tends to be reactive in such a situation. At present there are no alternative sites in the vicinity of Shifnal and as the settlement boundary is constrained by the Green Belt any proposals which come forward will always be subject to Green Belt policy considerations. The nearest area of countryside outside of the Green Belt lies to the north of the A5 towards Sherrifhales and two Council owned sites have been identified here as potentially being appropriate, however more detailed investigations would be required before it can be properly be established that these are viable alternative sites.

## **7.0 CONCLUSION**

7.1 The site is situated within the Green Belt and as such the proposals are considered to be inappropriate development. The applicant has however advanced their personal circumstances to support the application as part of their argument in relation to 'Very Special Circumstances' existing in this case.

7.2 It is noted that in the recent appeal decision referenced above, the Planning Inspector conclusions referenced a lack of alternative sites as weighing in favour of the proposals. They also referenced that there were still unresolved objections relating to the G&T policy DP8 in the emerging local plan and that the examining inspectors' final comments were awaited. As such, there was uncertainty as to whether policy DP8 will be adopted in its current form and so it was attributed limited weight. The objections essentially relate to the whole approach of the Council to the issue of G&T's of relying on turnover on existing sites to meet demand and the methodology employed to calculate need. Therefore, these objections go right to the heart of the current and future policy approach and as such could have significant impacts if the objections are supported by the inspectors.

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- 7.3 The recent appeal decision related to a site in the countryside as opposed to the Green Belt which this site is located in. Around 85% of the county is located outside of the Green Belt however the area east of the River Severn and south of the A5 is designated Green Belt, this therefore covers the south east of the county which adjoins the Green Belt of South Staffordshire district.
- 7.4 With this in mind, whilst the proposal is considered to be inappropriate development in the Green Belt and therefore contrary to both national and local planning policy, it is considered that there are extenuating circumstances relating to the personal circumstances of the applicant and the extended family (including the interests of the children and health issues), the lack of alternative provision in the south east of the county, the local plan review, which would weigh in favour of granting a temporary permission for a year.
- 7.5 As previously mentioned, this application is retrospective and is a resubmission following an earlier refusal under 21/04533/FUL. It includes a hard standing area and day room buildings which have already been installed on site without the benefit of planning permission. Should planning permission be refused this is likely to be the subject of follow-on enforcement action to remove unauthorised development and return the site to its former condition. However, any enforcement notice would have to provide the applicants with a reasonable compliance period and they would also have the right of appeal.
- 7.6 Therefore, having regard to the issues discussed above it is considered expedient on this occasion to grant a personal permission to the applicant on a temporary basis to allow them to explore alternative sites, as well as to allow the local plan review to progress so that we have a clearer understanding of emerging policy DP8 and how this is viewed by the local plan examining inspectors given there are unresolved objections to it.

## **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.

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## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

21/04533/FUL Siting of 4No static caravans and 6No touring caravans on existing hardstanding by an extended Gypsy/Traveller family REFUSE 17th May 2022

22/03757/FUL Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission) DD 30th August 2022

22/05521/FUL Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area (re-submission) PDE

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMKRLMTDOM200>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Ed Bird

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be for a limited period being the period of 12 months from the date of this permission. At the end of this period the development hereby permitted shall cease and the site shall be cleared and reinstated to its former condition.

Reason: The development is considered to be inappropriate development in the Green Belt and very special circumstances for allowing a permanent planning permission have yet to demonstrated to the satisfaction of the local planning authority.

2. The use hereby permitted shall be carried on only by the following persons Michael and Emily Quinn.

Reason: This permission is only granted in view of the exceptional circumstances of the applicant.

3. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no further development within Part 1, Class E of the Order shall take place without planning permission being obtained from the Local Planning Authority.

Reason: To prevent further inappropriate development in the Green Belt in accordance with Policy CS5 of the Shropshire Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no further development within Part 1, Class F of the Order (defined as hard surfaces incidental to the enjoyment of a dwellinghouse) or Part 2, Class B of the Order (defined as means of access to a highway) shall take place without planning permission being obtained from the Local Planning Authority.



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Reason: To prevent further inappropriate development in the Green Belt in accordance with Policy CS5 of the Shropshire Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no further development within Part 2, Class A of the Order (defined as gates, fences, walls or other means of enclosure) shall take place forward of any wall fronting a road without planning permission being obtained from the Local Planning Authority.

Reason: To prevent further inappropriate development in the Green Belt in accordance with Policy CS5 of the Shropshire Core Strategy.

7. Within 2 months of this permission a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include: i) Existing and proposed levels or contours ii) Proposed and existing services above and below ground iii) Details of boundary treatments and hard surfaces iv) The location, size and species of all trees to be planted v) The location, size, species and density of all shrub and ground cover planting and vi) A schedule of implementation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved plans.

8. Within 2 months of this permission a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include: i) Existing and proposed levels or contours ii) Proposed and existing services above and below ground iii) Details of boundary treatments and hard surfaces iv) The location, size and species of all trees to be planted v) The location, size, species and density of all shrub and ground cover planting and vi) A schedule of implementation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved plans.

9. 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:

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- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), 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.

10. A lighting scheme for the site shall be submitted within 2 months of this permission for approval by the local planning authority. The lighting scheme shall not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The 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.

11. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 4.5 of the Ecological Assessment (Camlad Ecology, July 2022).

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

12. There shall be no more than four static caravans and four touring caravans on site at anytime.

Reason: In order to protect the openness of the Green Belt and prevent further inappropriate development from taking place contrary to Policy CS5 of the Shropshire Core Strategy.

13. No Business activity or Storage of materials shall take place on site. The site shall be used for residential purposes only.

Reason: In order to protect the openness of the Green Belt from further inappropriate development and safeguard the amenities of nearby residents.

## 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. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

### 3. Nesting birds

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 and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] 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 and buildings for active bird nests should be carried out. If vegetation or buildings 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.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

#### 4. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. 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 Natural Environment and Rural Communities Act 2006. 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.

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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.]

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

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## SCHEDULE OF APPEALS AS AT COMMITTEE 14 March 2023

<b>LPA reference</b>	20/00733/FUL
<b>Appeal against</b>	Informatives
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Nigil Siviter
<b>Proposal</b>	Application under Section 73A of the Town and Country Planning Act 1990 for a treatment plant replace existing septic tank and soakaway
<b>Location</b>	4 Crown Cottages Bagginswood Stottesdon
<b>Date of appeal</b>	13.12.2022
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	N/A
<b>Date of appeal decision</b>	17.02.2023
<b>Costs awarded</b>	
<b>Appeal decision</b>	Appeal not proceeded with

<b>LPA reference</b>	22/03962/ADV
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Euro Garages
<b>Proposal</b>	Erect and display 1No. non-Illuminated 8m totem sign
<b>Location</b>	Starbucks Drive Thru Thieves Lane Service Station Thieves Lane Shrewsbury Shropshire SY2 6GF
<b>Date of appeal</b>	07.12.2022
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	16.02.2023
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	22/02415/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Wright
<b>Proposal</b>	Erection of replacement double garage with bedroom/home office above
<b>Location</b>	6 Hazler Road Church Stretton Shropshire SY6 7AQ
<b>Date of appeal</b>	16.12.2022
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	21.02.2023
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	22/03012/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs Karen Giles
<b>Proposal</b>	Outline application for proposed residential development of 4no. semi detached dwelling (all matters reserved)
<b>Location</b>	Proposed Residential Development Land N Of B4368 At Beacon Hill Monkhopton
<b>Date of appeal</b>	28.02.2023
<b>Appeal method</b>	Writte representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	





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## Appeal Decision

Site visit made on 17 January 2023

**By Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> February 2023

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**Appeal Ref: APP/L3245/Z/22/3311956**

**Starbucks, Thieves Lane, Shrewsbury SY2 6LG**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Mohammed Tayab of Euro Garages against the decision of Shropshire Council.
  - The application Ref 22/03962/ADV, dated 26 August 2022, was refused by notice dated 24 October 2022.
  - The advertisement proposed is 1 No. Non-Illuminated 8 mtr Totem Sign.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are the effect of the proposal on public safety and amenity.

### Reasons

#### *Public safety*

3. The totem sign would be double-sided and located close to the Emstrey roundabout, between the A5 and Thieves Lane (B4380) junctions. It would be around 8 m in height and non-illuminated. The sign would be sited next to the apex of an elongated triangle of land near a car dealership. The access to a service area with a petrol filling station and the Starbucks premises is around 400 m away on Thieves Lane. I found at my site visit that the access to the service area as a whole was not particularly well signed in the locality.
4. The Starbucks premises and petrol filling station cannot be easily seen from the roundabout or from some of its approach roads because of tree screening. The Starbucks premises have an existing totem sign which may be glimpsed behind roadside trees when viewed along Thieves Lane, but that sign is not clearly visible from the Emstrey roundabout. The proposed totem sign would not provide any details of the location of the Starbucks premises or how it could be accessed from the Emstrey roundabout.
5. The lack of directions and any visible relationship between the proposed sign and the Starbucks premises would be likely to cause driver uncertainty, distraction and last minute lane changing at this large and busy roundabout, with potential for affecting the free flow of traffic and vehicular accidents. I

therefore find that the proposed sign would be likely to have significant harmful effect on highway and public safety.

### *Amenity*

6. The Council referred to the impact on amenity in its reasons for refusal but did not provide any detailed justification for this in the officer report, which was primarily based upon the consultee response from National Highways.
7. I note that, compared to a previously refused scheme, the totem sign would have no illumination. The proposed sign would be in a prominent position and would add to the general clutter of traffic lights, lamp standards and road signage at this location, but not to a level of harm which would be significant enough to refuse the application on amenity grounds alone. However, the harm to amenity does add weight to my decision.
8. The Council has cited policy MD2 of the Shropshire Site Allocations and Management of Development Plan and policies CS6 and CS7 of the Shropshire Local Development Framework Core Strategy in its reason for refusal. The Advertisement Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these development plan policies into account as a material consideration, they have not been a decisive consideration in my determination of this appeal.

### **Conclusion**

9. I conclude that the proposed non-illuminated totem sign would have a significant harmful effect on highway and public safety. I have taken all other matters raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

*Martin H Seddon*

INSPECTOR



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## Appeal Decision

Site visit made on 17 January 2023

**by Martin H Seddon BSc MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> February 2023**

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### **Appeal Ref: APP/L3245/D/22/3309381**

### **6 Hazler Road, Church Stretton SY6 7AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Wright against the decision of Shropshire Council.
  - The application Ref: 22/02415/FUL, dated 23 May 2022, was refused by notice dated 11 August 2022.
  - The development proposed is erection of replacement double garage with bedroom/home office above.
- 

### **Decision**

1. The appeal is allowed, and planning permission is granted for erection of replacement double garage with bedroom/home office above at 6 Hazler Road, Church Stretton in accordance with the terms of the application Ref: 22/02415/FUL, dated 23 May 2022, and subject to the conditions in the schedule at the end of this document.

### **Main Issue**

2. The main issue in this appeal is the effect of the proposal on the living conditions of neighbours in respect of outlook.

### **Reasons**

3. No.6 Hazler Road is a semi-detached dwelling located in a residential area. It is within the Church Stretton Conservation Area and the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Council's conservation officer considered that the proposal would not be unduly harmful to the conservation area. I see no reason to disagree in view of the location of the proposal in an area with houses of varying character, form and design and because of its limited visual impact on the street scene as a replacement building.
4. However, notwithstanding the details provided on the application form, the nature and quality of the proposed external materials, including doors and window frames, must reflect the location of the proposed building within the conservation area. That could be achieved through the imposition of an appropriate condition to allow the Council to control the proposed external materials. I therefore consider that, subject to such a condition, the proposal would preserve the character and appearance of the conservation area. It would also cause no harm to the landscape and scenic beauty of the AONB and would comply with Shropshire Local Development Framework Core Strategy

(Core Strategy) policies CS6 and CS17 and also Shropshire Site Allocations and Management of Development Plan policies MD2 and MD13.

5. The proposed replacement double garage with bedroom/office above would measure around 6.4 m in length x 6.1 m in width and 5.5 m in height. It would be situated within the rear garden of the dwelling. The side wall of the existing garage may be seen from the garden and facing windows in the neighbouring detached property of Inglesant, including windows to the kitchen and dining room.
6. The neighbours at Inglesant are concerned that there could be loss of daylight to their kitchen and dining room windows, which are described as being already 'dark'. The building would be sited to the north of Inglesant and therefore there would be no significant increased loss of sunlight or daylight to those windows. No windows are proposed in the roof or side elevation which would face Inglesant, with no consequential loss of privacy for the neighbours. The windows at the front elevation of the proposed building would be obscure glazed to prevent any overlooking of windows in Inglesant.
7. The side wall of the existing garage projects above the boundary fence with Inglesant. Drawing ref:736.02C indicates that there would be a minor increase in height at this point next to the boundary, mainly resulting from the roof of the building. The proposed roof would be asymmetrical, with a longer roof slope next to Inglesant. The proposed building would be sited around 1 m from the boundary with the garden of Inglesant, whereas the existing garage abuts that boundary. Despite the proposed increase in height to the ridge line, these design measures would reduce the visual impact of the proposed building when seen from Inglesant.
8. The neighbouring property of Somerford projects further than the rear of the building of Inglesant. However, I consider that any tunnelling effect from the proposed garage would not be increased in a significant way, when compared with the current effect from the existing garage. Inglesant also has a relatively long rear garden. Overall, I find that the proposed building would not have a significant increased appearance of dominance or overbearing nature when compared to the visual impact of the existing garage and there would be no significant increased harm to the living conditions of neighbours at Inglesant in terms of outlook. The proposal would therefore comply with Core Strategy policy CS6 which, amongst other things, seeks to ensure residential amenity is safeguarded.

### **Other Matters**

9. The appellant has referred to other similar developments in the area. However, the particular site circumstances for these would have been different. Although concerns were raised regarding the access and traffic generation, the Highway Authority raised no objection to the proposal.

### **Conditions**

10. In addition to a condition for the standard timescale for the commencement of development, a condition is included to confirm the plans hereby approved. A condition is included to ensure that the Council has control over the proposed external materials and that they complement the character and appearance of

the conservation area. A condition is imposed to require obscure glazing for the two windows in the proposed front elevation in the interest of protecting the privacy of neighbours. A condition is also included to ensure that the proposed building can only be used and occupied as ancillary to the main dwelling in order to protect the residential amenity of neighbours

### **Conclusion**

11. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be allowed.

*Martin H Seddon*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 864299-736A location plan, 864299-736.02C proposed plans and elevations and 864299-736.04 street scenes.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The windows in the south-east elevation of the building hereby permitted shall be fitted with obscure glazing prior to occupation and the obscure glazing shall thereafter be retained.
- 5) The replacement double garage with bedroom/home office above hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Hazler Road, Church Stretton.

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