Statement of Case

Section 78 Appeal: Land to the South of Hall Lane, Kemberton, Shifnal, Shropshire, TF11 9LB

Installation of solar farm and associated infrastructure

Appellant: Vattenfall

19th September 2023

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1. Introduction

1.1 This Statement of Case has been prepared by Mallory Land Ltd on behalf of Vattenfall (**"the Appellant"**). It relates to the planning appeal submitted pursuant to section 78 of the Town and Country Planning Act 1990 concerning land to the south of Hall Lane, Kemberton, Shifnal (**"the Site"**).

1.2 The Applicant submitted an application for full planning permission to Shropshire Council (**"the Council"**), the local planning authority, on 13th May 2022 for the following description of development:

'Installation of solar farm and associated infrastructure'.

1.3 The application was validated by the Council on 13th June 2022 with application reference no. 22/02441/FUL.

1.4 The application was supported by a number of technical documents, drawings, illustrative plans and reports, including a Landscape and Visual Impact Assessment (**"LVIA"**), a Green Belt Assessment, a Very Special Circumstances (**"VSC"**) Statement, a Site Selection Process Statement, a Planning Design and Access Statement, an Agricultural Land Classification (**"ALC"**) report, and an Agricultural Significance report.

1.5 The considerable merits of the proposed development align closely with the UK Government's ambitious, and in some cases legally mandated, goals concerning the reduction of greenhouse gas emissions and the generation of renewable energy. In particular, the proposal is consistent with the UK Government's Net Zero Strategy, which underscores the critical role of wind and solar power in the nation's decarbonisation efforts. The scale of the national requirement for wind and solar energy schemes and the identified grid connection constraints far surpass the capabilities of existing initiatives. The proposal is also consistent with the UK Government's drive to ensure the UK is more energy independent, secure and resilient.

1.6 The Appellant engaged in a constructive and proactive manner with the Council, statutory consultees, the Parish Council, and the local community whilst the planning application was being evaluated. Additional information was promptly furnished upon request to facilitate thorough consideration and to resolve any questions or concerns raised, including stepping back solar arrays in the south-eastern corner of the site to preserve residential amenity, providing additional landscape boundary screening, reducing the height of the containerised distribution substation and, significantly, removing all originally proposed inverter buildings.

1.7 The application was reported to the Council's Southern Planning Committee on 14th March 2023, supported by an officer's recommendation for approval. In summary, the officer concluded that:

a. Although the proposed solar farm development would be located within the Green Belt, the application has demonstrated, via assessment, that no alternative site outside the Green Belt with connectivity to Halesfield substation was viable or available.

b. The NPPF acknowledges that while some elements of solar farm development may comprise inappropriate development in the Green Belt, this does not mean that the totality of a solar farm development should necessarily be regarded as inappropriate. Officers were satisfied, following detailed consideration of Green Belt policy, that none of the 5 key purposes of the Green Belt designation would be harmed by the proposal, and that landscape mitigation proposals would minimise the effect on openness[1].

c. 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. When the wider benefits of the proposal are taken into account it is considered that very special circumstances are demonstrated.

d. About a third of the site is on 'best and most versatile' (**"BMV"**) agricultural 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 BMV land than the average for Shropshire farmland.

e. Heritage impact, assessed by the Conservation Officer, is isolated and would amount to no more than 'less than substantial harm', and is offset by the project's public benefits including landscape and renewable energy benefits.

f. The potential effects of the proposal 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.

g. The NPPF advises that sustainable development proposals which accord with the development plan should be approved without delay. It is concluded that the proposal would be sustainable and can therefore be accepted, subject to the recommended conditions.

[1] Section 7, Officers Report

1.8 Notwithstanding this advice, the Council's Planning Committee resolved to overturn the officer's recommendation for approval and refuse planning permission for the following reasons:

1. *The Local Planning Authority has accorded substantial weight to the harm caused by the proposed development to the green belt. The proposed development is inappropriate development in the Green Belt and is therefore, by definition, harmful to the Green Belt and prejudicial to the reasons for including land within it. The site is close to development on either side and fails to check the unrestricted sprawl from the adjacent built-up area, fails to prevent neighbouring towns from merging into one another or to protect the countryside from encroachment. The extensive coverage of a large land area with solar arrays has an unacceptably adverse impact on the openness of the Green Belt. The circumstances advanced by the applicant are not the very special circumstances required to overcome an objection to the harm.*

   The proposal is therefore contrary to the NPPF and Shropshire Core Strategy 2006 – 2026 Policy CS5 and CS13.

2. *As Grade 3a/b agricultural land which is currently in active use, forming part of an tenancy with an ongoing organic dairy business, the 40 years that the site would be operating as a solar farm represents a considerable period of time for the loss of full productive capacity contrary to the spirit of the NPPF. The contribution towards targets for renewable energy generation and the reduction in greenhouse gas emissions are benefits which do not outweigh this and other harms identified. The development therefore fails to recognise the importance of farming for food production and fails to promote rural enterprise. The applicant has failed to demonstrate that the land remaining to the farm unit after development is of sufficient size or proportion to continue as a viable unit.*

   The proposal is therefore contrary to the NPPF and Shropshire Core Strategy 2006 – 2026 Policy CS13 and CS15.

3. *The development introduces an alien and incongruous element into the landscape which has an unacceptably adverse impact on the intrinsic character and beauty of the landscape. The level of harm is significant and demonstrably outweighs the benefits, failing to conserve or enhance natural assets. In the overall balance the harm caused to the landscape character is not acceptable.*

   The proposal is therefore contrary to the NPPF and Shropshire Core Strategy 2006 – 2026 CS8 CS5 MD12.

1.9 It is unfortunate that the Council decided to refuse the planning application, especially considering the comprehensive assessment conducted and presented both at the planning application stage by the Appellant, and by the Council's own planning officer to Committee members.

1.10 According to the Council's published minutes of the Committee meeting, members expressed concern that the proposals would result in harm to the Green Belt. They also expressed concern that loss of good quality 'organic land' would result in loss of food production and have a harmful effect on the viability of a local business. However, in the same Committee meeting, members approved another solar farm in the Shropshire Green Belt on BMV land. Indeed, the Council has in recent years approved at least three similar solar developments in the Green Belt. This raises questions about the fairness and consistency of the Council's decision-making.

1.11 The Appellant maintains that the proposal is an acceptable form of development in this location, and submits that this appeal should be determined by way of an inquiry for the following reasons:

I. The development is in the Green Belt. The Appellant and the Council are some way apart on the issue of very special circumstances and this should be properly considered and tested through the evidence of expert witnesses;
II. This is a significant renewable energy project. The Appellant and the Council are some way apart on the need for the proposed solar farm to be located within the Green Belt (as opposed to land outside it) and this should be properly considered and tested through the evidence of expert witnesses;
III. The development is partly located on BMV land and the related reason for refusal should be properly tested and scrutinised through cross-examination of expert witnesses;
IV. It is necessary for the full suite of material considerations, including those relating to national energy policy and the need for the development, to be properly examined and tested through the examination of oral evidence. The policy context is complex and frequently changing in light of the ongoing drive to implement the UK Government's net zero strategy, and provide a plan for UK energy security;
V. The principal parties cannot adequately present their respective cases on all relevant matters within 2 days (which is normally the maximum reasonable duration for an informal hearing); and
VI. There is significant local public interest, including from the Parish Council.

1.12 The Appellant considers that up to 4 days (including site visit) would be required in total for the inquiry.

2. The appeal site and local context

2.1 The Site comprises circa 20 Ha of well-contained land used for livestock grazing, located within, but on the periphery of, the Shropshire Green Belt.

2.2 The Site comprises agricultural land used for grazing, located to the west of the village of Kemberton, and some 400m to the east of the town of Telford. Kemberton Conservation Area, including the Grade II listed properties at both 2 and 5 Hall Lane and Grade II listed

Church of St. Andrew, is located around 150m to the east of the Site boundary. Kemberton is not defined as a 'town' or a 'historic town'.[1]

2.3 The Site does not benefit from any specific land use allocations, nor is the subject of any designation relating to landscape protection. There are no international or European designated sites (Ramsar, Special Protection Area or Special Areas of Conservation) within close proximity of the Site. There are no Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields in the vicinity either. The Ironbridge Gorge World Heritage Site is located distant from the Site approximately 2.5km to the south west.

2.4 The Site occupies two fields of similar area, one to the north and one to the south, separated by hedgerows. The southern field extends further eastwards than the northern field, giving the overall site an 'L'-shaped layout. The topography of the Site falls slightly from circa 100m above ordnance datum (AOD) at its easternmost edge to circa 95m AOD at its westernmost edge.

2.5 The Site's external boundaries comprise mostly dense, mixed hedgerows featuring a number of mature trees. The hedgerows alongside Hall Lane and the B4379 are dense, up to 3m in height, interlaced with mature deciduous trees. The eastern boundary hedgerow of the northern field is also dense and 3-4m in height and features a number of mature deciduous trees. The southern boundary of the Site features a hedgerow of circa 3-5m height with a number of mature trees.

2.6 In summary, the Site is located in countryside typical to Shropshire, and is unremarkable except for its proximity to Halesfield substation, a viable and available point of connection to the electricity grid. In this context, the topography of the Site and its existing substantial mature vegetation, offering good potential to contain and screen lower lying ground-mounted solar farm development, are highly relevant when assessing the suitability of the Site for the proposal.

2.7 The appeal site is located within Flood Zone 1 which confirms that the site has a low probability of flooding from rivers or sea.

3. The proposed development

3.1 The planning application seeks permission for the construction of a solar farm with a capacity of approximately 22 MW for a temporary, 40-year period from the date of first export of electricity from the Site. It is proposed to continue grazing the land around the arrays with sheep during the operational phase. At the end of the operational lifespan, the

[1] Kemberton is not defined or highlighted as 'town' in the following Shropshire Council commissioned or adopted documents; Shropshire Site Allocations and Management of Development Plan (SAMDev) (December 2015), Shropshire Council Core Strategy (2011), and LUC Shropshire Green Belt Assessment (August 2017).

Site would be restored back to full agricultural use and below-ground connections removed.

3.2 The solar farm will provide enough renewable electricity to power c.6,000 typical households per annum and will provide a CO_2 saving of approximately 5,280 tonnes per annum.

3.3 The proposal is designed to feature solar photovoltaic panels arranged in metal frames (arrays), organized in rows. Essential electricity generation infrastructure is strategically placed around the site near internal pathways to ensure convenient access for maintenance. Additionally, the project will include provisions for substantial additional boundary landscaping and stock-proof 'deer-type' perimeter fencing.

3.4 In response to representations made on the planning application during the determination process, a number of amendments were made to the proposals as originally submitted. The containerised distribution sub-station is proposed to be lower in height (not exceeding 3.5m) and is proposed to be screened by additional (and 'gapped up') hedgerow planting. Most significantly, to further reduce impacts, all originally proposed inverter buildings shown on Proposed Site Layout Plan – Figure 2, May 2022 were removed in their entirety.

Proposed development components

3.5 The main components of the proposed development comprise:

a. **Solar photovoltaic panels**, which would consist of rows of solar PV panels known as arrays. The photovoltaic cells are designed to maximise the absorbency of the sun's rays and minimise solar glare. As a consequence, they are dark in hue and recessive in the landscape. Each array of panels would be mounted on a metal frame, with metal supports, and pile-driven into the ground to a depth of approximately 1 to 2m, depending on ground conditions.

   The PV panels would be arranged in east/west rows across the site and angled approximately 25 degrees southward from the horizontal to enhance efficiency. The panels would be elevated about 0.7m from the ground at the lowest end (southern edge) and would not exceed 2.7m at the highest end (northern edge). The arrays would be spaced roughly 3m apart to reduce shadowing. Small string inverters fixed to the underside of arrays are required in the absence of larger inverter buildings. The land under and between the panels would be used for biodiversity improvements and periodic sheep grazing. Typical elevations of the solar panels (including string inverters) are shown on the Panel and Access Drawing dated May 2020.

b. **DNO distribution and customer substation enclosures**: A DNO substation measuring 10m (L) x 3.5m (W) x 3.5m (H) and a customer substation measuring 5.8m (L) x 2.5m (W) x 2.65m (H) are part of the scheme, both necessary to export the electricity generated onsite to the electricity network. The locations of these buildings within the Site are shown on Proposed Site Layout (amended) drawing. The building

elevations and sections are shown on the 'Containerised DNO Substation' and 'Customer Substation Building' drawings.

c. **4 no. transformers**, each measuring 6.06m (L) x 2.46m (W) x 2.89m (H). The locations of these are shown on Proposed Site Layout (amended) drawing.

d. **Underground cabling** to connect panels, string inverters and transformers to the proposed on-site substation enclosures;

e. **Security deer-type fencing with gates** at necessary locations, up to 2m in height, which encloses the perimeter of the Site. Access points friendly to badgers and small mammals will be designated at various spots along the fence. The fencing details are shown on the 'Security' drawing.

f. 3m-high, pole-mounted security and monitoring **CCTV/infra-red cameras** will be installed along the internal perimeter of the Site. Also indicated on the 'Security' drawing.

3.6 No permanent operational lighting is needed on the Site.

Access

3.7 Access to the Site is from a new access point located on the B4379 to the west of the Site.

3.8 The B4379 links to the A4169 which in turn links to Halesfield 1, an industrial access road at Coppice Farm roundabout. Halesfield 1 leads north for a distance of approximately 1.8km and links to the A442 Queensway at Stirchley Roundabout, approximately 3km northwest of the site. The A442, a dual carriageway route, then leads north for a distance of approximately 1.6km linking to the A464 at Randlay Roundabout. The A464, a dual carriageway route, then leads north for a distance of approximately 2km, linking to the M54 Junction 4. The access route plan can be seen in the accompanying Transport Statement.

3.9 An existing public right of way, the Monarchs Way, is shown on the definitive map, to the south-east of the Site, outside the site boundary. This will not be impacted by the proposal and will be retained for the duration of its construction and operation.

Landscaping/Biodiversity Enhancements

3.10 The layout of the scheme has been designed in such a way that broadleaved standard trees (including those with bat roost potential) and established hedgerows situated upon the boundaries of the Site can be retained, the only exception being the removal of T61 and T62 (see Arboricultural Appraisal), and the reduction of H54 by 31m to implement access arrangements from the B4379.

3.11 The loss of these features can be offset through new tree planting (44 light standards and 790m^2 of woodland block planting) as well as 250m of new native mixed-species hedgerow,

thus maintaining and improving the connectivity of features within the local landscape. The field compartments currently consist of improved/modified pasture which are considered to be of limited ecological value. It is proposed that these areas are seeded using a general-purpose meadow mix, thereafter managed using a sensitive grazing regime to enhance the botanical make-up of the grassland, particularly the assemblage of flowering plants. Such provisions will increase the level of biodiversity within the Site, diversifying the feed resource for a range of species.

3.12 The proposed landscaping has been designed to fit the surrounding landscape character, improve the biodiversity, structure, and connectivity of the vegetation resource and provide screening/filtering of the proposed development while minimising potential shading of the proposed solar panels.

3.13 A Biodiversity Net Gain (BNG) Assessment confirms the development will provide a gain of 27.57 biodiversity units overall, equating to a 24.46% increase in the value of primary habitat.

3.14 In terms of linear habitats, the addition of 1.82 units equating to 7.4% gain has been proposed through the planting of 250m of new species- rich hedgerow. These new habitats will maintain and diversify opportunities for nesting birds and pollinating insects associated with new tree planting, native hedgerows and species-rich grassland.

3.15 The land would be retained within agricultural use with the land between and beneath the panels used for sheep grazing.

Construction and Operation

3.16 Construction is expected to take place over approximately six months. Construction access will be provided from a new access point located off the B4379 to the west of the Site.

3.17 Once constructed, the solar farm would require infrequent visits for the purposes of maintenance or cleaning of the Site. The facility would be unmanned, being remotely operated and monitored.

Decommissioning

3.18 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 majority of the constituent elements, such as the aluminium structure and silicon within the module panels, are amenable to recycling.

3.19 However, the landscape enhancement measures would remain, providing long-term benefits to the local landscape character and biodiversity interests of the area. It is envisaged that the decommissioning of the solar farm would take approximately six months.

4. Planning history

4.1 A request for a Screening Opinion was submitted to the LPA in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Shropshire Council issued a Screening Opinion (22/01968/SCR) on 25th April 2022 which confirmed that the proposed development does not constitute EIA development. There is no other planning history at the appeal site relevant to the consideration of the appeal.

5. Planning application plans and documents

5.1 In addition to completed application forms and certificates, the plans and documents that comprised the planning application when the application was refused were as follows:

Supporting Documents

- Green Belt Statement – Very Special Circumstances Statement: 24 November 2022
- Green Belt Assessment: October 2022
- Flood Risk Assessment (FRA) inclusive of Drainage Strategy: February 2022
- Preliminary Ecological Appraisal (PEA): 17 June 2022
- Heritage Impact Assessment (HIA): February 2022
- Heritage Impact Assessment Addendum: October 2022
- Planning, Design and Access Statement: May 2022
- Arboricultural Appraisal (tree survey): 17 May 2022
- Biodiversity Net Gain Assessment: 17 June 2022
- Archaeological Desk-Based Assessment – inclusive of Geophysical Report: April 2022
- Agricultural Significance Statement: March 2022
- Agricultural Land Classification (ALC) Assessment: February 2022
- Transport Statement – inclusive of Construction Traffic Management Plan: March 2022
- Glint and Glare Assessment: 27 May 2022
- Landscape and Visual Impact Assessment (LVIA): May 2022
- LVIA appendices (inc. Figures and Visual Record): May 2022
- LVIA – Conservation Area Viewpoints: September 2022
- LVIA Figures amended: May 2022

- Landscape and Visual Impact Assessment (LVIA) Revision A: November 2022
- LVIA Wireframes: November 2022
- Noise Assessment for Planning: 27 October 2022
- Solar Farm Site Selection Process: November 2022
- Report of Community Engagement: April 2022
- Topographical Survey: 25 November 2021

Supporting plans

- Location Plan - 4631073, 13 May 2022
- Landscape Mitigation Plan Rev B 4647583, 29 April 2022
- Site Layout Plan (Aerial) - 4647570, May 2022
- Proposed Site Layout - 4631074, May 2022
- Proposed Site Layout amended - 4843057, May 2022
- Panel and Access Details (Elevations) - 4647572, May 2022
- Security Fencing - 4647575, May 2022
- Containerised DNO Substation - 4647581, May 2022
- Containerised DNO Substation amended - 4643058, May 2022
- Inverter Station (building) - 4647578, May 2022
- Transformer Station - 4843066, May 2022
- Customer Substation Building - 4647580, May 2022
- Landscape Management Plan: October 2022
- Landscape Mitigation Plan Rev C: 8 November 2022

Post-determination

5.2 The following drawings did not form part of the planning application and are submitted as part of the planning appeal to support the Appellant's case:

- Updated planting scheme and Landscape Mitigation Plan, drawing no. 3109-001 Rev D,
- Updated Agricultural Land Classification and updated Agricultural Significance reports, September 2023

5.3. Further discussion of the plans and the context for the appeal is set out in the 'Case for the Appellant' in Section 9 below.

6. Planning policy framework

6.1. As required by section 38(6) of the Planning and Compulsory Purchase Act 2004, read with section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan

6.2. The statutory development plan for the area comprises the Shropshire Core Strategy 2006-2026 (adopted February 2011) and the Site Allocations and Management of Development (or, to use the Council's own abbreviation, "SAMDev") Plan (adopted December 2015).

Shropshire Core Strategy 2006-2026 Development Plan Document (DPD)

6.3. The Core Strategy 2006-2026 DPD was adopted in February 2011 and sets out the spatial vision and objectives for the county (excluding the Borough of Telford and Wrekin) and the strategic policies to guide development over the plan period.

6.4. Paragraph 3.4 reiterates the three priorities for Shropshire identified in the Council's Sustainable Community Strategy, one of which is "Responding to climate change and enhancing our natural and built environment". Paragraph 3.4 further defines this priority as meaning the following:

- *Shropshire will be recognised as a leader in responding to climate change;*
- *Working with communities to prepare for and adapt to the issues that climate change may bring and ensure the rich varied environment is valued, protected and enhanced;*
- *Natural resources, waste and water will be managed efficiently and we will adapt our needs to meet the changing demands of the climate.*

6.5. The Core Strategy then identifies a series of "Strategic Objectives" for the Council. Strategic Objective 9 is 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."

6.6. The following policies are of particular relevance to this application:

6.7. **Policy CS5 (Countryside and Green Belt)** states that new development will be strictly controlled in accordance with national policies protecting the countryside and Green Belt.

The policy explains that, subject to the further controls over development that apply to the Green Belt, development on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bring local economic and community benefits, particularly where they relate to, *inter alia*, ***infrastructure which cannot be accommodated within settlements*** (my emphasis). The policy goes on to state that within the designated Green Belt in south-eastern Shropshire, there will be additional control of new development in line with government guidance.

6.8. **Policy CS6 (Sustainable Design and Development Principles)** requires developments to be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment, which respects and enhances local distinctiveness, and mitigates/adapts to climate change. The policy goes on to require that all development is designed to be adaptable, safe and accessible to all, to respond to the challenges of climate change; that it protects, restores, conserves and enhances the natural, built and historic environment; contributes to the health and wellbeing of communities; is designed to be consistent with national good practice standards; makes the most effective use of land (including high quality agricultural land); and, ensures that there is sufficient infrastructure to serve any new development.

6.9. **Policy CS8 (Facilities, Services and Infrastructure Provision)** seeks to positively encourage infrastructure that mitigates and adapts to climate change, where this has no significant adverse impact on recognised environmental assets. This includes support of decentralised, low carbon and renewable energy generation, including working closely with network providers to ensure provision of necessary energy distribution networks.

6.10. **Policy CS13 (Economic Development, Enterprise and Employment)** is cited in the Council's first and second reasons for refusal. It details that the Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seek to develop sustainable economic growth and prosperous communities. In doing so the policy specifically highlights that emphasis will be placed on 'recognising the economic benefits of Shropshire's environment', and 'supporting the development and growth of Shropshire's key business sectors and clusters, in particular: ***environmental technologies*** (my emphasis)'. Finally, in rural areas, such as the Site, emphasis will also be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification and forestry. It further highlights that development proposals must accord with Policy CS5.

6.11. **Policy CS15 (Town and Rural Centres)** states that development and other measures will maintain and enhance the vitality and viability of Shropshire's network of town and rural centres and is focused on the delivery of comparison and convenience retail space, office, leisure, entertainment and cultural facilities. This policy is not relevant to the appeal proposal, but the policy is nonetheless cited without explanation in the Council's second reason for refusal.

6.12. **Policy CS17 (Environmental Networks)** states that development will identify, protect, enhance, expand and connect environmental assets. This will be achieved by ensuring that all development:

- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors;
- Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge;
- Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites;
- Secures financial contributions, in accordance with Policies CS8 and CS9, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long-term management and maintenance. Sites and corridors are identified in the Local Development Framework evidence base and will be regularly monitored and updated.

6.13. **Policy CS18 (Sustainable Water Management)** sets out that developments will integrate measures for sustainable water management to reduce flood risk and avoid adverse impacts on water quality and quantity. The policy sets out a number of requirements, including that all developments (where appropriate) should include appropriate sustainable drainage systems (SuDS) to manage surface water.

Site Allocations and Management of Development Adopted Plan

6.14. The SAMDev Plan was adopted on 17th December 2015 and sets out proposals for the use of land and policies to guide development.

6.15. The SAMDev Policies Map confirms that the Site is situated in a countryside location within the Green Belt.

6.16. The following policies are relevant to the appeal:

6.17. **Policy MD2 (Sustainable Design)** explains that for a proposal to be considered acceptable, it is required to respond to local design aspirations; and contribute to and respect locally distinctive or valued character and existing amenity value. Developments are required to incorporate sustainable drainage techniques. Furthermore, landscaping and open space are required to be considered holistically and should reinforce and respond to the character and context of the site. This includes considering natural and semi-natural features, such as trees, hedges, woodlands, ponds, wetlands and watercourses, alongside existing landscape character, geological and heritage assets.

6.18. **Policy MD6 (Green Belt)** states that, in addition to meeting the general requirements that apply in the countryside as set out in Policies CS5, MD7a and MD7b, development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt.

6.19. **Policy MD7b (General Management of Development in the Countryside)** sets out further considerations for development in the countryside. These relate to the re-use of buildings and replacement of buildings, and applications for agricultural development. There are no considerations relating to renewable energy developments.

6.20. **Policy MD8 (Infrastructure Provision)** states that applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:

i. Residential and other sensitive neighbouring land uses;
ii. Visual amenity;
iii. Landscape character and sensitivity, including impacts on sensitive skylines;
iv. Natural and heritage assets, including the Shropshire Hills AONB (Policies MD12 and MD13);
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.

Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package.

With regard to monitoring and decommissioning:

- Where planning permission establishes performance standards, applicants will be expected to demonstrate compliance through the submission of regular monitoring reports;
- 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;
- Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.

6.21. **MD12 (The Natural Environment)** sets out the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by, *inter alia*, ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

i. the special qualities of the Shropshire Hills AONB;
ii. locally designated biodiversity and geological sites;
iii. priority species;
iv. priority habitats;
v. important woodlands, trees and hedges;
vi. ecological networks;
vii. geological assets;
viii. visual amenity;
ix. landscape character and local distinctiveness.

will only be permitted if it can be clearly demonstrated that:

a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site; and
b) the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of mitigation then compensation measures will be sought.

6.22. The policy encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition (Policy MP12.3). Furthermore, support is offered for proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries (Policy MP12.4).

6.23. **Policy MD13 (The Historic Environment)** seeks to ensure Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by:

- Ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.
- Ensuring that proposals which are likely to affect the significance of a designated or non-designated heritage asset, including its setting, are accompanied by a Heritage Assessment, including a qualitative visual assessment where appropriate.
- Ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. In making this assessment, the degree of harm or loss of significance to the asset including its setting, the importance of the asset and any potential beneficial use will be taken into account. Where such proposals are permitted,

measures to mitigate and record the loss of significance to the asset including its setting and to advance understanding in a manner proportionate to the asset's importance and the level of impact, will be required.

- Encouraging development which delivers positive benefits to heritage assets, as identified within the Place Plans. Support will be given, in particular, to proposals which appropriately conserve, manage or enhance the significance of a heritage asset including its setting, especially where these improve the condition of those assets which are recognised as being at risk or in poor condition.

Emerging Shropshire Local Plan 2016-2038

6.24. Shropshire Council is also currently making progress towards the adoption of a new Local Plan. Whilst this new emerging Local Plan carries no more than moderate weight at present within the planning balance, it provides an indication of the Council's direction of travel in relation to development, and as such is considered within this section.

6.25. The Draft Shropshire Local Plan (2016-2038) was submitted for examination to the Secretary of State on 3rd September 2021, with the hearing sessions beginning in July 2022. The policies set out below are most relevant to this proposal:

- SP3 Climate Change
- SP10 Managing Development in the Countryside
- SP11 Green Belt and Safeguarded Land
- SP12 Shropshire Economic Growth Strategy
- DP11 Minimising Carbon Emissions
- DP12 The Natural Environment
- DP14 Green Infrastructure
- DP16 Landscaping of New Development
- DP17 Landscape and Visual Amenity
- DP21 Flood Risk
- DP23 Conserving and Enhancing the Historic Environment
- DP25 Infrastructure Provision
- DP26 Strategic, Renewable and Low Carbon Infrastructure

6.26. Until the above Draft Policies are fully adopted, they have the status of material considerations in this planning appeal, and should carry no more than moderate weight in the planning balance.

6.27. **Policy DP26 (Strategic, Renewable and Low Carbon Infrastructure)** supports the delivery of renewable and low carbon energy and associated infrastructure where the impact of such development is, or can be made, acceptable.

7. Other material considerations

Energy and climate legislation and policy

7.1 There is overwhelming policy support for renewable energy deployment. As part of its planning case, the Appellant will refer to relevant energy and climate change legislation and policy which includes:

a. Climate Change Act 2008
b. Climate Change Act 2008 (2050 Target Amendment) Order 2019
c. Clean Growth Strategy (Department for Business, Energy and Industrial Strategy (BEIS), October 2017)
d. UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019
e. Shropshire Council's declaration of a Climate Emergency
f. 'Energy White Paper: Powering our Net Zero Future' (UK Government, December 2020)
g. UK Government Press Release, 'UK enshrines new target in law to slash emissions by 78% by 2035' (April 2021)
h. 'Net Zero Strategy: Build Back Greener' (UK Government, October 2021)
i. British Energy Security Strategy (UK Government, April 2022)
j. Government Food Strategy (UK Government, June 2022)
k. Overarching National Policy Statement for Energy (EN-1) (UK Government, March 2023)
l. National Policy Statement for Renewable Energy Infrastructure (EN-3) (UK Government, March 2023)
m. UK Government Solar Strategy 2014
n. Written Ministerial Statement on Solar Energy: 'Protecting the local and global environment', 25 March 2015
o. Powering Up Britain: Energy Security Plan (UK Government, 2023)

7.2 Reference will also be made to progress made to meeting these carbon reduction targets, including:

- The latest version of the Digest of United Kingdom Energy Statistics, currently the July 2022 version;
- 'Achieving Net Zero', published by the National Audit Office in December 2020.

National planning policy guidance

7.3 The Appellant will refer to relevant national policy and guidance set out in:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)

National Planning Policy Framework

7.4 The latest version of the NPPF was published very recently in September 2023. The UK Government has made clear its expectation, through the Framework, that the planning system should positively embrace sustainable development to deliver the economic growth necessary and the housing needed to create inclusive and mixed communities. Local planning authorities are encouraged in the Framework to approach decisions on proposed development in a positive and creative way and should seek to approve applications for sustainable development where possible (paragraph 38).

7.5 The paragraphs most relevant to the proposals contained within the NPPF are as follows.

7.6 **Paragraph 7** advises the purpose of the planning system is to contribute to the achievement of sustainable development.

7.7 **Paragraph 8** goes on to advise that the planning system has three overarching objectives in order to achieve sustainable development: an economic objective, a social objective and an environmental objective. Moving to a low carbon economy forms part of the environmental objective.

7.8 **Paragraph 11** advises that decisions (on planning applications) should apply a presumption in favour of sustainable development. As such, development proposals that accord with the development plan should be approved without delay.

7.9 **Paragraph 38** makes the point that decision-makers at every level should seek to approve applications for sustainable development where possible.

7.10 **Paragraph 81** sets out that significant weight should be given to the need to support economic growth and productivity, considering local business needs and wider opportunities for development.

7.11 **Paragraph 119** advises that planning decision should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

7.12 **Paragraph 152** notes that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

7.13 **Paragraph 137** confirms 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.

7.14 **Paragraph 138** goes on to state that Green Belt serves these five purposes:

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.

7.15 **Paragraph 147** states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.16 **Paragraph 148** states that, 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.

7.17 **Paragraph 151** confirms 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.

7.18 **Paragraph 158** makes clear 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.

7.19 **Paragraph 174** advises that policies and decisions should contribute to and enhance the natural and local environment by *inter alia*, so far as relevant: (a) 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); (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; and (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.20 **Paragraph 197** requires that the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability should be taken into account when determining applications.

Planning Practice Guidance ("PPG")

7.21 The Government's online Planning Practice Guidance (**"PPG"**), which is regularly updated, is intended to complement the NPPF and is material in the consideration of planning applications. The chapter of the PPG that is most relevant to the present appeal is titled 'Renewable and low carbon energy'.

7.22 In this chapter of the PPG, in response to the question *"Why is planning for renewable and low carbon energy important?*", the PPG emphasises the important role of planning in advancing renewable energy projects (para. 001). The same chapter of the PPG identifies "particular planning considerations" that relate to large scale ground-mounted solar photovoltaic farms as including *inter alia* (para. 013):

- 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;
- 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 proposal's visual impact, 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;
- 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.

7.23 A separate, short chapter of the PPG provides further guidance on Green Belt policy. In response to the question, *"What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?"*, the PPG advises that assessing impact on openness requires a judgment based on the circumstances of the case (para. 001). The matters to be considered include, but are not limited to:

- openness having both spatial and visual aspects;
- the duration of the development, and its remediability (taking into account any provision to return land to its original state or an equivalent (or improved) state of openness); and
- the degree of activity likely to be generated, such as traffic generation.

Overarching National Policy Statement for Energy (EN-1) (March 2023)

7.24 The updated EN-1 was published in March 2023 and as a National Policy Statement (NPS) sets out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects ("NSIPSs"). While the proposed development the subject of this appeal is not a NSIP, it is confirmed at paragraph 1.2.1 of EN-1 that this document can be a material consideration in the determination of planning applications.

7.25 The NPS sets out how the energy sector can help deliver the Government's climate change objectives. It specifically considers the implications of the net zero obligations at section 2.3 (*page 13*) and explains that the Government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable and consistent with meeting our target to cut GHG emission to net zero by 2050.

7.26 It is specifically noted in paragraph 2.2.1 (page 14) that there is an imperative to transform our energy landscape. The document explicitly states, 'we will need to dramatically increase the volume of energy supplied from low carbon sources and reduce the amount provided by fossil fuels'. This aligns with the broader governmental push, as evidenced by recent announcements, emphasizing the critical need to accelerate the deployment of low carbon energy sources beyond current rates.

7.27 The proposed development will make a meaningful and material contribution towards realising this vision.

7.28 Indeed, the NPS continues to explain that wind and solar are the lowest cost ways of generating electricity, and that the government's *'… analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar*' (paragraph 3.3.20).

National Policy Statement for Renewable Energy Infrastructure (EN-3) (March 2023)

7.29 The update to EN-3 was also published in March 2023 and sets out the national policy for renewable energy projects.

7.30 EN-3 should be read in conjunction with EN-1. Similar to EN-1, EN-3 sets out the importance of renewable energy in achieving the Government's ambitious carbon budgeting targets.

7.31 The very first paragraph of EN-3 states that there is an urgent need for new electricity generating capacity to meet our energy objectives (para. 2.1.1).

7.32 EN-3 goes on to identify a number of key considerations involved in the siting and design of solar farms (section 3.3), and also technical considerations for the Secretary of State to consider. These considerations have been taken into account as relevant in this Statement as the specific consideration arises.

7.33 Paragraph 2.1.3 states that in the Net Zero Strategy, published in October 2021, government committed to action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40- 60% increase in demand. Paragraph 2.1.4 goes on to state that the British Energy Security Strategy, published in April 2022, accelerates this plan and sets out a series of bold commitments to deliver a more independent, more secure energy system and support consumers to manage their energy bills. More low-cost renewables on the system will reduce household electricity bills and ensure Britain is less affected by fluctuations in volatile global gas prices as seen as the economy reopened after COVID-19 and the Russian invasion of Ukraine.

7.34 Again, the proposed development will make a meaningful and material contribution towards meeting these objectives.

7.35 EN-3 recognizes the importance of grid connection as a consideration when assessing planning applications for solar farm development. Paragraph 3.10.35 states: *"Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal."*

7.36 Paragraph 3.10.38 goes on to state: *"To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity."*

7.37 Attention is also drawn to the guidance relating to 'Agricultural land classification and land type'. As a factor influencing site selection, paragraph 3.10.14 states that the use of "Best and Most Versatile" agricultural land should be avoided where possible but that *"land type should not be a predominating factor in determining the suitability of the site location".*

7.38 EN-3 also emphasises the time-limited effects of a solar scheme and states at paragraph 3.10.141 that where a time-limit is sought by an applicant as a condition of consent, *'… it is likely to be an important consideration for the Secretary of State'.* Paragraph 3.10.151 goes on to state that solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State (as decision-maker) is therefore advised to consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets. Given the time-limited extent of 40 years that is being sought in the present appeal, and the decommissioning of the solar farm beyond that time with new planting enduring as a legacy of the proposed development, this will enhance the landscape character and biodiversity interests in the long-term.

8. Evidence

8.1. Should the Planning Inspectorate agree to the appeal being the subject of the public inquiry process, the Appellant will prepare written proofs of evidence to respond to the reasons for refusal identified by the Council.

8.2. The evidence will also consider any other valid issues raised by third party objectors or by statutory consultees.

8.3. At this stage it is anticipated, based on the reasons for refusal, that evidence will be presented as follows:

Planning Policy and the Planning Balance

- Barry Butchart (Mallory Land)

Landscape and Visual Impact

- John Ingham (Stephenson Halliday)

Agricultural land classification

- Alastair Field (Reading Agricultural Consultants)

8.4. The Appellant reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by third parties.

9. Case for the Appellant

9.1. The Appellant will present evidence to demonstrate that planning permission should be granted without delay and that the Council's reasons for refusal cannot be sustained. The Appellant will submit that the proposed development accords with the NPPF and adopted development plan when read as a whole. Should the Inspector conclude that the proposed development would not comply with the adopted development plan, either in part or as a whole (contrary to the Appellant's primary case), then the Appellant will refer to other material considerations which justify the grant of planning permission nevertheless.

9.2. Article 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that where planning permission is refused, the notice must state clearly and precisely the LPA's full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.

Reasons for Refusal

9.3. The Appellant does not dispute that the proposed development is, in policy terms, inappropriate development in the Green Belt. As such the Appellant considers that the Council's reasons for refusal raise the following main issues:

(1) impact on the openness of the Green Belt and on Green Belt purposes;
(2) impact on the character and appearance of the area (including landscape and visual considerations);
(3) impact on Grade 3a (BMV) and Grade 3b (non-BMV) agricultural land;
(4) whether the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations so as to amount to very special circumstances.

Issue 1: Impact on openness of the Green Belt and Green Belt purposes

9.4 The Appellant will present evidence to underscore that the Shropshire Green Belt already accommodates various developments, including utility-scale solar farms like Albrighton Solar Farm, Astley Solar Farm, and the recently approved Upper Pepperhill Solar Farm[1]. These projects have received favourable officer reports and planning decisions, affirming their compatibility with Green Belt locations. Notably, at the same planning committee meeting where this development proposal was rejected, another solar farm in the Shropshire Green Belt, also situated on BMV land, was approved, specifically on land to the west of County Lane, Albrighton (Council Ref: 22/01816/FUL). Precedent appeal decisions will also be presented making it clear that numerous further examples of solar farm developments are present in areas of Green Belt.

9.5 The Appellant will highlight that the Shropshire Green Belt is not uniform and the contribution that one area of Green Belt makes to the stated five purposes highlighted by paragraph 138 of the NPPF can be very different to another. Evidence will further demonstrate the importance of understanding how the Site performs against each purpose to enable any alleged impact on openness to be assessed in context.

9.6 The Appellant will present the results of a Site-Specific Green Belt Assessment, conducted by chartered landscape consultants in alignment with the methodology used in the Shropshire Green Belt Assessment. This latter assessment was commissioned by the Council and carried out by the consultancy LUC in August 2017. The assessment analyses how the Site performs in relation to the five purposes of the Green Belt. It will be shown that the site's average contribution to fulfilling these Green Belt purposes is 'weak.' Understanding this baseline, with reference to Government advice contained in the PPG Advice on the role of the Green Belt in the planning system (Paragraph: 001 Reference ID:

[1] Albrighton Solar Farm, Ref: 15/02787/FUL,
Astley Solar Farm Ref: 15/02095/FUL, and
Upper Pepperhill Solar Farm Ref: 22/03068/FUL

64-001-20190722), the Appellant will further evidence that the proposals would not result in any unacceptable harmful impact on openness.

9.7 In terms of spatial impacts on openness, the Appellant will present the findings of a site-specific assessment of spatial impacts, drawing from both the Very Special Circumstances Assessment dated November 2022, and the Landscape and Visual Impact Assessment (LVIA) (November 2022). It will be demonstrated that the impacts on openness would be negligible as the proposed development is unlikely to notably affect the landform of the Site or its legibility. Evidence will also draw on evidence providing context to the extent of site area, as contributing to the wider expansive West Midlands Green Belt.

9.8 Furthermore, it will be shown that the medium-large scale of the landscape is suited to accommodating the proposal, particularly given the relatively low height of the proposed panels and fencing. This will assist in limiting any detrimental effects on openness.

9.9 The Appellant will also present the findings of a site-specific assessment of the impact on visual openness, again drawing on the Very Special Circumstances Assessment and the LVIA which accompanied the planning application. Evidence will demonstrate that although it is accepted that the visual impacts of the proposed development will result in a change to current views from visual receptors, it does not follow that this change must result in notable harm to the openness of the wider Green Belt. The case will draw from the Zone of Theoretical Visibility (ZTV) (LVIA Figure 6), wireframe models and panoramic photographs submitted as part of the planning application. Based on the 'bare earth' ZTV models, the majority of the proposed development will be screened by existing trees and hedges and appear low in the landscape below Kemberton, such that it is unlikely to have a notable effect on openness.

9.10 The wireframe model from viewpoints A (Corcovado) and B (and the upper storey of Langley House and Langley Cottage) will also establish that, against the backdrop of a slightly rising landscape and the wide vista available, that the landscape has capacity to absorb the development proposals without notably detracting from the perception of openness.

9.11 The panoramic photographs and matching wireframe models from viewpoints 1 and 2, will additionally confirm there would be no notable impact on the perception of openness for users of the Monarch's Way (passing adjacent to the proposed solar farm). From this viewpoint, the landscape dips in the near distance, before rising again, allowing development proposals to be partly absorbed into this area of slightly undulating landscape. Viewed in the context of the more prominent views towards the ridgeline that borders Telford, it is clear that the landscape has capacity to absorb the development proposals without materially detracting from the perception of openness.

9.12 Additional panoramic photographs, wireframe model, and photomontages will demonstrate a landscape with generous capacity to absorb the proposed development and will evidence that the proposal will sit well below the skyline, where it occupies a very limited extent of the panorama available and as such would have no material impact on the perception of openness.

Issue 2: Impact on character and appearance

9.13 The Appellant's evidence will rigorously respond to the Council's third reason for refusal, which is a generic objection to the landscape and visual impacts of a solar farm on a greenfield site. The Appellant will argue that a series of Inspectors have consistently affirmed that some level of harm to greenfield sites is "inevitable" when it comes to sizable solar farms. However, this should not serve as a basis for outright refusal, especially given the national policy support for such renewable energy schemes, and the Council's own thorough review of the Appellant's LVIA and supporting documentation, with no objection raised by the Council's instructed independent landscape consultants (ESP Ltd).

9.14 The review of the Appellant's LVIA completed by ESP Ltd in January 2023 concluded that the proposal complies with local plan policies relating to landscape and visual matters; that the LVIA methodology is clear, proportionate and compliant with best practice set out in GLVIA3; and that the results are reliable.

9.15 The Appellant's evidence will demonstrate that there is no foundation to the Council's assertion that "the level of harm is significant". It will refer to the LVIA findings that there are no landscape effects greater than "slight" adverse. The LVIA also finds that the only visual effects from public viewpoints greater than slight adverse are moderate-major effects, reducing to slight adverse within c.3-5 years as mitigation planting establishes itself, for users of Monarch's Way between Kemberton and the B4379. All other visual effects are at most slight adverse or are private views.

9.16 The evidence will provide a comprehensive overview of the Landscape Mitigation Plan, which has been developed in tandem with the LVIA process and responded to representations received during the planning application process, to inform the final site layout. The Landscape Mitigation Plan is not merely a reactive measure but a proactive strategy designed to harmonise with the surrounding landscape character. It aims to enhance biodiversity, improve the structure and connectivity of existing vegetation, and provide effective screening for the proposed development. Evidence will highlight that the position of the boundary fence has been adjusted to accommodate existing boundary trees and allow for their future growth. The mitigation plan is robust, including the addition of 44 native trees from four species, circa 790 square meters of native screen planting with 11 species, and roughly 250 meters of native hedgerow featuring six species. Taking account of these extensive mitigation measures, the evidence will demonstrate that no unacceptable adverse landscape or visual impacts are anticipated.

9.17 The landscape proof of evidence will be supported by additional wireframes and/or photomontages and other technical appendices as appropriate.

Issue 3: Impact on agricultural land

9.18 The Appellant will stress that national planning policy and guidance does not prohibit use of agricultural land for development, but instead requires planning decisions to recognise the economic and other benefits of BMV land. The evidence will relate the proposed use of a site comprising approximately 70% non-BMV (Grade 3b) and 30% BMV (Grade 3a) to the agricultural landscape of Shropshire, where the supply of BMV land is plentiful. It will also be demonstrated that the proposed use of agricultural land has been shown to be necessary and that poorer quality land has been used in preference to higher quality land.

9.19 The proposal is for a temporary period of forty years which can be secured by planning condition. Accordingly, the agricultural land would not be permanently or irreversibly lost, particularly as pasture grazing is proposed to continue to occur between the solar panels. This would allow the land to recover from previous intensive dairy farm grazing, and the soil condition and structure to improve.

9.20 It will be further be evidenced that a number of similar large-scale solar farms have been approved elsewhere in the UK, and specifically in Shropshire on BMV land including: Land at Bubney Farm (ref: 21/01661/FUL) in October 2021, where most of the Site was Grade 2. The Albrighton solar farm approved at the March 2023 Committee Meeting (16MW solar farm and battery storage) comprised mainly Grade 3a BMV land (ref: 22/01816/FUL).

Issue 4: Very special circumstances

9.21 With reference to paragraphs 148 and 151 of the NPPF, and the requirements of development plan policy, the Appellant will demonstrate that there are "other considerations" that clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm, such that there are very special circumstances (VSC) that warrant a grant of planning permission.

Need for renewable energy

9.22 The significant contribution the proposed development will make to local energy security, grid resilience and UK Government renewable energy targets will be highlighted. The solar farm will provide enough renewable electricity to power circa 6,000[1] typical households per annum and will provide a CO_2 saving of approximately 5,280 tonnes per annum.

9.23 The Appellant will refer to the national imperative to achieve complete electricity system decarbonisation by 2035, expedite the rollout of cost-effective renewable energy, and maintain a balanced energy system in the transition to a low-carbon economy. Locally, attention will be drawn to the Council's support for the delivery of additional renewable energy generation infrastructure and capacity in the county; the Council's declared Climate Emergency on 16 May 2019; the Council's pledge to achieve net zero across Shropshire by 2030; and the Zero Carbon Shropshire Plan 2021 that advises that 200 ha of

[1] Based on household average electricity consumption of 2900kWh

solar and wind is needed locally. At circa 22MW of generation, the proposal would make a substantial contribution, providing carbon-free electricity to local homes and businesses via the local electricity distribution grid, providing resilience and energy security.

9.24 Additionally, studies from the local Distribution Network Operator (DNO), the Council, and the Marches Local Enterprise Partnership will be cited to highlight existing constraints on local electricity supply. These factors collectively underscore the local and district-wide need for the proposed development.

Grid connection

9.25 The Appellant will demonstrate that the capacity/opportunity to connect such renewable projects to the electricity grid at a suitable point of connection are extremely constrained.

9.26 The local electricity distribution network operator (DNO) identified the substations at Halesfield and Shifnal as the only two substations with connecting infrastructure in the Telford and Wrekin and Shropshire Council areas that do not suffer from either voltage constraints or thermal overloads at 33kV. In evidence, the Appellant will refer to frequent communications from electricity network operators explaining this, and that other renewable projects are now being materially delayed until 2032 onwards due to the constraints of the transmission network. The Appellant's proposal would enable a new solar farm to be built and energised promptly, with energy being exported into the grid soon thereafter.

Site selection

9.27 Against the identified need to connect the proposed development into either Halesfield or Shifnal substations (to alleviate local power demand challenges), a sequential approach was undertaken to identify all potentially suitable land (in the areas of both Shropshire Council and Telford and Wrekin Council) within a viable connection distance of either substation, thereby constraining the search area to a 3km radius. Within this search area, there are no viable brownfield or urban alternative sites. It will be further demonstrated that following assessment of potential countryside locations, there is no appropriate non-BMV site outside the Green Belt for a solar farm of the proposed size.

9.28 The Appellant will also explain that a number of other factors were also considered prior to the selection of the Site including deliverability and irradiance. Meteorological records demonstrate that irradiation received at the Site is one of the highest irradiation levels in the UK thus making it an ideal location to harness the sun's power providing higher yields per MW installed than most other locations in the UK. The topography and use of surrounding land areas make the Site an ideal choice for the development of a solar PV project. The relatively flat field topography and mature hedgerows and trees offer good screening whilst not causing any issues in terms of project shading.

9.29 The Appellant will emphasise that the landowner's willingness to lease the property for a solar farm, as a means to diversify revenue for a local rural business, was also a highly relevant factor in choosing this site. The challenge lies in identifying landowners who are interested and own suitable land, especially near a connection point. Achieving ambitious national and local objectives depends on the successful execution of viable and deliverable projects.

Biodiversity and landscape enhancements

9.30 In line with paragraph 174(d) of the NPPF, the Appellant will underscore the significant Biodiversity Net Gain (BNG) of 27.57 units that will result from the proposal, representing a substantial 24.46% increase in primary habitat value. This gain will be achieved primarily by enhancing 19.3 hectares of modified grassland, which will host the solar arrays, to a higher condition rating. Additionally, new woodland areas are planned adjacent to the Site's eastern boundaries, complementing off-site woodland blocks. The proposal also includes the planting of 250 meters of new hedgerow, contributing to an increase in linear habitats.

Support of farm diversification

9.31 The Site was previously rented to the adjacent dairy farm, which was served notice to vacate during November 2020 because the landowner needed to pursue farm diversification on the Site to sustain its rural business. . The Appellant will explain that, as a result of planning permission being refused, the Site is now vacant. The proposed development will benefit the local rural economy in two key ways: firstly, by generating employment opportunities during both construction and operational phases; and secondly, by offering a stable and diversified revenue stream for the local rural business by making efficient use of the land on the Site.

VSC planning balance

9.32 First, it is important to highlight again that in his report to the Southern Planning Committee dated 14th March 2023, the Council's own planning officer concluded that the proposal is in general compliance with the development plan and constitutes sustainable development within the meaning of the NPPF. The officer's professional judgment was therefore that planning permission should be granted, subject to the recommended conditions.

9.33 In summary, the Appellant submits that the following matters weigh in favour of granting planning permission:

- Generation of renewable energy in the context of the substantial national and local policy support for the transition to a low carbon economy, including to decarbonise the UK's electricity system by 2035 and address the climate emergency by

transitioning away from reliance on oil and gas. Given its significance in terms of local, national and indeed international policy and commitments, this consideration should be afforded **substantial** weight.

- With an estimated generation capacity of c. 22MW, the project stands to make a significant contribution to local energy resilience and security. This aligns with the identified needs of the Distribution Network Operator (DNO), the Council, and the Marches Local Enterprise Partnership. Given the UK Government's 'Energy Security Plan,' which aims for greater energy independence and resilience, these collective factors highlight the local and district-wide imperative for energy security and should thus be afforded **substantial** weight.
- The lack of available land outside the Green Belt. This should be afforded **significant** weight.
- Provision of landscape enhancements some of which are beneficial and permanent following decommissioning. This should be afforded **moderate** weight.
- Provision of biodiversity and ecological enhancements. Given the scale of biodiversity net gain achieved, this should be afforded **moderate** weight.
- Improvements to soil and agricultural land quality. This should be afforded **moderate** weight.
- Economic benefits arising from construction and business rates. This should be afforded **moderate** weight;
- Supporting a prosperous rural economy through farm diversification. This should be afforded **moderate** weight.

9.34 The following matters are considered by the Appellant to be neutral in consideration of the planning balance:

- Landscape and visual impact;
- Effect on residential amenity;
- Effect on heritage assets;
- Effect on flood risk and drainage;
- Effect on highways and transport;
- Glint and glare effects;
- Noise.

9.35 The following matter is considered by the Appellant to be negative in consideration of the planning balance:

- Harm to the Green Belt, in principle, by reason of inappropriateness in policy terms. This should be afforded **substantial** weight in accordance with paragraph 148 of the NPPF.

9.36 Assessing these judgments in the round, the Appellant's case is that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by the other considerations identified above. Very special circumstances are therefore demonstrated and planning permission should be granted.

10. Modifications to the proposals at the point of appeal

10.1. Subject to acceptance by the appointed Inspector, the Appellant wishes to incorporate a minor amendment to the proposed development following the determination of the planning application by the Council. This is to update the proposed planting scheme to be as shown on the latest revision of the Landscape Mitigation Plan, drawing no. 3109-001 (Rev D), a copy of which is appended to this Statement. The updated plan provides for additional biodiversity enhancements to the triangular parcel of land between the proposed perimeter fence and solar arrays, located at the south-eastern boundary of the Site and includes a pond habitat and additional tree planting. Further, acknowledging the view expressed by the Council's Conservation Officer that most visual effects from solar farm developments tend to come from the associated 'paraphernalia' of such schemes, notably sub-stations, additional hedgerow planting is proposed to the immediate east of the substation enclosures, enhancing screening for views from the Kemberton CA.

10.2 Additionally, although not an amendment, updated Agricultural Land Classification and Agricultural Significance reports, dated September 2023, are also appended. These reports have been updated to ensure that they assess, in its entirety, the land within the red line boundary of the planning application (in previous reports, a small area of 2.7ha within the red line boundary had not been included within the assessment). The updated assessment concludes that the Site comprises 29% Grade 3a (BMV) land and 71% Grade 3b (non-BMV) land. This is not a material change to quantum of BMV previously reported of 33% Grade 3b (BMV) and 67% (non-BMV). Nonetheless, the reports have been updated for completeness and are provided for consideration during the appeal.

11. List of documents

11.1. A set of Core Documents will be agreed with the LPA in advance of the Inquiry.

11.2. In addition to the application documents and consultation responses, and those documents already referred to above, it is anticipated that the following will be referred to:

National policy and guidance documents

- Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) (2013)
- Landscape Institute guidance on representative view points and visualisations (06/19) (2019)
- BRE Agricultural Good Practice Guidance for Solar Farms (2014)

Local policy and guidance documents

- LUC Shropshire Green Belt Assessment (August 2017)
- The Shropshire Landscape Typology (2006)

- The Marches LEP Energy Strategy – Energy Strategy for the Marches Local Enterprise Partnership (28 March 2018)
- Shropshire Council's Climate Strategy and Action Plan (December 2019)
- Zero Carbon Shropshire Plan (January 2021)
- Shropshire Climate Action Partnership: Shropshire Renewable Energy Opportunity Map Method Report (October 2021) and Energy Opportunities and Constraints Mapping

Relevant appeal decisions

Various appeal decisions, including but not limited to:

- APP/L3245/W/23/3314982 Land to the East of Squirrel Lane, Ledwyche, Ludlow, Shropshire SY8 4JX
- APP/D3315/A/13/2203242 Treswarrow Farm, Trelights, Port Isaac, Cornwall PL29 3TN
- APP/J3720/W/22/3292579 Land near to Bishop's Itchington, Stratford on Avon, Warwickshire
- APP/H1705/W/22/3304561 Land at Minchens Lane, Bramley, Hampshire
- APP/B3030/W/21/3279533 Land North of Halloughton, Southwell Nottinghamshire
- APP/Y1138/W/22/3293104 Land east of Langford Mill and Tye Farm, Langford, Devon
- APP/W1525/W/22/3300222 Land east & west of A130 and north & south Of Canon Barns Road, East Hanningfield, Chelmsford
- APP/D0840/A/14/2212340 Land at Burthy Farm, Summercourt, Newquay

11.3. The Appellant reserves the right to refer to further documents, as necessary.

12. Planning conditions and obligations

Planning conditions

12.1. The Appellant will endeavour to agree a list of conditions with the Council well ahead of the inquiry.

Planning obligations

12.2. The Appellant does not expect there to be a need for a planning obligation to make its proposal for the Site acceptable in planning terms. The Council has not suggested that any such obligation is necessary.

Appendix 1 – Landscape Mitigation Plan, Drawing no. 3109-001 (Rev D)

Indicative Planting Palette

Proposed Planting

Native Specimen Tree Planting (44no.)
Standards

- 7no. Alder (*Alnus glutinosa*)
- 20no. Oak (*Quercus robur*)
- 8no. Rowan (*Sorbus aucuparia*)
- 9no. Wild cherry (*Prunus avium*)

Native Screen Planting (~790m²)
Trees with interplanted shrub species

Tree species
Light standards @ 4m centres

20% Alder (*Alnus glutinosa*)
20% Oak (*Quercus robur*)
20% Rowan (*Sorbus aucuparia*)
15% Wild cherry (*Prunus avium*)
15% Birch (*Betula pendula*)
10% Field maple (*Acer campstre*)

Shrub species
interplanted around trees
60-80cm transplants @ 1.5m centres

30% Hazel (*Corylus avellana*)
30% Hawthorn (*Crataegus monogyna*)
20% Guelder rose (*Viburnum opulus*)
10% Holly (*Ilex aquifolium*)(3L cont.)
10% Elder (*Sambucus nigra*)

Native Boundary Hedge (~250m)
double staggered rows
60-80cm transplants @ 0.35m centres

55% Hawthorn (*Crataegus monogyna*)
20% Hazel (*Corylus avellana*)
15% Field maple (*Acer campestre*)
5% Holly (*Ilex aquifolium*) (3L cont.)
3% Crab apple (*Malus sylvestris*)
2% Elder (*Sambucus nigra*)

Grass and Wildflower Seeding (as required)
Seed mix: EM2 (Standard General Purpose Meadow Mixture)
by Emorsgate Seeds or similar approved.

1% Betony (*Betonica officinalis*)
3.5% Common Knapweed (*Centaurea nigra*)
0.1% Wild Carrot (*Daucus carota*)
1% Meadowsweet (*Filipendula ulmaria*)
0.3% Lady's Bedstraw (*Galium verum*)
0.5% Oxeye Daisy (*Leucanthemum vulgare*)
0.9% Birdsfoot Trefoil (*Lotus corniculatus*)
1% Musk Mallow (*Malva moschata*)
2% Ribwort Plantain (*Plantago lanceolata*)
0.1% Cowslip (*Primula veris*)
0.1% Selfheal (*Prunella vulgaris*)
1% Meadow Buttercup (*Ranunculus acris*)
3.5% Tufted Vetch (*Vicia cracca*)

8.5 % Common Bent (*Agrostis capillaris*)
34% Crested Dogstail (*Cynosurus cristatus*)
25.5% Red Fescue (*Festuca rubra*)
17% Smooth-stalked Meadow-grass (*Poa pratensis*)

notes:

- All dimensions to be checked and confirmed onsite prior to any works.
- Do not scale off this drawing.
- Any errors, omissions or descrepancies are to be brought to the attention of Lingard Farrow Styles immediately.

key:

- Existing trees and hedges
- Proposed native screen planting
- Proposed native specimen trees
- Proposed native hedge - existing hedges gapped up as required
- Proposed grass and wildflowers - seeding as required
- Proposed perimeter fence
- Public Right of Way 0128/7/1 Monarch's Way

lingard·farrow·styles
landscape architects · urban designers · environmental consultants

rev:	date:	description:
-	22/02/22	first issue
A	28/04/22	layout updated
B	29/04/22	layout updated
C	08/11/22	layout updated
D	16/09/23	Additional native hedging plus BNG elements added

tel: 0333 4561132 fax: 01743 243602
email: info@lingardstyles.co.uk
9 College Hill, Shrewsbury Shropshire. SY1 1LZ
The Studio, Farm Lodge, Leighton, Welshpool, Powys. SY21 8HJ

client / project:

Vattenfall Wind Power Ltd
/
Proposed Solar Farm
Kemberton
Shropshire

title:

Landscape Mitigation Plan

dwg. no:	rev:	scale:	drawn:	chkd by:
3109-001	D	1:1250 @ A1	TF	PS

Appendix 2 – Agricultural Land Classification and Agricultural Significance reports, dated September 2023

Agricultural Land Classification

Land at Kemberton,

Shifnal, Shropshire

September 2023

BERRYS

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Contents

1. Introduction

1.1 Agricultural land is classified using the guidelines set out in the publication "Agricultural Land Classification of England and Wales" (MAFF,1988). This provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. Land may be classified land into one of five grades; Grade 1 land being of excellent quality and Grade 5 land of very poor quality. Grade 3, which constitutes about half of the agricultural land in England and Wales, is divided into two subgrades designated 3a and 3b. Grade is determined by the most limiting factor. The grades are described in more detail at Appendix 4.

1.2 The principal physical factors influencing agricultural production are:

- Climate
- Site
- Soil

1.3 Berrys have been instructed by Vattenfall Wind Power Ltd to carry out an assessment of the Agricultural Land Classification (ALC) of approximately 20ha of land to the South of Hall Lane, Kemberton as outlined in red on the plan below, for the purposes of planning.

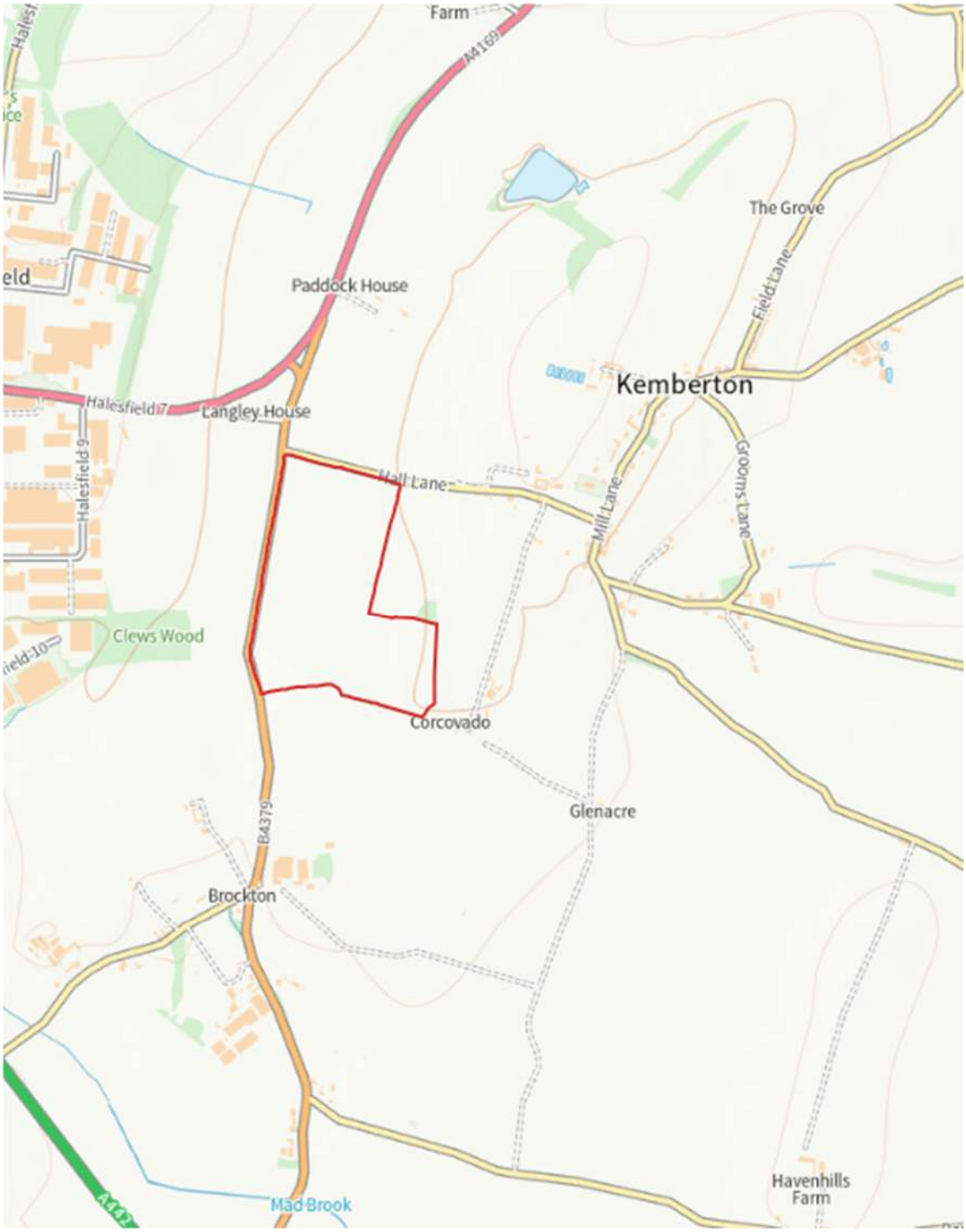
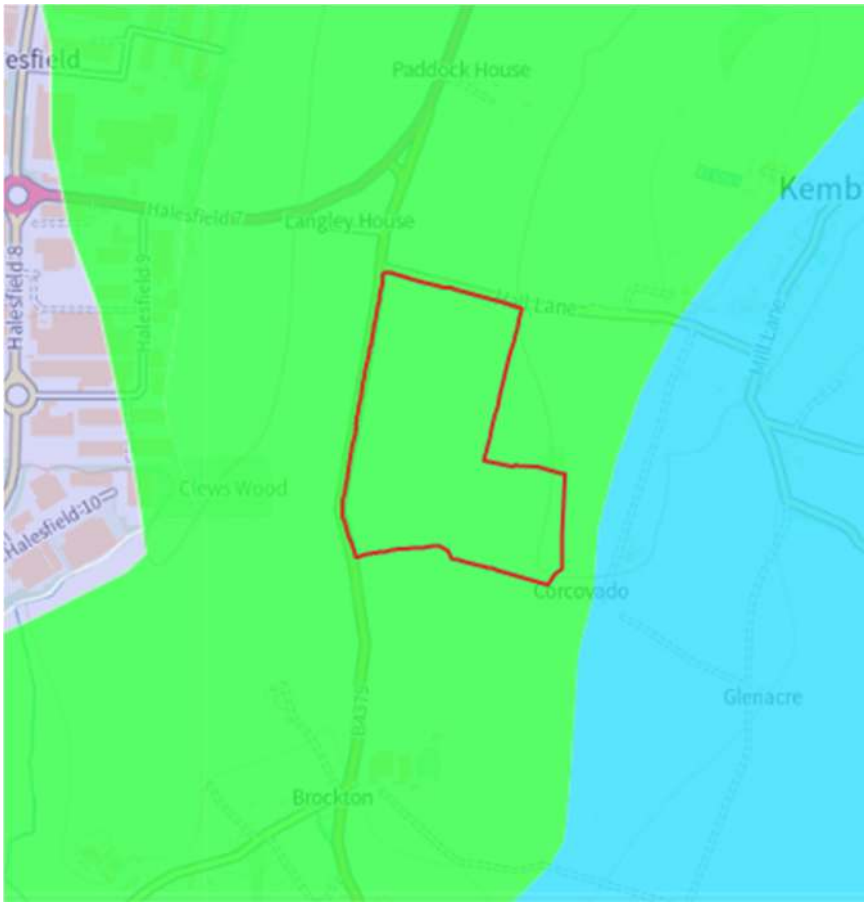


Image 1 : Site redline

1.4 Under the Provisional Agricultural Land Classification for England and Wales (MAFF 1986) the entirety of the of the site is shown as grade 3, which is the predominant land quality of a strip to the east of Telford.



Plan 1 : Provisional ALC grading, source www.landapp.com

1.5 The Provisional Land Classification was only ever intended for strategic use, not being sufficiently accurate for the assessment of individual fields or sites, therefore this report aims to confirm the site-specific land grades present.

2. Assessment Methodology

2.1 A site visit was undertaken to make a visual assessment of the land and to inspect the soils in order to support desk based study. In order to verify the soil type shown by the Soil Survey of England and Wales and National Soil Research Institute 18 soil cores were taken on a 100m grid pattern to 1m depth (as shown at Appendix 2) and 2 soil pits were dug to 1 – 1.2m depth.

2.2 The desk based study was completed using a number of different sources of information, including:

- Published data from MAFF (DEFRA) Agricultural Land Classification
- Published information and dataset queries from the National Soil Research Institute
- Data from the Meteorological Office
- Published geological survey data
- Environment agency flood risk maps
- Existing plans and aerial photographs (Google Earth)
- Munsell Soil Colour Charts

2.3 The land has been classified using the guidelines set out in the Agricultural Land Classification of England and Wales (MAFF,1988). This system provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. The limitations can operate in one or more of four principle ways: they may affect the range of crops that can be grown, the level of yield, the consistency of yield and the cost involved in obtaining that yield. The classification gives considerable weight to flexibility of cropping, whether actual or potential, but the ability of some land to produce consistently high yields of a somewhat narrower range of crops is also taken into account.

2.4 The grade or subgrade of land is determined by the most limiting factor present. When classifying land the overall climate and site limitations should be considered first as these can have an overriding influence on the grade.

3. Grade according to Climate Factors

3.1 The main parameters used in the assessment of an overall climatic limitation are average annual rainfall (AAR), as a measure of overall wetness, and the accumulated temperature above 0 degrees (AT0), taken between January and June, as a measure of the relative warmth of the locality. Climatic data is provided by the National Soil Research Institute, interpolated from a 5km Grid Square to site specific results.

Grid Reference	SJ72250 04300
Altitude	94
AAR (1941-70)	754
AT0	1381

This combination of rainfall and temperature is not limiting to production.

3.2 Aspect, gradient and elevation can affect local climate and be limiting for example if solar radiation is significantly reduced, there is increased exposure or if frost pockets form.

Local climate is not thought to be limiting to production.

4. Grade according to Site Factors

4.1 The site is relatively flat. The ALC grading system gives gradient limits for grades and subgrade of land based on type of machinery that can be operated, with the principal thresholds in this instance being 7% for grade 1, 2 & 3a and 11% for grade 3b.

Therefore gradient is a not a limitation to production.

The site is not shown as being in a floodzone.

Therefore flooding is not a limitation to production.

5. Grade according to Soil Factors

Soil Texture and structure

5.1 The topsoils on the site were found to be medium and heavy clay loams.

5.2 The subsoils on the site were generally clays with occasional outcrops of sandy clay loams, all with negligible stone content.

5.3 Soil texture on its own is not limiting to production at this site but is taken into account in the wetness and droughtiness assessment.

5.4 The site is not restored nor saline, therefore shows no structural limitation to production.

Soil Depth

5.5 Soil depth (to consolidated or fragmented rock) affects grade by restricting range and type of cultivations, nutrient uptake, root growth and root anchorage.

5.6 Soils across the site were deep and all well in excess of 60cm. Therefore soil depth is not a limitation to production.

Stoniness

5.7 High stone content affects production costs, crop establishment and nutrition, crop quality and can cause physical impediment to agricultural operations.

5.8 The stone content of the samples was very low and therefore not a limitation to production.

Chemical limitations

5.9 Soil chemical properties can induce physical limitations in terms of soil structural stability.

5.10 Chemical limitations are not limiting to production in this instance.

Soil Wetness

5.11 Soil wetness may affect seed germination and survival, soil temperature, anaerobism and plant growth. The severity of limitation relates to the

amount and frequency of rain in relation to evapotranspiration, the duration of waterlogging and soil texture.

5.12 The rainfall/evapotranspiration from NSRI held data:

Median Field Capacity Days = 179

5.13 Assessment of soil wetness requires inspection of soil core samples and profile pits to establish the texture of the top 25cm and relating this to the structure and colours of the subsoil to establish the presence of gleying and /or a slowly permeable layer. This information gives a wetness class which in turn is related to published data on 'Field Capacity Days' to give grading.

The samples inspected, in correlation to the underlying clay and relatively high incoming rainfall and FCD figures, showed evidence of a slowly permeable layer at depths of 35-65cm which in turn gives a wetness class of 2 – 3 and consequently a wetness limitation to production down to grades 3a and 3b.

Droughtiness

5.14 Droughtiness may affect a crops ability to achieve full yield due to a limitation of soil moisture in relation to transpiration rates. Different crops will fair differently in a similar droughtiness regime due to different rooting levels and hence volume of soil moisture reserves available.

5.15 The ALC droughtiness assessment is based on the moisture balance for wheat and potatoes as reference crops. Moisture balance is calculated as the Available Water Capacity (AP) minus the Moisture Deficit (MD). Available Water depends on the soil texture and structure at different layers of top soil and sub soil, and is calculated for wheat crops to 120cm and potatoes to 70cm based on rooting depth. Moisture deficit is a crop related meterological variable based on the balance of rainfall and a potential evapotranspiration for the relevant reference crop.

5.16 MD data is calculated for the relevant soil series by NSRI and AP is calculated from the soil horizons and stoniness found on site. The resultant moisture balance can be calculated and attributed to the sample sites. In keeping with the clay soils, the calculations found the soils to have no droughtiness limitation except in one situation where more sand was found in the subsoil.

Erosion

5.17 Propensity to soil erosion limits grade when crops are destroyed, machinery operations hindered or crops subjected to abrasion.

5.18 The clay textures present at the site are of not a kind that would be susceptible water erosion, especially with the gentle slopes present. Likewise wind erosion is also thought unlikely to be a factor.

6. Agricultural Land Classification

6.1 The site inspected known as land at Land at Kemberton, Shifnal, Shropshire was found to comprise:

	Ha	%	Main limitation
Grade 1	-	-	
Grade 2		-	
Grade 3a	5.78	29%	Wetness
Grade 3b	13.96	71%	Wetness
Grade 4	-	-	
Non Agricultural	-	-	
Total	19.74		

6.2 This is shown on the plan at appendix 3.

William Tongue

September 2023

APPENDIX 1 - SITE PLAN

APPENDIX 2 – BOREHOLE AND TRIAL PIT LOCATIONS

APPENDIX 3 – AGRICULTURAL LAND CLASSIFICATION

APPENDIX 4 - AGRICULTURAL LAND GRADES

Grade 1 – Excellent quality agricultural land	Land with no or very minor limitations to agricultural use. A very wide range of agricultural and horticultural crops can usually be grown and commonly include top fruit, soft fruit, salad crops and winter harvested vegetables. Yields are high and less variable than on land of lower quality.
Grade 2 – Very good quality agricultural land	Land with minor limitations which will affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown but on some land in the grade there may be inflexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.
Grade 3 – Good to moderate quality agricultural land	Land with moderate limitations which affect the choice of crops, timing and type of cultivations, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2.
Sub grade 3a	Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops.
Sub grade 3b	Land capable of producing moderate yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.
Grade 4 – Poor quality agricultural land	Land with severe limitations which significantly restrict the range of crops and/or level of yields. It is mainly suited to grass with occasional arable crops (eg cereals and forage crops) the yields of which are variable. In moist climates yields of grass may be moderate to high but there may be difficulties in utilisation. The grade also includes very droughty arable land.
Grade 5 - Very poor quality agricultural land	Land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

APPENDIX 5 – BOREHOLE DATA

Sample No	Altitude	Topsoil					Subsoil 1						Subsoil 2						Slwy
		Depth	Texture	Colour	Stoniness	Mottles	Structure	Depth	Texture	Colour	Stoniness	Mottles	Structure	Depth	Texture	Colour	Stoniness	Mottles	Structure	SPL	
1		0-40	MCL	10YR 4/4			WMSAB	40-65	SCL	10YR 4/4			WMSAB	65-120	C	5YR 4/4		GB	M	65	
2		0-40	MCL	10YR 4/4			WMSAB	40-65	SCL	2.5YR 5/3		GB	WMSAB	65-120	C	5YR 4/4		GB	M	65	
3		0-35	MCL	10YR 4/4			WMSAB	35-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	35	
4		0-40	HCL	10YR 4/4			WMSAB	40-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	40	
5		0-35	HCL	10YR 4/4			WMSAB	35-65	SCL	2.5YR 3/3			WMSAB	65-120	S	2.5YR 5/3			G	65	
6		0-40	HCL	10YR 3/3			WMSAB	40-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	40	
7		0-40	HCL	10YR 4/4			WMSAB	40-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	40	
8		0-40	HCL	10YR 4/4			WMSAB	40-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	40	
9		0-40	HCL	10YR 4/4			WMSAB	40-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	40	
10		0-35	HCL	10YR 4/4			WMSAB	35-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	35	
11		0-40	HCL	10YR 4/4			WMSAB	40-65	C	2.5YR 5/3		GB	C PRSM	65-120	C	2.5YR 5/3		GB	M	40	
12		0-35	HCL	10YR 4/4			WMSAB	35-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	35	
13		0-40	SCL	10YR 4/4			WFSAB	40-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	40	
14		0-40	HCL	10YR 4/4			WMSAB	40-50	C	5YR 4/4			C PRSM	50-120	C	5YR 4/4		GB	M	40	
15		0-35	HCL	10YR 4/4			WMSAB	35-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	35	
16		0-35	HCL	10YR 4/4			WMSAB	35-65	C	5YR 4/4		GB	C PRSM	65-120	C	5YR 4/4		GB	M	35	
17		0-35	HCL	10YR 4/4			WMSAB	35-65	C	5YR 4/4		OGB	C PRSM	65-120	C	5YR 4/4		GB	M	35	
18		0-35	HCL	10YR 4/4			WMSAB	35-55	C	5YR 4/4		OGB	C PRSM	55-120	C	5YR 4/4		GB	M	35	

Agricultural Significance

Land at Kemberton

Shnifnal, Shropshire

September 2023

BERRYS

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Contents

1. Introduction

1.1 Berrys have been instructed by Vattenfall Wind Power Ltd to prepare a statement regarding the economic and other benefits of a 19.74ha parcel of land to the south of Hall Lane, Kemberton, Shifnal, Shropshire. The statement is in consideration of paragraph 174 (b) of National Planning Policy Framework (July 2021) which directs planning policies and decisions to '*contribute to and enhance the natural and local environment'* by recognising *'the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land'*

1.2 This statement is based on available mapping of the land and the surrounding area, photographs and an ALC Survey Report prepared by Berrys in February 2022.

1.3 The author of this statement, William Tongue, has 25 years' experience working in agricultural business consultancy - work that is mostly concerned with the profitability and performance of farming businesses but also includes Agricultural Land Classification fieldwork and reporting for planning purposes.

2. Background

2.1 Agricultural land is classified using the guidelines set out in the publication "Agricultural Land Classification of England and Wales" (MAFF,1988). This provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. Land may be classified into one of five grades; Grade 1 land being of excellent quality and Grade 5 land of very poor quality. Grade 3, which constitutes about half of the agricultural land in England and Wales, is divided into two sub-grades designated 3a and 3b. Grade is determined by the most limiting factor. Grades 1, 2 and 3a are deemed to be the 'Best and Most Versatile Land' (BMV).

2.2 A survey has determined the majority of the site (13.96ha) to be Grade 3b and the remaining 5.78ha to be Grade 3a.

2.3 The soils on the site are medium and heavy clay loams over a clay subsoil with outcrops of sand, clay loams with negligible stone content. The main limitation found in the ALC survey throughout the site was wetness due to a slowly permeable layer at shallow depths of around 35cm. This means the frequency of the rain in relation to the evapotranspiration, duration of waterlogging and soil texture gives rise to to stalled water drainage. Therefore, this gives the site a wetness class of 2 – 3.

2.4 The site comprises two grass fields. Hall Lane runs along the northern boundary and the B4379 along the west. To the east and south the site borders other pasture land. The village of Kemberton is located less than half a mile to the north east of the site, via Hall Lane.

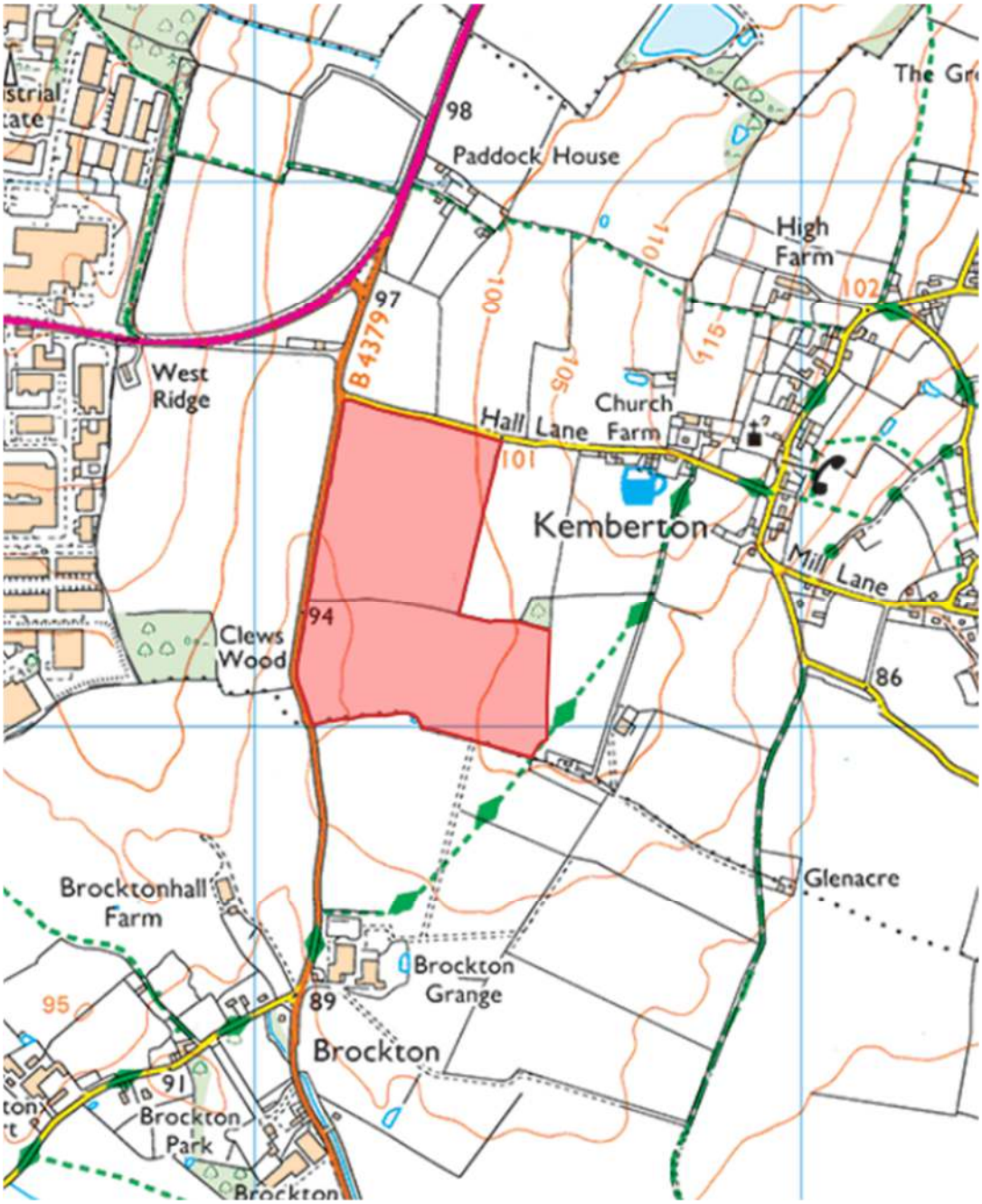

Figure 1 : Site to the south of Hall Lane, Kemberton, Shopshire

3. Wider context

3.1 The county of Shropshire varies in soil grade with the majority being either grade 2 or 3 soils with some lower grade 4 areas and grade 5 land which makes up the Shropshire hills in the South West of the county. The variety of soils in the county suit a range of uses from grazing through combinable crops to root crops, salads, flowers and vegetable. The richer, grade 2 soils are around the town of Telford.

3.2 The boundary outlined below shows the planning authority boundary for Shropshire. The colours represent the soil grades showing a grade 5 for the South West which are the Shropshire Hills. The majority of the county is grade 3 soils. The red outline on the south eastern side of the county, near the Telford Wrekin county boundary, is the site at Kemberton.

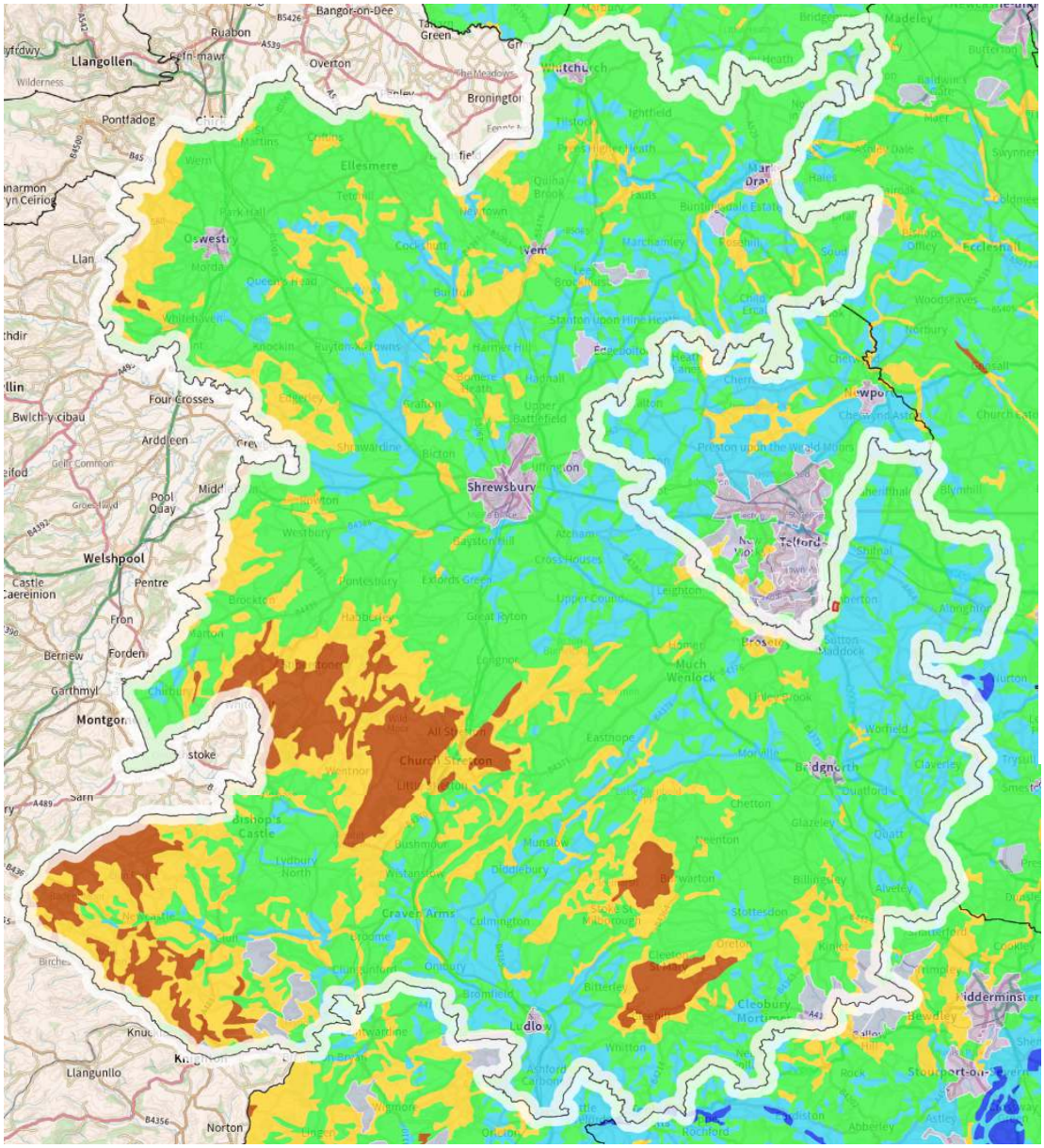

Figure 2 : Provisional Agricultural Land Classification in Shropshire

Source: https://go.thelandapp.com/map/620b9c88381e1d001859e12b

3.3 The breakdown of land grades on the site at Kemberton, Shifnal is:

	Ha	%
Grade 1	-	-
Grade 2		-
Grade 3a	5.78	29%
Grade 3b	13.96	71%
Grade 4	-	-
Non Agricultural	-	-
Total	19.74	

Source: Figure 2 : Provisional Agricultural Land Classification in

3.4 Meanwhile the overall land grades within Shropshire are:

Provisional ALC	Ha	%
Grade 1	10	0%
Grade 2	55,304	17%
Grade 3	180,521	56%
Grade 4	57,009	18%
Grade 5	18,887	6%
Non Agricultural	4,224	1%
Urban	3,697	1%
	319,653	

Table 1 : Provisional Agricultural Land Classification for Shropshire

3.5 Therefore the site has a lower representation of better quality (grade 2) land than the average for the county.

4. Current Agricultural Use

4.1 The site is currently grassland although is surrounded by arable land and shows evidence (via Google Earth) of being cropping in the past. Mixed cropping, ie grass leys supporting dairy farming and arable land growing combinable crops, is very typical for the area.

4.2 The site is predominately grade 3b which is defined by Natural England as '*Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass, lower yields of a wider range of crops and high yields of grass which can be grazed or harvested over most of the year'.*[1]

4.3 The balance of the site is grade 3a which is defined by Natural England as '*Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of crops including cereals, grass, oilseed rape, potatoes, sugar beet and less demanding horticultural crops*[2] .

4.4 The current land use as grassland is appropriate for the land grade – relatively wet land with high incoming rainfall makes for good grass growing conditions with the right management. Land use needs to be supported by local infrastructure – whether a packhouse and marketing group for high value root or salad crops, milker buyers and processors for dairy or markets and abattoirs for sheep and beef. In this case the infrastructure exists to make best use of the site – i.e for dairying

4.5 The financial contribution of 19.74ha of grassland to a conventional dairy enterprise may be assessed on the basis of the forage contributed. It is acknowledge that in practical terms to the significance to an individual business may be greater – e.g. if it is key grazing land in close proximity to the parlour. Standard figures for a medium term grass ley producing bulk and baled silage valued at market value are as follows:

[1] https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land
[2] As 1

Output						£/ha
Silage yield	47	t/ha	@	£30	/t	1410
Costs						
Annual Seed/Fert (230kgN)						756
Annual applications	£8	/ha	x	3	passes	23
Establishment cultivations			/	5	yrs	23
Operations						559
Sub total						1361
Net margin						49

Table 2 : ABC Costings Nov 2021 and CAAV Costs Sept 2021, analysed Berrys

4.6 As grassland, the financial significance of 19.74ha might therefore be in the region of £967 /yr.

4.7 Equally the land could be used for combinable arable crops. Under a rotation typical to the area the net margin might be £14 /ha or £276 /yr total.

	Rotation	Yield	Gross Margin	Net Margin	Contribution
		t/ha	£/ha	£/ha	£/ha
Feed Wheat	33.3%	8.75	882	97	32
Milling Wheat	33.3%	8.35	871	86	29
Winter Beans	16.7%	3.75	426	-160	-27
Winter Oilseed Rape	16.7%	2.8	651	-123	-20
				Rotation net margin	14

Table 3 : Budget Net Margin from combinable cropping

(Source: HSBC UK *Forward Planning 2022,* January 2022. *https://www.business.hsbc.uk/-/media/library/business-uk/pdfs/forward-planning-2022.pdf*)

4.8 These relatively low returns are not an uncommon expectation, and the reason for continuing to farm the land would be:

- As part of a much larger unit, overhead costs would decrease with more significant scale (The budget overhead costs used in this exercise relate to a 650 ha farm – still a reasonably large unit)
- The Basic Payment Scheme (BPS) subsidy payment due in relation to the land would be c. £222 /ha (£4,382 total). Although this is not linked to the growing of crops or grazing of livestock, in farm business decision making it is often unconsciously treated as part of the gross margin. As recently enacted under the Agricultural Bill

(https://services.parliament.uk/bills/2019-21/agriculture.html), this payment is to be phased to zero by 2027.

- At a macro level and in general terms, many forms of agriculture make a loss at production level, with the BPS and income from diversification making up the overall profitability of the business and a favourable tax regime for trading farm businesses driving the continuation of production.

5. Planning Policy

5.1 National Planning Policy Framework paragraph 174 (b) directs planning policies and decisions to '*contribute to and enhance the natural environment'* by recognising *'the wider benefits from natural capital and ecosystem services'* and '*the economic and other benefits of the best and most versatile agricultural land'*. [3]

5.2 Shropshire Council Pre-Submission draft of the Shropshire Local Plan 2016 to 2038 (Submitted September 2021) Regulation 19 states: '*Development should avoid Shropshire's best and most versatile agricultural land (grades, 1, 2 and 3a) wherever possible, unless the need for and benefit of the development justifies the scale and nature of the loss.'*

5.3 Thus local policy says, in effect, the development may be permitted where the proposal brings valuable public benefit. Assessing public benefit is outside the scope of this report.

5.4 National policy says that all benefits from natural capital and ecosystem services must be considered as well as the economic benefit and other benefits of BMV land.

[3] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf Paragraph 174 b

6. Discussion

6.1 As set out in sections 4.7 and 4.5, the economic benefit of the site to the agricultural business that occupies it is low – a contribution of £278 -£967 per year depending on the farming system before subsidy of £4,382 which is being removed.

6.2 The value of inputs purchased by the agricultural business in relation to the site (derived from the same budgets) could range from £4,000 to £12,000 (depending on use). Assuming a 10-15% profit margin for the suppliers providing these inputs the wider benefits in the agricultural supply chain is also negligible.

6.3 The land is not critical to the local or national food supply – if domestic supplies of cereals, oilseeds and proteins were low and imports were unavailable or significantly more expensive then economics dictates that price would be higher to encourage production.

6.4 Policy also refers to natural capital and ecosystem services. Natural capital is the stock of natural assets that provides benefits to humans via flows of ecosystem services. Such services include:

- Provisioning – supply of food and energy
- Regulation – storage of carbon, water, climate regulation, flood control etc
- Cultural – recreation, tourism, culture etc
- Supporting – providing habitats

6.5 The agricultural quality and therefore productivity of the land clearly has a strong linkage to provisioning services and potentially to energy that might be supplied through energy crops grown. In all other respects the potential natural capital value is much more related to site factors such as aspect, location, gradient, adjoining land uses etc. To an extent these factors are considered in other statements such as Visual Impact, Ecology, Archaeology etc and are mostly unrelated to the agricultural land quality.

7. Precedents

7.1 NPPF 2021 was preceded by NNPF 2012 which included similar refence to the preference not to develop BMV land in paragraph 112. This was tested in in the High Court Case *Borough of Telford and Wrekin v. (1) Secretary of State for Communities and Local Government (2) Gladman Developments Ltd* [2016] EWHC 3073 where Mrs Justice Lang writes:

> *"38. I agree with Coulson J.'s interpretation of the NPPF, but upon applying it here, I have concluded that NPPF 112 cannot be characterised as a policy which indicates that "development should be restricted" within the meaning of NPPF 14. I accept the Defendants' submissions that the policy is simply an instruction (i) to "take into account" the economic and other benefits of the best and most versatile agricultural land which does not confer any particular level of protection and (ii) to "prefer" the use of poorer quality land if significant development of agricultural land is necessary, which applies to all agricultural land, not just BMV land. It is not a prohibition on the use of BMV agricultural land, nor a restriction on development in principle; it does no more than to encourage the relocation of proposed development onto poorer quality agricultural land if available. ".*

7.2 Point (i) of this judgement serves to remind decision makers that the policy instruction is to "take into account", not restrict. The word 'prefer' is no longer in NPPF (2021) nor is it in local policy as identified in section 5.2. Therefore point (ii) also remains relevant.

7.3 As identified in section 3.3, the supply of BMV land in Shropshire is plentiful with grades 2 & 3 accounting for the majority of the county and therefore the suggestion is that the impact of the loss of 5ha is low. This is supported by 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:

> *"144. From the conclusions I have already reached on the main issues I consider that the proposed development would result in some adverse impacts, but that these would be limited. My reasoning is set out fully in the appropriate paragraphs, above, but in summary 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."

7.4 This precedent would suggest that recent permissions in the local area are of value to determining the importance of the loss of BMV land. In Central Bedfordshire, on provisional grade 2 land at Clifton, application 18/01099 was permitted with the loss 5ha of agricultural land. No actual identification of land quality is apparent and no consideration has been given to the loss of BMV land. The officers report (ref 188300) for the application states '*Further, the proposal would result in the loss of existing agricultural land. This land does not appear to be classified as 'best and most versatile' land and, accordingly, its loss is unlikely to result in a significant negative economic impact.'*

7.5 In Arlesey, Bedfordshire, application 17/01158 saw the loss of 50ha of BMV land. In this case the officers report (DMC 23.05.2018) states '*the proposed development will result in the irreversible loss of agricultural land of Grade 2 (Very Good quality) & 3 (Moderate Quality), to which there is no mitigation other than to reuse topsoil and subsoil, where possible, within any proposed landscaping. Once the site is operational there would be no impacts on adjacent agricultural land as the site and its access roads would be self-contained.'* No further weight or consideration is given to this loss.

8. Conclusions

8.1 The 19.74ha site at Kemberton has been identified as including 5.78ha of BMV land, lower proportionally than the land in the local area where c.83% of the land area is Grade 1, 2 and 3. Therefore by area and proportion, the site is of little significance to the supply of BMV land in the District.

8.2 The economic benefit of the land to agriculture and related supply chain businesses is minor excluding subsidy. Over the next 5 years the subsidy is being phased out and therefore this factor will be negligible.

8.3 Other benefits from ecosystem services arising from the Natural Capital assets of the site are not substantially related to land quality and are considered in other statements.

8.4 Precedent suggests that policy wording that states a preference for developing lower quality land does not confer a prohibition on developing BMV land.

8.5 Recent nearby residential developments in the District have resulted in similar losses of best and most versatile land.

8.6 Therefore for the reasons above it is suggested the agricultural significance of the loss of c.20ha of land at Kemberton is low.