

PINS REF: APP/L3245/W/23/3329815

LPA REF: 22/02441/FUL

DATE: 12 December 2023

**TOPIC-BASED STATEMENT OF COMMON GROUND:
Agricultural Land**

BETWEEN:

VATTENFALL

&

SHROPSHIRE COUNCIL

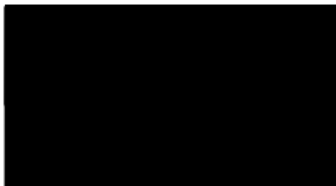
KEMBERTON SOLAR FARM

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

PROPOSAL:

INSTALLATION OF A SOLAR FARM AND ASSOCIATED INFRASTRUCTURE

Signed:



Name: Lynn Parker

On behalf of:
Shropshire Council

Date: 10 Jan 2024

Signed:



Name: Barry Butchart

On behalf of:
Mallory Land (acting on behalf of the Appellant)

Date: 19th December 2023

CONTENTS

	Page No:
1. Introduction	3
3. The appeal site and its surroundings	4
3. The appeal proposals	4
4 Application plans and documents	4
5 Background and reasons for refusal	4
6 Planning history	5
7 Planning policy	6
8 Other material considerations	6
9 Agricultural land matters not in dispute	7
10 Agricultural land matters that remain in dispute	7
11 Planning conditions	8

**Agricultural Land Statement of Common Ground
Kemberton Solar Farm**

PINs ref: APP/L3245/W/23/3329815

1. Introduction

- 1.1 This 'Topic-Based Statement of Common Ground' (SoCG) has been prepared by Mallory Land Ltd on behalf of Vattenfall ("the Appellant"), in agreement with Shropshire Council, the relevant Local Planning Authority ("the LPA"). It relates to a section 78 appeal concerning the proposed installation of a solar farm and associated infrastructure on land to the South of Hall Lane, Kemberton, Shifnal ("the appeal site").

- 1.2 At the request of the Inspector, and in accordance with the Case Management Conference (CMC) Summary Note, dated 23 November 2023, this document supplements the 'Overarching SoCG' (Core Document 8.1) by focusing specifically on matters relating to agricultural land.

2. The appeal site and its surroundings

- 2.1 An agreed description of the appeal site and its surroundings forms section 2 of the Overarching SoCG. The proposed solar farm would occupy approximately 20ha of agricultural land, comprising two grassland fields.

2 The appeal proposals

- 3.1 An agreed description of the appeal proposals is included in section 3 of the Overarching SoCG.
- 3.2 In addition, as with any solar development, the density of panels across the site is broken up by rows of grassland in between each solar array for maintenance purposes. The footprint of the actual posts in the ground and the associated infrastructure is a small fraction of the total site area. As described in the Appellant's Statement of Case, the frames for the solar panels would be piled, avoiding the use of concrete foundations and minimising disturbance to soil profiles. Hardstanding surfaces within the site would be limited to the bases of the substation and the four transformers.

4 Application plans and documents

- 4.1 An agreed list of the application plans and supporting documents that comprised the planning application when the appeal was lodged is included in section 4 of the Overarching SoCG.

5 Background and reasons for refusal

- 5.1 The application was reported to the Council's Southern Planning Committee on 14th March 2023, with an officer recommendation for approval. The Decision Notice was issued on 20th March 2023 and included three 'Reasons for Refusal'.

- 5.2 Reason for Refusal 2 specifically relates to agricultural land, and states that:

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

**Agricultural Land Statement of Common Ground
Kemberton Solar Farm**

PINs ref: APP/L3245/W/23/3329815

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.

- 5.3 The parties agree that the only adopted Development Plan policy relevant to agricultural land cited by Reason for Refusal 2 is Policy CS13.

6 Planning history

- 6.1 A summary of relevant planning history pertaining to the site is provided by section 6 of the Overarching SoCG.
- 6.2 Recently consented solar farms located on Grades 1, 2 and 3a agricultural land quality in Shropshire include those shown in Table 1 below.

Table 1.

LPA Ref and summary description of development	Decision & Date approved	Total area (Ha)
22/01816/FUL Erection of a solar farm Land to the west of County Lane, Albrighton	Approved, 21/02/2023	30
22/01866/FUL Construction of solar farm with all associated infrastructure The Old Airfield Site, Eaton Upon Tern, Market Drayton	Approved, 09/03/2023	52.5
22/02151/FUL Formation of a solar farm including installation of solar panels etc. Land to the east of Squirrel Lane, Ledwyche	Appeal allowed, 07/07/2023	28.5
22/02565/FUL Construction of a solar farm together with all associated works etc. Brick House Farm, Greete, Ludlow	Approved, 21/10/2022	58.7
22/03068/FUL Construction and operation of a solar photovoltaic farm with battery storage and associated infrastructure etc. Proposed Solar Farm To The South Of Holyhead Road, Albrighton	Approved, 15/11/2022	54.7
22/03486/FUL Installation of solar farm and associated infrastructure Proposed Solar Farm To The South Of Withington	Approved, 13/04/2023	45.5

**Agricultural Land Statement of Common Ground
Kemberton Solar Farm**

PINs ref: APP/L3245/W/23/3329815

7 Planning policy

- 7.1 This section identifies the planning policies and guidance that will be of most relevance to the agricultural land issue in the appeal.
- 7.2 Land which is classified as Grades 1, 2 and 3a is defined in Annex 2 of the NPPF as the best and most versatile (BMV) agricultural land. The parties agree that Grade 3 is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land).
- 7.3 Relevant adopted Development Plan policies relating to agricultural matters at the time of preparing this SoCG comprise: Policies CS13 and CS6 of the Shropshire Core Strategy 2006 – 2026 (adopted February 2011).
- 7.4 The Parties agree that there is no requirement within the NPPF or the adopted Development Plan for the Appellant to demonstrate that the land that would remain for the farm unit after the proposed development is carried out would be of sufficient size or proportion to continue as a viable unit.
- 7.5 The parties agree that Policy CS13 recognises the continued importance of farming for food production and of supporting rural enterprise and diversification of the economy.
- 7.6 The Reasons for Refusal do not refer to any specific paragraph or section within the NPPF, other than stating that the loss of full productive capacity would be *“contrary to the spirit of the NPPF”*.
- 7.7 The parties agree that paragraph 174b of the NPPF indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other matters, recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMV agricultural land.

8 Other material considerations

- 8.1 Strategy documents, policy statements and guidance dealing with both planning policy and energy policy, which constitute other material considerations in the determination of the appeal, are identified in section 8 of the Overarching SoCG.

**Agricultural Land Statement of Common Ground
Kemberton Solar Farm**

PINs ref: APP/L3245/W/23/3329815

9 Agricultural land matters not in dispute

- 9.1 This section supplements section 9 of the Overarching SoCG, focusing exclusively on agricultural land matters that are not in dispute between the Appellant and the Council.
- 9.2 The parties agree that the appeal site has been surveyed in accordance with ALC guidelines which indicate that there are approximately 5.8ha of Subgrade 3a land (29%) and 14ha of Subgrade 3b land (71%) within the appeal site.
- 9.3 It is agreed that the Appellant's sequential approach to identifying suitable land within a 3km viable connection distance to the Halesfield and Shifnal substations revealed no viable brownfield or urban options. Upon evaluating potential rural locations, the sequential approach determined that no suitable non-BMV land sites exist for a solar farm of the proposed scale. The parties agree that none of the 22 sites considered was classified as lower quality land than the appeal site.
- 9.4 It is agreed that 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. It is therefore also agreed that the proposed development would not result in any permanent loss of agricultural land.
- 9.5 It is agreed that the land was rented on an annual basis to Brockton Grange. Brockton Grange runs an organic dairy farm.
- 9.6 The land is currently vacant.

10 Agricultural land matters that remain in dispute

- 10.1 Given the specificity of Reason for Refusal 2, it is agreed that the totality of the LPA's objection to the proposed development relating to agricultural land is contained within it.
- 10.2 The issues that remain in dispute between the Appellant and Council are as follows:
- The acceptability of the impact on agricultural land, including BMV land, and
 - The implications of any loss of the land's organic status and no longer using the site for food farming, and the weight to be given to this in planning terms.

**Agricultural Land Statement of Common Ground
Kemberton Solar Farm**

PINs ref: APP/L3245/W/23/3329815

11 Planning conditions

11.1 Please refer to the Overarching SoCG.

12 Core documents

12.1 Please refer to the Overarching SoCG.