



Summary Planning Proof of Evidence by Anthony Heslehurst MPlan MRTPI

**Land south of Berrington, Shrewsbury, Shropshire,
SY5 6HA**

On behalf of Econergy International Limited

**Against the Refusal of Planning Permission by
Shropshire Council for:**

*“Erection of an up to 30 MW Solar PV Array,
comprising ground mounted solar PV panels,
vehicular access, internal access tracks,
landscaping and associated infrastructure,
including security fencing, CCTV, client storage
containers and grid connection infrastructure,
including substation buildings and off-site
cabling.”*

APP/L3245/W/23/3332543

LPA Ref. 22/04355/FUL

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1. Introduction

- 1.1.1. My name is Anthony Heslehurst. I am a Chartered Town Planner with over 9 years' experience in a broad range of planning and development matters. I hold a Master's degree in Town Planning from the University of Sheffield and I am a Full Member of the Royal Town Planning Institute.
- 1.1.2. I am familiar with the appeal site, local and national planning policy and other related planning matters pertaining to this appeal.
- 1.1.3. In Section 1 of my proof of evidence, I set out my qualifications, and describe the structure of my proof.

2. Background

- 2.1.1. In Section 2 of my proof, I set out the background to the appeal with reference to the Appellant's Statement of Case (CD4.2).
- 2.1.2. My proof of evidence should be read alongside the evidence and related material prepared by the following expert witnesses:
 - Soil – Mrs Ruth Metcalfe (ADAS)
 - Landscape – Mr Daniel Leaver (Stephenson Halliday)
 - Ecology – Mr Howard Fearn (Avian Ecology)
- 2.1.3. In addition, my evidence should be read alongside 'Heritage Note – Response to Rule 6 Statement of Case Addendum' (CDXX), prepared by Mr Simon Britt of Pegasus and submitted to this appeal.
- 2.1.4. To arrive at my overall conclusions, I have relied upon the professional views and expertise of the aforementioned witnesses as expressed in their own proofs of evidence submitted to this Inquiry.
- 2.1.5. In relation to soil, I rely on Mrs Metcalfe's evidence in relation to technical considerations (the impact on BMV and whether it is capable of being reverted to BMV land, and matters of soil management and food security) while my evidence will address matters relating to policy, benefits and harm, and the planning balance.

3. Site Selection

- 3.1.1. In Section 3, I set out in detail the reasons for the choice of site, and the site selection process that was undertaken for the appeal proposal, with reference to the submitted Sequential Site Selection Report (CD 1.13) and the subsequent Addendum Report submitted to this appeal (CD 4.5).

Grid Connection

- 3.1.2. I set out that the capacity of the local grid network to accept a new solar farm is critical to the viability of the scheme and is an essential requirement of a solar farm. I also set out the wider context, with significant delays nationally, as described by the Prime Minister

Rishi Sunak in his net zero speech on 20th September 2023 (CD 11.3). I confirm that the Appellant has secured a DNO Grid Offer with Western Power Distribution in 2021, which is due to come into effect in 2024. Therefore, subject to the outcome of this appeal, the construction works can begin without delay and energy generated and fed into the grid immediately. The availability of a secured grid connection at a time of well documented delays nationally, is a significant consideration.

The Farm Business

- 3.1.3. I set out the context of the proposal in relation to the wider farm business, with reference to the Agricultural Production Assessment (CD 1.20) and the letter from the Landowner's Agent (CD 4.9), setting out why these parcels were put forward rather than other parcels within their control. The landowner confirms that based on their extensive experience farming the land, the quality of land on the appeal site is poor when compared to other land in the area.
- 3.1.4. The appeal proposals will allow the diversification of the farm business to support the wider vitality of the farm, whilst utilising for solar the field parcels that are least useful for farming.

BMV Land

- 3.1.5. I confirm that the site has been subject to a full ALC Survey (CD 1.3) which found the site to be 54.1% Grade 1, 29.9% subgrade 3a, and 11.8% Grade 3b. With reference to Natural England's Likelihood of BMV Agricultural Land Map for the West Midlands, I set out that the appeal site lies within a wider area of high likelihood for BMV, i.e. more than 60% of the land is likely to be classified as BMV. There are few opportunities on lower grade agricultural land in the area, a point that has recently been noted by an Inspector in the Ledwyche decision, also in Shropshire (CD 7.9).

Site Selection Process

- 3.1.6. I set out in detail the reasons for the choice of site, and the site selection process that was undertaken for the appeal proposal, with reference to the submitted Sequential Site Selection Report (CD 1.13) and the subsequent Addendum Report submitted to this appeal (CD 4.5). I describe the site search criteria that was implemented for the purposes of site selection.
- 3.1.7. The assessment of alternative sites found that the entire search area was predominantly provisional Grade 2 or 3 agricultural land, with a high likelihood (>60%) of BMV. The assessment of each potential site found that most sites in the search area were significantly more constrained than the appeal site, with extensive constraints to development. The appeal site is particularly suitable relative to other sites in the search area as follows:
- The site is neither on nor near any designated ecological sites, the nearest designated site (Berrington Pool SSSI) is some 400m from the site.

- The site is not in proximity to any Conservation Areas or Scheduled Monuments, which are found elsewhere in the search area. There will also be no impact on any Listed Buildings.
- The site is located within Flood Risk Zone 1, at the lowest risk of flooding from rivers and the sea. Large parts of the wider search area are at risk of flooding.
- The appeal site is predominantly BMV land, however it is not possible to find sites at lower grades within a large search area. The search area is almost entirely provisional grade 2 and 3 with a high likelihood (>60%) of BMV. There are large areas of provisional grade 2 land.
- The site is undulating with some views in from some receptors, however our assessment found this to be likely in the case of most sites in the area, particularly owing to the extensive PROW network. Unlike many other sites in the search area, there are no PROWs either on or adjacent to the site.

3.1.8. Overall, the assessment finds that there are no alternative sites that are likely to be better suited to the development than the appeal site. Most importantly, almost the entire surrounding area is provisionally at least grade 3, with a high likelihood (>60%) of being BMV, therefore there are no suitable sites on lower grade agricultural land that could accommodate this development.

4. Planning Policy Context

4.1.1. In Section 4, I set out the planning policy context to the proposals, and the relevant policies in the development plan. With reference to the Decision Notice (CD 3.2), the Council's SoC (CD 4.11) and Flour not Power's SoC (CD 4.13), I set out the policies with which the Council or the Rule 6 party allege there is a conflict.

5. Planning Policy Assessment

5.1.1. In Section 5 of my proof, with reference to the Planning, Design and Access Statement (CD 1.2), I provide a detailed assessment of all relevant planning policies, finding the appeal proposals to be in full accordance with the development plan.

6. Other Material Considerations

6.1.1. I consider the following to be material considerations to the appeal proposal. Each is discussed in detail in Section 6 of my proof:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- Overarching National Policy Statement of energy (EN-1) (January 2024)
- National Policy Statement for renewable energy infrastructure (EN-3) (January 2024)
- Climate Change Act 2008 (2050 Target Amendment) Order 2019
- UK Parliament's declaration of an Environmental and Climate Change Emergency in May 2019
- Energy White Paper: Powering our Net Zero Future published in December 2020
- British Energy Security Strategy, published in April 2022 by the UK Government

- Written Ministerial Statement on Solar Energy: Protecting the local and global environment, made on 25th March 2015
- Shropshire Climate Emergency, declared on 16th May 2019
- Shropshire Climate Strategy and Action Plan, adopted on 17th December 2020
- Marches LEP Energy Strategy
- The Zero Carbon Shropshire Plan
- Shropshire Council Climate Change Task Force consultation response

7. Key Judgements and Appeal Decisions

7.1.1. In section 7 of my proof, I set out several recent decisions concerning solar development that I consider to be material to the appeal proposals.

- **Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities & Ors [2023] EWHC (Admin) (15th November 2023) (CD 7.1)** – Justice Lang confirmed there is no requirement to consider alternative sites or undertake a sequential test in relation to solar farms on BMV land.
- **Ledwyche, Shropshire (APP/L3245/W/23/3314982) (7th July 2023) (CD 7.9)** – This recent decision was also in Shropshire and is particularly relevant to the appeal proposal. The Inspector observed that the main soil types outside the AONB were Grade 2 and 3a and the Appellant’s site selection process was reasonable (para. 34).
- **Burstall, Mid Suffolk (APP/W3520/W/23/3319970) (29th August 2023) (CD 7.11)** – The Inspector noted the predominance of high-grade agricultural land in the district, and the relatively insignificant role of the 33.4ha site in this context.
- **Thaxted, Uttlesford (APP/C1570/W/23/3319421) (18th December 2023) (CD 7.8)** – The inspector gave ‘substantial weight’ to the benefits of renewable energy generation and significant weight to BNG improvements (para. 168). The Inspector also found there to be compelling evidence to justify a solar farm on BMV land.
- **Scruton, Hambleton (APP/G2713/W/23/3315877) (27th June 2023) (CD 7.19)** – The inspector confirmed that there was no local or national policy requirement to carry out an assessment of alternative sites (para. 27) and that “bearing in mind the limited opportunities that currently exist for grid connections nationally, I consider it is, in this case, justified to only consider sites within an area that could also make use of this capacity” (para. 28).
- **Canon Barns Road, Chemsford (APP/W1525/W/22/3300222) (CD 7.25)** – The Inspector noted the locational restrictions for solar development and considered the Appellant’s approach to site selection to be ‘rational’. The Inspector found that the public benefits were of sufficient magnitude to outweigh the substantial harm to the Green Belt and that very special circumstances existed.
- **Walpole, Kings Lynn and West Norfolk (APP/V2635/W/22/3295141) (29th September 2023) (CD 7.10)** – significant benefits in respect of energy security and the environment, as well as biodiversity and landscape enhancements, outweighed the moderate weight to the conflict with the development plans in respect of the loss of BMV land (para. 38)
- **Halloughton, Newark and Sherwood (APP/B3030/W/21/3279533) (18th February 2022) (CD 7.12)** – The Inspector acknowledged the national imperative to cut CO2 emissions and increase production of power from renewable sources. The Inspector noted that a grid connection had already been secured, and there were

no restrictions to an early build out. The Inspector gave significant weight to the benefit of renewable energy.

8. Interested Party Comments

8.1.1. In section 8 of my proof, I consider the comments submitted to the appeal by interested parties.

9. The Main Issues

9.1.1. In section 9 of my proof, I consider the main issues as set out within the Inspector's post CMC note (CD 4.22):

- 1) The landscape and visual effects of the proposal, taking account of the proposed mitigation measures.
- 2) The implications of, and the weight to be given to, the loss of best and most versatile agricultural land.
- 3) Whether the proposed off-site mitigation would provide an appropriate safe and undisturbed environment for successful Skylark nesting.
- 4) The effect of the proposal on the setting and significance of heritage assets.
- 5) The nature and extent of the benefits of the proposal and whether these would outweigh any harm arising from the issues above.

9.1.2. In regard to issue 1, I refer to Mr Leaver's evidence on landscape and visual matters. In his evidence, Mr Leaver notes the proposed siting of the solar farm within a gently undulating landform, combined with the existing woodland and field boundary vegetation, ensures that the visual envelope of the scheme would be limited to the immediate environs of the site and predominantly to 0.5km to the south and east. Mr Leaver assesses that permanent adverse landscape effects would be at most Moderate/Minor within the local landscape area, reducing to Negligible within the wider Estate Farmlands LCT, and the assessed permanent visual effects would be at most Moderate from the footpath at Cantlop, and Minor from the local road network in the vicinity of the site. In terms of the proposed mitigation, Mr Leaver assesses that whilst some adverse landscape impacts would remain, the mature vegetated character of the proposed landscape enhancements would help to incorporate the appeal proposals into their local setting and the level of effect would reduce from initially moderate levels, to moderate/minor in the long term.

9.1.3. In regard to the alleged 'oppressive' impact for users of the road to Cantlop Mill, Mr Leaver assesses that this would be at most Moderate/Minor adverse on completion of the development, reducing to Minor as the mitigation measures mature. In his professional opinion, neither could be described as oppressive for users of the road.

9.1.4. In regard to issue 2, I set out in detail, referring to Mrs Metcalfe's evidence, the factors that I consider to be relevant in relation to the weight that should be attached to the potential loss of BMV agricultural land for the 40-year operational period of the solar farm.

9.1.5. In regard to issue 3, I refer to the evidence of Mr Howard Fearn. Mr Fearn will set out in detail the strategy for skylark mitigation, including full details of the skylark mitigation land which is to be secured by s106 agreement. The Skylark Mitigation and Management

Plan was drafted by ADAS in liaison with the Council's Principal Ecologist, who confirmed on 9th May 2023 that she had no objection to the proposals.

- 9.1.6. In regard to issue 4, I refer to the Heritage Note prepared by Mr Simon Britt, that has been submitted to this appeal and confirms there will be no impact on any designated or non-designated heritage assets. It is also noted that the Council's Conservation Advisor responded to the application and raised no objection, and the Council is not alleging any heritage harm in its own SoC. It is clear to me that there is no conflict with either Policy CS6, Policy CS17 or Policy MD13 in relation to heritage.
- 9.1.7. In regard to issue 5, I consider the nature and extent of the benefits of the proposal, and whether these outweigh any harm, in section 10 of my proof.

10. Planning Balance

- 10.1.1. In section 10, I consider the benefits and harm of the appeal proposal and undertake the overall planning balance.
- 10.1.2. In my professional judgement, the following material planning considerations weigh in favour of the grant of planning permission:
- Renewable energy generation – The generation of enough clean, renewable energy to power approximately 7,000 homes, saving 6,000 tonnes of CO2 per annum. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 sets a target for the UK to reach net zero by 2050 and to achieve this, the newly published National Policy Statement EN-3 re-affirms the commitment in the British Energy Security Strategy (2022) to increase solar capacity five-fold by 2035. At the local level, the Council declared a Climate Emergency in 2019, and its own Climate Change Taskforce responded to the application, advising that to achieve 50% self-sufficiency, the Marches will require an additional 50 large solar farms, in addition to other measures including commercial rooftops. Overall, there is a clear and pressing need at the local and national level to deliver clean renewable energy and transition from fossil fuels. For these reasons, I attached **substantial weight** to this benefit.
 - Biodiversity benefits – The appeal proposal will deliver a 132% biodiversity net gain in habitat units, and 76% net gain in hedgerow units. This is a significant net gain and far in excess of the policy requirement. Furthermore, the biodiversity enhancements will benefit numerous species including 'red-listed' and 'amber-listed' bird species of conservation concern. Overall, given the scale and breadth of biodiversity net gains on the site, I attached **significant weight** to this benefit.
 - Economic benefits from jobs created during the construction and operational phase, supporting a prosperous rural economy – **limited weight**.
 - Landscape enhancements including additional hedgerow and tree planting, some of which will endure well beyond the operation phase of the development – **limited weight**.
- 10.1.3. I then go on to set out several material planning considerations that I consider to be neutral in the overall planning balance.
- 10.1.4. I consider the following to weigh against the proposals in the overall planning balance:

- Loss of full agricultural productivity of BMV agricultural land. The appeal proposal is for a time-limited consent for a period of 40-years, after which it will be reverted to its existing condition. During the operational phase of the solar farm, the site can continue to be used for some agricultural activity, with grazing areas for livestock beneath the panels. Furthermore, at 44 hectares the site is relatively small – the contribution made by wheat crop on the site is approximately 0.06% of the yield for Shropshire, and 0.002% of the national yield. The conversion of intensive arable land to grassland is also known to bring benefits to land and soil structure through an increase in the soil organic matter content, as noted by Mrs Metcalfe in her evidence. For these reasons, in particular the limited contribution of the site to yields at the county and national level, I attached **moderate weight** to the loss of BMV agricultural land.
- Landscape and visual – I attached **limited weight** to the landscape and visual impacts, as these would be limited and localised. Furthermore, the proposed landscape enhancements will endure well beyond the operational phase of the solar farm, which in my view is a material planning benefit.

10.1.5. Having weighed up the above material considerations, it is my professional view that the substantial and wide-ranging benefits of the appeal proposal clearly outweigh the harm. I consider the proposal is in full accordance with the development plan and there are no material considerations that indicate planning permission should be refused.

