

TWC/2021/0737

Land west of New Works Lane, Telford, Shropshire

Installation of solar farm and associated infrastructure. Enlargement of existing car park and creation of viewing area

APPLICANT

James Smith, Greentech

RECEIVED

23/07/2021

PARISH

Little Wenlock

WARD

Wrockwardine

**THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF
CLLR JACQUI SEYMOUR.**

Online Planning File: <https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2021/0737>

1. Summary Recommendations

- 1.1 The proposals are considered to be contrary to local and national planning policies and are recommended for refusal.

2. APPLICATION SITE

- 2.1 The application site is located to the west of Dawley Road and New Works Lane, south of the M54 and lies within the parish of Little Wenlock. The site is made up of a number of fields covering around 40 hectares. The western boundary aligns with the edge of Short Wood and there is woodland to the southern boundary. This southern woodland forms part of a Scheduled Ancient Monument. A small number of residential properties are located adjacent to the eastern boundary. Within the site on the eastern side is an existing small car park. The site falls within the Wrekin Forest Strategic Landscape Area, and is in close proximity to the Shropshire Hills Area of Outstanding Natural Beauty (AONB).
- 2.2 The site forms part of a restored open cast mine and has a number of public rights of way either within it or along its boundaries. These rights of way form part of an extensive network of public rights of way connecting Lawley with the open countryside and The Ercall and The Wrekin.
- 2.3 The site has a varying land form, with the southern section undulating slightly and the northern section sloping down towards the M54. The fall across the southern part of the site is from around 202m AOD from the southern boundary of Field 7 to 162m AOD on the northern boundary of Field 4. Fields 1-3 form a ridge with the land levels falling from west to east and south to north to a point of 144m AOD in the north eastern corner of Field 2. There are extensive views to

the north across the Shropshire Plains. The site is predominantly used for grazing. Hedgerows within the site are predominantly gorse.

- 2.4 West of the site the land falls away within Short Wood to a small valley at Steeraway before rising steeply up a ridge within Limekiln Wood north of Maddock's Hill, beyond which lies the higher ridge of the Ercall reaching 265m AOD. The summit of the Wrekin (401m AOD) lies some 3.2km to the south west of the site.
- 2.5 Access to the site is proposed from Dawley Road where there is an existing gateway.

3. PROPOSED DEVELOPMENT

- 3.1 The proposal relates to the construction of a solar farm. This would consist of a series of arrays set out across the site. These are proposed to be fixed arrays having a maximum height of 3m. The following additional equipment would be required throughout the site:
- Six storage containers (four containing batteries and one each for spare parts and maintenance equipment to be located near the Dawley Road entrance
 - Five inverter/transformer stations located around the site near the edges
 - A GRP (Glass Reinforced Plastic) substation and control cabin to be located near the Dawley Road entrance
 - A 3.5m wide stone surfaced maintenance access track within the security fence
 - An access track will be provided through the site from the gravel restricted byway that runs through the site
 - Security/deer fencing around the perimeter of the site
 - Metal framed gates to allow vehicle access to the solar arrays
 - CCTV surveillance cameras
- 3.2 The battery containers are shown to be approximately 2.4m wide, 12m long and 2.9m high. The storage container is shown to be approximately the same width and length and around 2.4m in height. The inverter/transformer station is shown to be approximately 2.4m wide, 6m long and around 2.9m high. The customer substation would be 5.3m wide, 7.8m long and 4m high. The distribution network operator substation is 4.5m wide, 5.1m long and 3.5m high. The monitoring and communications cabin is approximately 3.3m wide, 3.9m long (4.75 with the weather station) and 3.3m high. The weather station could be a pole of around 5m in height and would include a satellite aerial. The fencing is to be 2m high and gates would be approximately 5.5m wide. CCTV posts would be 3m high.

- 3.3 It is also proposed to include new native hedgerow planting, the creation of a new wetland area, new tree and shrub planting. In addition, it is proposed to extend the existing car park to more than double its size and create a new picnic area. New information boards explaining the recreational links into the AONB and wider area and explaining the site's history would be provided. A new permissive path along the western boundary of the site which would be available for pedestrians, cyclists and horses is also proposed.
- 3.4 A new vehicular access into the site is proposed to the south of the current access from Dawley Road. This would be from a simple priority-controlled T-junction. The existing access would be closed to vehicular use and would be retained for pedestrian use.

4. PLANNING HISTORY

- 4.1 TWC/2020/0416: Change of use of woodland to Forest School and erection of 1 no. storage shed and 1 no. toilet shed. Full Granted 18/09/2020
- 4.2 EIA/2020/0007: Erection of a utility solar farm with electricity storage batteries for the production, storage and export of electricity. Withdrawn 22/02/2021
- 4.3 EIA/2020/0004: Erection of a solar farm. Screening Opinion given 07/07/2020
- 4.4 EIA/2020/0003: Erection of a solar farm. Screening Opinion given 11/05/2020
- 4.5 EIA/2019/0001: Creation of a ground mounted solar farm: Screening Opinion given 16/07/2019
- 4.6 W2007/1648: Proposed Huntington Lane surface mine site, involving the working of coal and fireclay, restoration and aftercare. Appeal allowed 06/10/2009
- 4.7 EIA/2006/0001: Proposed open cast coal site. Screening Opinion given 04/10/2006
- 4.8 EIA/2006/0002: Proposed open cast coal site. Scoping Opinion given 08/09/2006
- 4.9 W97/0862: Winning and working of coal and clay by opencast methods, water treatment areas, offices with septic tanks, habitat management of land adjoining the opencast site. The opencast site to be restored to community woodland and agriculture. Appeal dismissed 19/03/2001
- 4.10 W94/0738: Winning and working of coal and clay by opencast methods, coal processing, requiring the construction of temporary coal preparation plant, water treatment areas, offices with septic tanks, habitat management of land adjoining the opencast site. The opencast site to be restored to community woodland and agriculture. County Objections 27/11/1996
- 4.11 W92/0486: Winning, working and processing of coal by opencast methods followed by restoration to part agriculture, part tourism and leisure and part residential. County Delegated Objections 25/11/1992
- 4.12 W88/0697: Land stabilisation and remedial works and extraction of coal by opencast mining methods. Full Refused 08/12/1988

5. Relevant Policy Documents

5.1 National Planning Policy Framework (NPPF)
National Planning Practice Guidance

5.2 Telford & Wrekin Local Plan 2011-2031

SP3 Rural area

SP4 Presumption in favour of sustainable development

NE1 Biodiversity and geodiversity

NE2 Trees, hedgerows and woodlands

NE5 Management and maintenance of public open space

NE7 Shropshire Hills Area of Outstanding Natural Beauty and Strategic Landscapes

C3 Impact of development on highways

BE1 Design criteria

BE4 Listed buildings

BE6 Buildings of local interest

BE8 Archaeology and scheduled ancient monuments

ER1 Renewable energy

ER2 Mineral safeguarding

ER12 Flood risk management

5.3 Other material planning considerations

S85 Countryside and Rights of Way Act 2000

Shropshire Hills AONB Management Plan 2019-2024

The Wrekin Forest Plan 2015-2020

Telford and Wrekin Strategic Landscapes Study 2015

6. NEIGHBOUR REPRESENTATIONS

6.1 A large number of representations have been submitted raising the following points:

- Solar panels belong on roofs – plenty of industrial buildings
- Impact on precious landscape
- Impacts on flora and fauna
- Loss of green space
- Impacts on walkers and riders
- Area is a community asset and important for mental health
- Unique landscape
- Increase in traffic
- Concerns about decommissioning
- Heritage and landscape impacts

- Support solar but not in an area of outstanding natural beauty
- Should use the motorway embankment for solar panels
- No local jobs or benefits
- Green spaces important for mental health and wellbeing
- Impacts on Wrekin Strategic Landscape and should be protected
- Impacts on Scheduled Ancient Monument
- Need to consider cumulative impacts with proposed solar farm on Steeraway Farm
- Impacts on designated natural assets, Local Wildlife Sites, SSSI, Local Nature Reserve, Ancient Woodland
- Distinct habitat and provides for particular species
- Will breach the restoration condition following the coal mining activities
- Site forms part of the T50 walks – described as having ‘excellent views’
- Visual detriment will be severe
- Proposed footpath would circle perimeter of solar farm – would not open up recreational routes
- Site important entry point to Wrekin Forest
- Increasing size of car park will impact on amenity of area
- Impacts on local Forest School
- Will negatively impact disabled people who can use these paths in open countryside
- Ecological appraisal confirms high connectivity to habitat of significance (Short Wood and Limekiln Wood)
- Inadequate desktop study for breeding birds
- Loss of hedgerow and impacts on birds
- Loss of farmland – currently used for sheep grazing
- Connecting with green spaces part of NHS long term plan, especially following Covid-19 pandemic
- Views towards The Ercall and Wrekin would be obscured by solar panels
- Increased risk of accidents during construction period
- Fire risks from battery storage
- Solar farms not the answer as not enough sunshine
- Not possible for the proposal to be sensitively screened
- Impacts on users of the “safer routes to school” footpath
- Out of date bat surveys
- Many areas where the impacts would be less than this site
- Inaccurate and misleading description of the development
- Car park and viewing area/picnic area are community benefits and not infrastructure
- Impacts on local roads of increased size of car park not been assessed
- Impact of car park and picnic area on residential amenity not assessed
- Fencing and panels come very close to Fairhaven and should be set back

- Glint and glare affecting Fairhaven
 - Vegetation within Fairhaven's control cannot be assessed as mitigation
 - Proposed buildings are utilitarian in appearance – should use local vernacular
 - Coal mine was allowed due to its short term nature and reversible impacts
 - Part of restoration was new woodland – not shown to be protected
 - Restoration maintenance plan was to cover the period to 2030
 - Site is valuable and sensitive Barn Owl site – breeding owls on site
 - Impacts on Barn Owls not assessed
 - Proposed permissive path has been in place for years and is signposted
 - Existing paths will be contained in corridors of fencing and planting
 - Rough grassland is an unusual landscape locally and valued by some species of wildlife
 - Site accessible via Hutchinson Way and from Watling Street as well as the T50 50 Mile Trail
 - If accepted the paths should be wider than 3.5m given the high landscaping and fencing proposed
 - If biodiversity value of land is increased over life of solar farm will this be degraded to restore land to former condition?
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- Support – will be a benefit to the area
 - Contributes towards the Council's goals in respect of the Climate Emergency
 - Will have less impact on local area than the extraction of coal and fireclay did
 - Climate change will have a devastating effect on all, including wildlife
 - Proposals would delivery 3% of the borough's power demand
 - Would have less impact than Telford which is growing
 - Not visible in the landscape other than from localised public rights of way
 - Need increased electricity supplies for electric cars
 - Land unsuitable for farming
 - Welcome permissive path
 - Existing rights of way won't be affected
 - Visited other solar farms and they work well with nature
 - Welcome commitment to extend car park and provide picnic area
 - Permissive paths should be dedicated as permanent rights of way
 - Area will be improved with Ecological Management proposed
 - Developer is same company behind the Ironbridge Power Station proposals and the solar farm would prevent residential development of the site for 40 years

6.2 A letter of representation has been received from the Rt Hon Mark Pritchard MP

raising concerns about impacts on the AONB and Strategic Landscape. Impacts on the restored sites including designated features covered by the restoration management in the s106. Limited community benefits would not outweigh the benefits from the previous restoration plan. Renewable energy needs to be the right renewable source in the right location. The area chosen is inappropriate and other sites within the borough should be considered first.

- 6.3 Concerns have been raised in respect of the proposals breaching conditions and/or promises made in respect of the land following the open cast coal mining allowed on appeal. As far as can be ascertained from the planning records the conditions were and have been complied with. There is a s106 Agreement that requires a further period of land management for areas of restoration. However, those areas are quite specific in their nature and the only landscape type covered by the s106 is the woodland edge. No development is proposed within the woodland edge other than the permissive footpath, already approved as far as the unrestricted byway as part of the coal mining restoration programme. This application seeks to continue the permissive path to the bridleway at the northern edge of the site.
- 6.4 There are no conditions or clauses requiring the land to be kept for community use following the coal mining activities.

7. STATUTORY REPRESENTATIONS

- 7.1 Little Wenlock Parish Council – No objection.
- 7.2 Wellington Town Council: Object
This application should be rejected in its entirety. This land should be protected and preserved not abused and defaced. Telford has multiple industrial estates and commercial buildings - put the panels on them. This is an area which we must preserve for our next generations wellbeing.
- 7.3 Lawley and Overdale Parish Council: Object
Sits in the rural boundary adjacent to The Wrekin/Shropshire Hills and is a designated Area of Natural Beauty. Previous applications have been refused setting a precedent against development in this area (TWC/2015/0352 for 31 dwellings). Identified as open green space to remain in the Local Plan. Traffic concerns on Dawley Road. Poor visibility splays especially for HGVs. Impacts on visual amenity with detrimental impacts for walkers on public footpaths and viewing area from other vantage points. Impacts upon PROW attractiveness of users etc. Central Government wants us to use our green spaces, PROWs etc to benefit health. Proposed development site is enjoyed as open space by a large number of people, wildlife, and fauna, so to lose more green open space would be devastating to them and to the area. Site has previous conditions regarding return to farmland with an expectation it would return to its pre-

condition after a further 15 years. This time has not expired and would be set back for a further 40 years and will need another 20 years to return to normal. Contravenes several planning considerations:

- Planning policy/circulars/statutory instruments, Local plan policy
- Previous decisions including any appeals, case law
- Highway issues
- Noise and disturbance,
- Social facilities (walkers/PROW's)
- Ground conditions
- Wildlife (ecology), trees and landscaping
- Historic conservation (AONB)
- Layout and density of design, visual appearance, character of the area

7.4 Highways England: No objections subject to conditions.

On review of the Landscape and Visual Impact Assessment Report dated April 2021, Highways England confirm that a robust assessment has been undertaken in accordance with prevailing policies and standards. On assessment of various viewpoints of the site within the locality, it is evident that views of the site from the M54 are largely screened by cuttings and vegetation along the road corridor however a small part of the proposed solar farm fencing and inverter station within field 1 would be slightly visible to eastbound travellers.

It is noted that the site is only slightly viewable from the M54 Motorway therefore unlikely to give rise to any significant effect. Solar Farm development within view of vehicles travelling along the Strategic Road Network has the potential to give rise to glint and glare visual impacts which may distract / impair drivers resulting in hazard to the safe operation of the SRN and its users in accordance with DfT Circular 02/2013 para 49. To further alleviate concern with regard to glint and glare impacts to motorists on the SRN, A Solar Photovoltaic Glint and Glare Study (dated December 2020) has also been undertaken by the applicant which states that solar reflection is not geometrically possible towards any of the assessed locations along the M54 near Junction 6 due to the south facing orientation of PV Panels therefore no mitigation is required.

Highways England therefore confirm sufficient information has been provided in compliance with DfT Circular 02/2013 para 45-48 and is unlikely to give rise to any significant effect, Glint and Glare, which may impact the safe operation of the M54 Motorway in accordance with DfT Circular 02/2013 para 49.

7.5 Natural England – No objection:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. The proposed development is for a site within or close to a nationally designated landscape namely Shropshire Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Any decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The decision taker should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

7.6 Shropshire Fire Service and TWC Built Heritage Specialist: Raise no objections.

7.7 Archaeology – Comment:

Site lies within an area of coal mining remains west of New Works Lane, part of which is a Scheduled Ancient Monument. The northern part of the proposed development site was subject to open cast mining in the 20th and early 21st centuries, which removed the non-designated mining remains. A Historic Environment Desk-Based Assessment (HEDBA) has been supplied in support of this application. The report concludes that there will be no indirect (visual) harm to the Scheduled Monument, and that the potential for the site to contain any previously unrecorded archaeological remains is very low to nil. We would concur with this assessment. However, we would note that the site boundary as defined in the HEDBA does not correspond to the site boundary as shown in the plans accompanying this application, (rather it corresponds to the area of the former open cast mining and the area of the proposed finished solar farm). As such the proposed development site boundary does include part of the Scheduled Monument. We note that Historic England have been consulted for their views on this application. As regards direct archaeological impact, and subject to any comments and recommendations from Historic England, we have no further comments to make on this application in respect of archaeological matters.

7.8 Planning Policy: Comment

The application site is situated outside of the built up area of Telford, as shown on the TWLP Policies Map, and is therefore located within the rural area. TWLP Policy SP 3 sets out that the Council will support development in the rural area where it addresses the needs of rural communities. Development is directed to the reuse of previously developed land and the settlements with good infrastructure.

The site falls within the Wrekin Forest Strategic Landscape Area, and is in close proximity to the Shropshire Hills Area of Outstanding Natural Beauty (AONB). TWLP Policy NE 7 states that the Council will protect the borough's Strategic Landscapes from development which would cause detrimental change to the quality of the landscape. Further, NE 7 states that the Shropshire Hills AONB will be given the highest level of protection.

The proposal is for the erection of a utility solar farm with electricity storage batteries for the production, storage and export of electricity. Policy ER 1 states that the Council supports renewable energy development (excluding wind turbines) where it has been demonstrated that all the following criteria have been met:

- i. There is no significant adverse effect on highway safety, landscape or townscape, ecology and wildlife, heritage assets, areas or features of historical significance or amenity value;
- ii. There is no significant adverse impact on local amenity, health and quality of life as a result of noise, emissions to atmosphere, electronic interference or outlook through unacceptable visual intrusion;
- iii. Where development is granted, mitigation measures will be required as appropriate to minimise any environmental impacts;
- iv. All development proposals for renewable energy generation schemes should provide for the site to be reinstated to its former condition should the development cease to be operational; and
- v. When considering the social and economic benefits, account will be taken of the degree of community participation/ownership of a scheme.

The above echoes the National Planning Policy Framework (NPPF). Paragraph 152 notes that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, Paragraph 155 notes that any increase in supply of renewable and low carbon energy must ensure that adverse impacts are addressed satisfactorily.

Telford & Wrekin Council has declared a Climate Emergency and is working to limit the impact of climate change across the Borough. The Telford & Wrekin Local Plan supports renewable energy development (excluding wind turbines) subject to meeting criteria set out in Policy ER1.

Policy ER 1 criteria i. supports development that has no adverse effect on landscape (among other matters). The applicant acknowledges that there will be a direct adverse effect on a part of the Wrekin Forest Strategic Landscapes. As such, the landscape impact needs to be considered carefully.

Were there considered to be a significant adverse effect on the landscape, or any other matter under Policy ER 1, and the benefits of the proposal do not outweigh the impact, then the development would not be supported in principle.

- 7.9 Historic England – The area of the proposed solar farm is largely within a recently restored open cast mine, and so will not impact on archaeological

remains. If planning permission is granted by the Council, we recommend that in order to preserve the setting of the monument no development takes place within 20 metres of the monument boundary. There will still be some impact caused by development within the setting of the ancient monument area, but this can be lessened by design. We recommend that mitigation measures are considered including that storage containers, inverters and transformers, substation etc are located away from the scheduled monument so as to minimise the impact upon the rural woodland setting of the monument area. We also recommend that recessive colours are used and the design of the surrounding fence, trackway, and lighting scheme is carefully considered to minimise visual impacts. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of Section 16 of the NPPF (July 2021). In determining this application the decision maker should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

7.10 Coal Authority: No objections subject to conditions.

The Coal Authority have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site lies within an area of both recorded and historic unrecorded shallow coal mining, the site is within the boundary of a site from which coal has been removed by surface mining (opencast) operations, and within or within 20m of the site boundary there are 33 mine entries (shafts and adits). Our records indicate that 2 of the mine shafts are Limestone shafts (outside the Coal Authority remit). In addition, the Coal Authority has in the past, been called upon to deal with 13 reported hazards and 3 within 50m of the planning boundary.

The planning application is accompanied by a Coal Mining Risk Assessment, July 2021 prepared for the proposed development by RSK Environmental Limited (RSK). The Assessment has been informed by an extensive range of sources of historical, geological and coal mining information.

Having carried out an in-depth review of the available information the report author concurs with our records and informs that taking into consideration the nature of the development, the proposed development can accommodate these

without significant remedial and / or mitigation measures. However currently it is very difficult to estimate the level of risk that the former coal mining activity will have on this development. Therefore, RSK identify that it will be necessary to undertake pre-construction intrusive site investigation works to confirm the ground conditions, in order to inform any remedial and /or mitigation measures required to ensure safe and stable development (NPPF paras. 183 and 184).

With regards to the on-site mine entries, the report author indicates that it is likely that these will have been removed either in full or partially but recommends that the final layout should be overlain on a plan showing the shaft positions (and extent of the opencast workings). Whilst the extent of the opencast working and positions of the mine entries have been provided (Figures 4 & 5) it does not appear that the applicant has provided the LPA with a plan to illustrate the above. RSK go on to state that should any sensitive structures (Inverter and Transformer Stations and any buildings are in close proximity to the mine entries then specific pre-construction site investigations of these areas should be carried out, or the structures moved to areas not affected by the mine entries. The applicant is aware that if development is over these mine entries, treatment / capping is required. We would wish to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Sustainable Drainage

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The

developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

7.11 Drainage: Object.

No drainage or flood risk assessment has been submitted with this application. As the site is over 1ha a flood risk assessment is required to be submitted with the application.

7.12 Ecology: Object.

Additional information is required relating to habitats including biodiversity net loss/gain, designated sites, great crested newts, badgers, red list birds and barn owl. In the absence of this additional information there is an objection to the proposed development since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

7.13 Highways: No objection subject to conditions.

The applicant has provided detailed supporting information with an indicative construction programme, outlining the separate construction activities and how this will correspond to anticipated HGV movements. This suggests that the peak construction period occurs between weeks 4 and 7 of the construction programme, with 10 deliveries a day (20 two-way HGV movements). This averages out to approximately 4 two-way movements per hour between 1000-1600, which is not considered to be of any detriment to the safe operation of the adopted highway network in this instance. Construction traffic will be routed to the M54 via Lawley Drive (Left in, right out of the site) so as to avoid the Cock Hotel signal junction to the north; there will be no construction traffic along New Works Lane. A condition will be requested to ensure the development is constructed in accordance with the Construction Traffic Management Plan provided.

It is noted that the proposals also include an extension to the existing community car parking facility off New Works Lane. The LHA is supportive of this extension, to accompany the enhanced wayfinding and permissive routes to be provided, to minimise potential for informal parking on the highway.

The proposed cable route between the site and the point of connection at Ketley substation, is considered a sensitive part of the network. As was outlined during pre-application discussions, early engagement with the Network Management/Streetworks team is imperative in order to ensure all necessary future planning for road space booking/traffic management/road closures are in place, to minimise disruption to the network and construction programme.

7.14 Landscape: A LVIA submitted as part of the planning application provides details of the methodology, relevant planning policy, baseline conditions, the proposed development, and the associated prediction of landscape and visual effects. In support of this, the LVIA includes a suite of relevant landscape figures including landscape character, designations and a landscape strategy. Based on zone of theoretical visibility (ZTV) mapping, the LVIA also includes visual assessments (with some supporting photomontages) from eighteen locations within the study area. In general, the scope of the LVIA is considered to be fit for purpose; its approach conforms to relevant guidance and it sets out a detailed and comprehensive assessment of landscape and visual effects. The eighteen viewpoints represent the typical views experienced by a variety of visual receptors, at varying distances across the study area and in general, these are also considered fit for purpose.

The extent of any adverse landscape and visual effects are relatively localised and in attempting to minimise a number of significant effects, the applicant has proposed a wide-ranging suite of mitigation and enhancement measures. However, a number of important concerns remain over the selection of the site within a designated landscape and the large scale of the proposed development. Consequently, it is advised that significant weight should be given to the apparent conflicts in landscape-related policy, when balanced against wider material considerations.

8. ASSESSMENT

8.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:

- Principle of the development
- Character and appearance
- Ecology and trees
- Highways
- Noise and impacts on residential amenity
- Flood risk and drainage
- Impacts on heritage assets
- Glint and glare
- Land stability

Principle of the development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the Telford and Wrekin Local Plan

- (TWLP). The National Planning Policy Framework (NPPF) sets out policy guidance at a national level and is a material consideration in planning decisions.
- 8.3 Policy SP3 relates to development in the rural area, whilst Policy ER1 relates to development proposals relating to renewable energy. The Local Plan does not specifically identify sites for the location of renewable energy schemes, and this is appropriate because schemes are required to be located where they can connect to the national grid and in locations where there are no significant adverse impacts.
 - 8.4 Policy ER1 identifies that the Council supports renewable energy development, subject to a number of criteria. Chapter 14 of the NPPF sets out the national planning policy with regards to climate change, flooding and coastal change. This requires the planning system to support the transition to a low carbon future and to support renewable and low carbon energy and associated infrastructure. Paragraph 155 requires plans to help increase the use and supply of renewable and low carbon energy and heat. This is reflected in Policy ER1.
 - 8.5 Paragraph 158 of the NPPF states that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. It also requires applications to be approved where its impacts are (or can be made) acceptable.
 - 8.6 The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% net zero by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order in July 2019. In July 2019 the Council declared a climate emergency, including an ambition to achieve carbon neutrality by 2030, at target 20 years earlier than the Government's target.
 - 8.7 Policy ER1 supports renewable energy developments subject to various criteria. The issues in criteria i), ii) and iii) will be discussed in detail in various topic subheadings in this report. However, it is considered that the proposals fail to meet the criteria.
 - 8.8 Criterion iv) relates to the requirement for a requirement for the site to be reinstated to its former condition should the development cease to be operational. Some representations raise concerns about decommissioning. The control over reinstatement lies with the planning permission, if granted, and the imposition of conditions requiring the reinstatement of the site. This is standard practice for solar farm (and wind farm) applications and a practice followed by local planning authorities and the Planning Inspectorate, both for planning appeals and for National Significant Infrastructure Projects (NSIP).
 - 8.9 Paragraph 13 of the Planning Practice Guidance (ID 5-013-20150327) states 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”.

- 8.10 The planning application seeks planning permission for a temporary period of 40 years, temporary due to the fact that the proposed development can, at the end of the project, be removed from the site and the land returned to its former use. There is no government imposed limit on the lifetime of solar farms set out in national guidance. Previously temporary consents were sought for 25 year periods, based primarily on the typical warranty period offered by manufacturers at the time and therefore used for modelling the viability for projects by developers. Due to changes in technology business models have been redesigned to reflect the more efficient panels available. Whilst this in its own right is not necessarily a material planning consideration, the increased economic and environmental benefits are.
- 8.11 In accordance with standard practice, and as set out in Planning Practice Guidance, it is considered appropriate, should planning permission be granted, for a condition to be imposed requiring a decommissioning plan to be submitted within 39 years of the date of first export of electricity to the grid. Decommissioning would then be required at the 40 year anniversary in accordance with the decommissioning plan. It would also be considered appropriate to impose a condition requiring the submission of a decommissioning plan in the event, for whatever reason, the solar farm fails to provide electricity to the grid for a continuous period of 6 months within that 39 year period. Again, this is standard practice.
- 8.12 Criterion v) of Policy ER1 relates to the degree of community participation/ownership of the scheme. This is in accordance with Paragraph 156 of the NPPF which states that local planning authorities should support community-led initiatives for renewable and low carbon energy schemes.
- 8.13 Turning to community benefits, planning legislation is very clear on the fact that local planning authorities can only impose conditions in accordance with very strict rules; that is where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Likewise, s106 obligations can only relate to the development and can only be required where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 8.14 Recent case law from the Supreme Court has confirmed that it is unlawful to condition or tie to a legal agreement community benefits in the form of financial contributions when considering a planning application (R(Wright) v Forest of Dean DC [2019]).
- 8.15 Notwithstanding this, most solar farm applicants usually enter into agreement with the local community, normally via the Parish Council, to provide some form

of community benefit. This could be, for example, the installation of solar panels on community buildings. However, this agreement is entirely outside of the planning system and can have no bearing on the decision in respect of the planning application. It is not a material consideration and if the Parish Council opts to not engage in approaches by the applicant then, should planning permission be granted, the applicant is under no obligation to pursue efforts to offer community benefits.

- 8.16 The site is located on land currently used for agricultural purposes. Policy SP3 states that where development is proposed on best and most versatile agricultural land the economic and other benefits of the land will be taken into account. Best and most versatile agricultural land falls within grades 1, 2, and 3a. Grade 3b land falls outside of the definition of best and most versatile. Concern has been raised in the representations about the loss of agricultural land and that the development should be directed towards brownfield land, or to the roofs of the large scale commercial premises within the Telford and Wrekin Borough.
- 8.17 Paragraph 13 of the Planning Practice Guidance (ID 5-013-20150327) relates to the use of greenfield land and states that poorer quality land should be used in preference to higher quality land. A material consideration is where the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around the arrays. The application states that fields 1-5 will continue to be used for the grazing of sheep around the proposed solar panels.
- 8.18 The application is accompanied by a comprehensive Agricultural Quality Assessment. This assessed the quality of 36 hectares of agricultural land and established that this whilst this site, prior to the earlier coal mining activities was a mix of grade 2, 3a and 3b land, it is now entirely classified as Grade 3b.
- 8.19 In accordance with Policy SP3 and Footnote 58 of the NPPF the proposed development is located on an area of poorer quality land, and is considered to be in accordance with local and national planning policies.

Character and appearance

- 8.20 Policy ER1 seeks to ensure that renewable energy development proposals do not, inter alia, have a significant adverse effect on landscape. Policy BE1 requires development to respond to its context and to respect the landscape context.
- 8.21 Policy NE7 seeks to protect, inter alia, the borough's Strategic Landscapes from development which would cause detrimental change to the quality of the landscape. The application site falls within the Wrekin Forest Strategic

Landscape. It also lies in close proximity to the Shropshire Hills Area of Outstanding Natural Beauty, which will be given the highest level of protection.

- 8.22 Paragraph 174 of the NPPF seeks to protect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. It also requires the recognition of the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.23 S85 of the Countryside and Rights of Way Act 2000 require that *“in exercising or performing any functions in relation to, or so as to affect land in an area of outstanding natural beauty a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*
- 8.24 The Planning Practice Guidance states that:
“Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.”
(Paragraph 042 Reference ID:8-042-20190721)
- 8.25 Concern has been raised in the representations relating to the scale of the proposals and that it fails to protect the character of the area and would result in significant harm. Further concern has been raised in respect of the cumulative impacts of these proposals in conjunction with a further scheme on land known as Steeraway Farm, located on the western side of Short Wood. Whilst these concerns are acknowledged, to date no planning application has been submitted in respect of that site. That being the case this application must be determined on its own merits. Should an application be submitted in respect of the adjacent site then this would need to be determined in accordance with the planning issues relevant at that time, including cumulative impacts where appropriate. It would not be appropriate, as suggested in some representations, to delay the determination of this application until the submission of a possible application on the Steeraway site.
- 8.26 The application is accompanied by a Landscape and Visual Impact Assessment. This sets out the baseline characteristics of the site and the surrounding countryside, and then assesses the landscape and visual impacts of the proposals. The assessment has been carried out in accordance with best practice, including Guidelines for Landscape and Visual Impact Assessment (GLVIA3).

- 8.27 The site is identified as being located within the Mid Severn Sandstone Plateau National Character Area, and the Wooded Estatelands Local Character Type (LCT), transitioning through a narrow area of Wooded Hills and Estatelands to the Wooded Hills and Farmlands LCT on the flanks of the Wrekin.
- 8.28 The site falls within the Wrekin Forest Strategic Landscape and is described as having a *“strong and distinctive character, based on the proximity of the Wrekin, the presence of extensive woodland, ancient road and settlement patterns and a long history farming and industry. It is an intimate landscape, often enclosed by trees and woodland, but with sudden long views. Much of the area has a sense of tranquillity and timelessness, especially away from the motorway.”* It is acknowledged that the area is popular for recreation.
- 8.29 The area is covered by the Wrekin Forest Plan (2014-2020) which seeks to support and provide a framework for the protection, conservation and management of the landscape. Among the aims of the Plan it seeks to:
- Secure the natural, cultural and economic future of the area
 - Sustain and enhance the existing quality of the landscape
- 8.30 The Shropshire Hills AONB Management Plan (2019-24) identifies the site as falling within the Zone of Influence to the AONB. This provides recognition that the AONB and its high quality landscape has significant economic and social influence beyond the boundary. The Management Plan notes that the surroundings and setting of the AONB are important to its landscape and scenic beauty. Views out of the AONB and into it from surrounding areas are a significant consideration. Policy P1 of this document relates to development within the setting of the AONB. This states:

“(i) In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty, and the purposes of designation should be given great weight in planning decisions.

(viii) Development in the area around the AONB should be assessed for its impacts on the special qualities of the AONB itself, and also take account of the special qualities and landscape quality of the setting of the AONB. Measures to consider and mitigate such impacts should include where required Landscape and Visual Impact Assessments; care over orientation, site layout, height and scale of structures and buildings; consideration of the landscape, land uses and heritage assets around and beyond the development site; careful use of colours, materials and non-reflective surfaces; restraint and care in the use of lighting.”

- 8.31 Policy WF1 relates to the Wrekin Forest and states:

The management of the wider Wrekin Forest area is crucial to the integrity of the Wrekin itself within the AONB and should continue to be recognised and integrated within planning policy. The landscape quality of the wider Wrekin

Forest area should be protected as far as possible, and the management of the Wrekin itself integrated with this surrounding area.”

- 8.32 Key issues affecting the AONB, as identified in the Wrekin Forest Plan and the Shropshire Hills AONB Management Plan, as set out in the Telford and Wrekin Strategic Landscapes Study (2015) are identified as:
- Loss of the undeveloped setting of the Wrekin and the Shropshire Hills AONB (as seen from roads, villages and the urban edges of Wellington and Telford)
 - Localised impacts on views towards the Wrekin and on the tranquillity of the landscape from main roads, development and opencast mining beyond the Strategic Landscape boundary
- 8.33 The Strategic Landscapes Study sets out the overall aim is to protect the special qualities of the iconic landscape of the Wrekin, and its setting and views. The Wrekin Forest Strategic Landscape has been designated as being the area in which the observer feels to be within the Wrekin Forest landscape, rather than looking at it from a distance. This includes the undeveloped landscape which provides the setting to the Wrekin Forest.
- 8.34 It is acknowledged that the site has formerly been the subject of opencast mining and has undergone a restoration programme. This was required to be managed for a period of 5 years following the cessation of the mining works. A s106 Legal Obligation also required a Habitat Management Plan to be implemented for a period of 10 years from the expiry of the aftercare condition. This period runs until 2030.
- 8.35 The Habitat Management Plan does not relate to the whole site but only to specific habitat types within the area covered by the opencast coal mining conditions. These included proposed hedgerow, proposed woodland copses/tree belts and proposed woodland edge and these can be found within the current application site. Whilst landscaping works have been carried out, the Landscape and Visual Impact Assessment notes that much of the landscape has not established due to lack of management.
- 8.36 When considering landscape it is important to consider the impact on the character of the landscape as well as the visual impacts. These are two different considerations.
- 8.37 Turning first to the impacts on the character of the area, the National Character Area description of the area is one dominated by a series of ridges, scarps and intervening valleys, an geologically significant, complex and diverse area. It offers an extensive network of rights of way and open access land. The Wooded Estatelands LCT is described as being of a rolling landform with large blocks of ancient woodland. The Wooded Hills and Estatelands LCT is a prominent, sloping topography with large discrete blocks of woodland with ancient character.

- 8.38 The LVIA lists the Key Characteristics of the Strategic Landscape and notes that many of the features are missing from the site. In terms of the “high scenic quality” the LVIA states that this is adversely affected by prominence of urban development and roads. Similarly, the enclosed/peaceful rural feel of surroundings is also said to be affected by noise and relationship to the urban area.
- 8.39 The LVIA states that the site isn’t visible from the summit of the Wrekin, and likewise the Wrekin isn’t visible from the application site. There is no reason to dispute these findings (the mast on top of the Wrekin is partially visible from the application site).
- 8.40 The application site contains a small public car park offering opportunities for walkers to access the landscape by the network of public rights of way. The site is also connected by rights of way to Wellington to the north and Lawley to the east/southeast. There is limited sporadic residential development along New Works Lane. Arrival at the car park presents an open landscape with views to the woodlands adjoining the western and southern boundaries of the site. Looking northwards users of the site have extensive views across the Shropshire landscape. The urban landscape of Telford sits in the foreground but forms a small part of the extensive area visible from the site. The M54 lies to the north of the site, but does not adjoin it. This has the potential to impact on users of the site, particularly at the northern fringes. The area is well used for recreational purposes and this is reflected in the range of representations received covering a wide area.
- 8.41 The LVIA describes the site as being:

“There is a recognisable sense of place within much of the site, primarily due to the contribution that the adjoining woodlands make to the immediate setting of the site and the visual connections that exist with the landscape to the north and the moors landscape beyond the built-up area, as well as the historical association with past mining activities (as evidenced by the historical mine workings - a Scheduled Monument - to the south of the site). Within the site views towards the AONB are restricted by the intervening adjoining woodlands of Birch Coppice and Short Wood, although there is a perception of its association with the (primarily wooded) landscape that extends towards and into the AONB beyond. The site lacks any distinctive pattern, with any former landscape features and field boundaries having been removed and the poor establishment of the replacement field boundary hedges following restoration. As such the site appears rather ‘barren’, lacking in landscape structure and integrity.”

8.42 As detailed in the applicant's' LVIA, measures that have been incorporated into the layout include the following:

- providing generous setbacks of the arrays where there is potential for views from nearby residential properties;
- setting back arrays and security fencing from the public rights of way that cross parts of the site (i.e. in the southern part of field 5, southern, eastern and northern parts of field 6, and west and northern sides of field 7) to retain green corridors and a sense of spaciousness with generous visibility along the routes, and also allow the incorporation of planting set back from the routes whilst retaining an open prospect;
- removing existing field boundary fencing along these routes to create open corridors and avoid a duplicity of fencing;
- reducing the extent of arrays in the southern end of field 5 to create a generous area of planting between the site and the car park (which is to be enlarged with a grass picnic area provided to the north); and
- setting the arrays back from the southern ends of fields 6 and 7 to reflect local topography and the screening already provided by existing vegetation (gorse), as well as ensuring that views from the footpath south of field 7 retain a partially open aspect to the north.

8.43 In relation to landscape design and mitigation, the application is accompanied by a Landscaping and Ecological Strategy which is included in the Landscape and Visual Assessment in Plan 5.1 and Plan 5.2. The strategy outlines the proposed planting and the ecological enhancement measures (to be developed into a detailed landscape and ecological management plan during the detail design phase) which includes the following:

- planting approximately 900 linear metres of new native hedgerows around fields 5, 6 and 7;
- reinforcing a further 2250m of existing hedgerows with native hedgerow species around the rest of the site;
- creating a wetland area of approximately 1400m² next to the existing ditch between fields 1 and 2;
- almost doubling the size of the existing gorse habitat next to field 7;
- planting plots of new native trees and native shrubs habitat around the site which in total amount to almost a hectare of new habitat;
- planting margins with wildflower and scrub grassland species to support pollinators, moths, butterflies, invertebrates and birds;
- erecting bird and bat boxes in suitable trees around the site;
- raising the bottom edge of the security fence by 10cm above the ground level to allow small animals and reptiles to move freely across the site;
- installing badger gates at appropriate locations within the security fence;

having areas of set-aside that will be made available to local bee keeper(s) for their hives; and

creating wildlife refuge and hibernaculum areas at several locations in the site.

- 8.44 The LVIA identifies the development would result in Moderately Significant adverse landscape effects on the existing landscape character of the site “*which would change from featureless pasture fields to areas of PV arrays and related fencing, broken up by hedge planting and green corridors. The currently open setting of the adjoining woodlands would change, although the woods would remain dominant landscape features in relation to the low-rise nature of the installation.*” The effects would be reduced to Slight adverse and Not Significant by year 10 with the development of the proposed structure planting.
- 8.45 The proposals would impact on the experience/perception of openness. The proposals would change the relatively open (but contained) nature of the site with the installation of the arrays and related fencing such that the site would become more enclosed, and the visual relationships experienced with adjoining areas would be disrupted, although the removal of existing field fencing alongside the rights of way within the site would provide a sense of openness along the rights of way within the southern part of the site. This effect would remain for the duration of the development with the growth of planting strengthening enclosure and creating a more ‘intimate’ character, screening and framing views to the adjoining landscape.
- 8.46 The experience/perception of sense of place over the duration of the development. The site has a recognisable sense of place owing primarily to its relationship to the mainly wooded landscape to the west/south, the experience of the views that are available to the north, and its industrial heritage (although this is not obvious). Whilst the site’s relationship to the surrounding woodlands would largely remain apparent, the installation would change the sense of place from open agricultural land to agricultural land with areas of low-rise energy related development interspersed with undeveloped green corridors. The provision of informative/interpretive signage would explain and contribute to the appreciation of the site’s historical links to past industrial/energy related uses.
- 8.47 Turning to visual effects, the LVIA states that Significant and Moderately Significant adverse visual effects would be confined to the views experienced by users of rights of way (Medium sensitivity receptors, that area more sensitive to the changes that would occur in views available within/into/across the site). Although fencing and the arrays have been set back significantly from these routes, to reduce these effects and retain an open aspect along the routes, the proposals would be conspicuous (an in some cases imposing) and lead to a clearly noticeable change in existing views, character of the site and sense of openness. The LVIA identifies a number of viewpoints where Significant or Moderately Significant adverse visual effects would be experienced by receptors.

- 8.48 Implementation of the mitigation measures would reduce the visual effects to Moderately Significant or Slightly Significant in Year 10.
- 8.49 The LVIA has been independently assessed on behalf of the Council and whilst the document is generally considered to be fit for purpose, it is considered that the assessment of some landscape and visual effects are somewhat understated. Foremost, the effects on the Wrekin Forest Strategic Landscape are of particular concern.
- 8.50 As evidenced in the applicant's LVIA, it is apparent that from some locations in and around the site, the proposed development would result in a very noticeable and uncharacteristic change to the local landscape. As such, the prevailing rural character of the Wooded Estatelands LCT and its associated rural lanes, rolling landform and broadleaved woodlands are likely to be significantly affected in the locality through the introduction of an incongruous development, with an industrial appearance. In context of the wider LCT however, the extent of landscape effect is relatively localised, largely due to the screening effects of surrounding woodlands and rolling/hilly landforms.
- 8.51 In relation to avoidance of significant adverse effects on visual amenity, it is very apparent that the views of recreational users from some sections of footpaths, byways and bridleways would be significantly affected through the introduction of a major visual focus, occupying a large part of the view. From parts of 4 nearby dwellings along New Works Lane, the views of residents are also predicted to experience significant effects. Overall however, it should be recognised that the extent of visibility is relatively localised and from most locations where the site is likely to be visible in the wider landscape, the arrays and associated development would only tend to occupy a small part of the view towards the wooded hills.
- 8.52 Notwithstanding any adverse landscape effects that are likely to be experienced in the local landscape, on balance, these are not considered to be detrimental to landscape character, nor the visual amenity of most people living, travelling through or enjoying the landscape. However, in considering the findings of the LVIA, it is considered that the proposed development conflicts with some parts of Policy ER 1 where the visual amenity of recreational users and several residents would be compromised.
- 8.53 Of primary concern, the proposed development is located within the Wrekin Forest Strategic Landscape and some of its Special Qualities are particularly vulnerable to the introduction of a large solar array and associated infrastructure with an industrial appearance. In particular, it is considered that the proposed development would notably detract from the high scenic quality of the local area, the undeveloped setting to nearby wooded hills and associated ancient woodlands (including parts of the AONB), the patchwork of irregular-shaped

fields and blocks of woodland, the landscape enjoyment experienced from tracks and footpaths, and the sense of rural character and tranquillity.

- 8.54 Although only affecting a relatively small part of the designated area, it is considered that the effects of the proposed development would result in a detrimental change to the quality of the local landscape. As noted in the supporting text, the purpose of this policy is to protect the appearance and intrinsic landscape quality of these areas and to prevent development which would be inconsistent with, and detrimental to, their visual and landscape quality and to this end, it is considered that the proposed development is in conflict with this policy and associated guidance.
- 8.55 Taking into account the statutory duty set out in s85 of the Countryside and Rights of Way Act 2000, paragraph 174 of the NPPF and the accompanying Planning Practice Guidance, the requirements of Policies ER1 and NE7 of the Telford and Wrekin Local Plan, Policies P1 and WF1 of the Shropshire Hills AONB Management Plan, it is considered that the proposals would result in harm to the character of the area and these harms would need to be weighed against the benefits of the proposals.
- 8.56 The benefits of the proposals would be the generation of renewable energy, sufficient to power 8650 typical homes per annum, and saving approximately 15,000 kilograms of CO2 emissions per annum, over the lifetime of the proposed development (40 years). However, the Strategic Landscape only forms a very small part of the landscape within the Telford and Wrekin borough and it is considered that the benefits arising from the proposals are not sufficient to outweigh the harms to this special landscape. The proposals fail to conserve and enhance the character of the designated landscape, thus impacting on the enjoyment of receptors of the site due to the detrimental change to the quality of the landscape. The proposed mitigation measures are not considered sufficient to overcome these impacts and as such the proposals are contrary to national and local planning policies.

Ecology and trees

- 8.57 Policy ER1 seeks to ensure that renewable energy schemes do not have significant adverse impacts on ecology and wildlife. Policy NE1 seeks to protect biodiversity and there is an expectation that development will provide opportunities for enhancing existing ecological features and to mitigate any potential impacts. Policy NE2 seeks to protect existing trees, hedgerows and woodland.
- 8.58 The application is accompanied by an Ecological Appraisal. This considers the potential impacts on protected species and protected habitats.

- 8.59 The main habitat within the application site is improved grassland used for grazing. There is a significant area of gorse to the south of the site, plus a range of other plants. There are hedgerows to the northern boundary and the north western boundary and parts of the eastern boundary. The site is bisected by ditches, tracks and fences. Short Wood, an Ancient Woodland and Local Wildlife Site is located adjacent to the western boundary of the site.
- 8.60 Paragraph 174 d) of the NPPF seeks to ensure that developments will provide biodiversity net gains. Whilst the applicant contends to delivery an enhancement to biodiversity, this is not supported by any measurable matrix, such as the Biodiversity Net Gain calculator.
- 8.61 Part of the hedgerow adjacent to the vehicular access into the site from Dawley Road is proposed to be translocated to provide adequate sight lines for the access. This element of the proposals does not appear to have been considered in the Ecological Appraisal and has the potential to impact on birds or other protected species.
- 8.62 The proposals have been considered by the Council's Ecologist who has raised objections to the proposals. It is considered that there is inadequate assessment of the potential impact of the proposals, in particular on Short Wood and the Limekiln Wood Local Nature Reserve, the Ercall and Lawrence's Hill Nature Reserve, or the Wrekin and Ercall SSSI. Whilst it is noted that Natural England raise no objections to the proposals in terms of impacts on the SSSI, the Council's ecologist is concerned with the localised impacts on biodiversity and protected species.
- 8.63 The Council's Ecologist considers that the application lacks detail with regards to the impacts of the proposals on designated sites, or the potential for Short Wood to impact on the operation of the solar farm due to shading. In addition, there is insufficient information contained within the application in respect of great crested newts, badgers, red list birds (notably Skylarks) and Barn Owls. As such, it is not possible to conclude that the proposals would not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Therefore, it is not possible consider that the proposals comply with Policies ER1, NE1 and NE2.

Highways

- 8.64 Policy C3 seeks to ensure that all development proposals mitigate their impacts on the local highway network. This proposal would have construction impacts and operational impacts. At the end of the project's lifespan there would be decommissioning impacts. It is envisaged that the construction and decommissioning impacts would be similar.

- 8.65 The application is accompanied by a Construction Management Plan. Construction works are envisaged to take around 6 months, with construction activities taking place 0800-1800 on Monday to Friday and 0800-1400 on Saturdays.
- 8.66 It is envisaged that around 20 construction workers will be on site. The panels and equipment will be transported to the site on HGVs and it is envisaged that around 618 deliveries will be required, at an average of around 5-6 deliveries per day, or 10-12 two-way movements per day.
- 8.67 Access to the site will be via the existing access serving the proposed new access onto Dawley Road. Access on the highway network is proposed to be from Junction 6 of the M54, south along Lawley Drive (A5223) to the White Church Roundabout, along The Crescent and Dawley Road.
- 8.68 During the operational phase, access would be minimal with around 1 visit per month for maintenance purposes, usually in a small van type vehicle. This would not result in any impacts on the local highway network.
- 8.69 Decommissioning would have similar impacts to the construction phase over a similar timeframe.
- 8.70 The proposals have been considered by the Highway's Officer who confirms that they have no objections to the proposals subject to conditions, including one requiring a Construction Traffic Management Plan to ensure the construction traffic will be routed to the M54 via Lawley Drive so as to avoid the Cock Hotel junction. In addition, they are supportive of the proposals to increase the size of the car park to minimise the potential for informal parking on the highway. Subject to conditions, the proposals are considered to be in accordance with Policy C3.

Noise and impacts on residential amenity

- 8.71 Policies BE1vii) and ER1ii) support proposals where there would be no significant adverse effect on local amenity due, inter alia, to noise arising from the scheme. Paragraphs 170e) and 180a) of the NPPF also seeks to prevent the loss of amenity due to noise.
- 8.72 No Noise Assessment has been submitted with the application and as such no assessment of the potential noise impacts on residential amenity has been undertaken. The Design and Access Statement states that noise from the transformers will be limited to daylight hours only.
- 8.73 However, the application does not appear to have taken into account any potential noise associated with the battery storage. A recent planning application at Roden stated that battery stations are operational 24 hours a day, and there is no reason to expect this site to be any different. Whilst battery stations, plus inverters, are normally contained within sound-proofed containers, no

acknowledgement of this is made within the application. The D&A states that noise would only be audible within about 30m and is unlikely to be audible at any neighbouring property. This is not backed up by any professional assessment and potentially fails to demonstrate the relationship between background noise levels and potential noise sources and receptors.

8.74 Noise associated with construction activities would be heard at nearby properties. The Design and Access Statement states that these impacts would be temporary in nature and could be controlled through good working practices and limitations on construction hours to avoid the most sensitive times. This is generally accepted.

8.75 Overall, the proposals have failed to demonstrate that they would not result in a loss of residential amenity due to noise impacts and as such it cannot be considered that the proposals comply with local and national planning policies.

Flood risk and drainage

8.76 Policy ER12 seeks to ensure that development proposals do not result in increased flood risk either within the site or elsewhere. No Flood Risk Assessment was submitted with the application despite the site being greater than 1ha in size. As such the Drainage Officer has objected to the proposals as it has not clearly demonstrate that the proposed development would not increase flood risk. As such it is not possible to confirm that the proposals would comply with local and national planning policies.

Impacts on heritage assets

8.77 The Planning (Listed Buildings and Conservation Areas) Act 1990 places statutory duties on local planning authorities in respect of considering the impacts of proposals on listed buildings and conservation areas. These duties are also reflected in Local Plan Policies BE4 and BE5. Policies BE6 and BE8 seek to protect locally listed buildings and archaeological sites and scheduled ancient monuments. Further policies are set out nationally within the NPPF.

8.78 The site lies adjacent to a Scheduled Ancient Monument, and part of the land associated with that is contained within the proposed application site boundary, although no development is proposed in that location.

8.79 The application is accompanied by a Heritage Statement assessing the potential impacts of the proposals on a range of heritage assets. In terms of potential impacts on archaeological deposits, it is accepted that the previous coal mining activities may have largely disturbed any potential deposits. However, there may remain small pockets of undisturbed remains. The County Archaeologist is satisfied with these findings.

- 8.80 Given the separation distance between the proposed site and designated heritage assets such as listed buildings, it is considered that the proposals would not give rise to any adverse impacts on the setting of the assets. Likewise, the proposals are not considered to impact on the Iron Age hill fort atop the Wrekin. The Council's Conservation Officer raises no objections to the proposals.
- 8.81 Turning to the potential impacts on the SAM, this lies to the south of the site and part of the designation falls within the application site. The SAM comprises earthworks, buried archaeological remains and machinery of coal and ironstone mining activities within an area worked intensively on a small scale from at least the 14th century. The site of the SAM is largely within the wooded area forming Birch Coppice. Part of a former tramway falls within the application site and is also partially wooded.
- 8.82 Given the current context of the site and that visibility of the monument is limited, even in close proximity from within the application site, it is not considered the proposals would result in harm to the setting of the SAM. Whilst the findings are generally accepted, it is noted that the assessment fails to realise the site boundary and its relationship with the tramway section of the SAM. Notwithstanding this, Historic England and the Conservation Officer agree with the findings of the Heritage Assessment.
- 8.83 Given the fact that the proposals will not result in any harm to heritage assets it is considered that the proposals are in accordance with Policies BE4, BE6 and BE8 and the NPPF.

Glint and glare

- 8.84 Solar farms, due to their nature, have the potential to give rise to glint and glare issues. Given the close proximity of the site to the M54 and residential properties a Glint and Glare Assessment accompanies the application. This has taken into consideration the motorway, a section of the A523 and 18 residential receptors adjacent to the site.
- 8.85 The report concludes that there is no impact predicted on road users or dwellings in the surrounding area. In all cases, any solar reflections that are geometrically possible will be screened by intervening terrain, existing vegetation, proposed vegetation and/or surrounding buildings. Solar reflections are possible, without appropriate mitigation planting, at 3 Arleston Hill and 57 New Works Road.
- 8.86 The Glint and Glare Assessment has been reviewed by Highways England who are satisfied with the findings of the report and that there would not be any adverse impacts on users of the strategic highway network.
- 8.87 Given the low level of potential impacts arising from glint and glare, it is considered that the proposals would not result in significant adverse harm.

Land stability

- 8.88 Policy BE9 requires development proposals to demonstrate that land stability will not result in impacts on the proposal. Paragraph 184 of the NPPF states that it is the applicant's responsibility to ensure they secure a safe development.
- 8.89 The application is accompanied by a Coal Mining Risk Assessment. This identifies that there may be a range of coal mining risks associated with development of the site. However, the proposed development of a solar farm is considered a relatively low-risk end-use which will apply only light loads and is tolerable of some ongoing settlement.
- 8.90 The report concludes that before the mining risks can be fully assessed it will be necessary to carry out pre-construction intrusive site investigation works. This should confirm ground conditions and bearing characteristics of materials present; assess the identified settlement mechanisms; investigate any specific coal mining risks identified (eg mine entries or shallowing workings beneath and around the highwall areas); assess the contamination status of the site; and confirm the ground gas regime.
- 8.91 A plan has been submitted overlaying the proposed development with known workings, pit shafts and mine entries. Whilst some of the arrays are shown to align with some known mine shafts, none of the proposed associated infrastructure is shown to be located such sensitive positions.
- 8.92 The proposals have been assessed by the Coal Authority who raise no objections in principle to the proposals, subject to the imposition of conditions any planning permission. As such the proposals are considered to comply with local and national planning policies.

Other issues

- 8.93 It is noted that the application includes the extension of the existing car park and the provision of a viewing/picnic area. It is also proposed to include information boards to enable users of the site to have a better understanding of the history of the site. Whilst these proposals are welcomed in principle, they are not necessary as a result of the proposed solar farm and are offered as community benefits.

Planning Balance

- 8.94 Local and national planning policies support the development of renewable energy schemes, subject to there being no adverse harm arising from the proposals. It is acknowledged that the Parish Council and local residents have raised significant concerns in respect of the proposed development and those concerns have been considered in this report.

- 8.95 The proposal would result in the loss of around 40 hectares of farmland. This would be replaced by the potential to develop around 30MW of renewable energy for a period of 40 years. This would be sufficient renewable energy to power the equivalent of more than 8,650 homes a year. In addition, it would result in the displacement of around 15,000 tonne of CO2 per annum. This would be a positive benefit towards helping meet the climate change agenda.
- 8.96 The proposals would result in Significant or Moderately Significant adverse effects on the landscape character. Impacts on views would be limited due to being relatively localised, however would be experienced by a large number of receptors using the site for recreational purposes. Therefore, the proposals are considered to be contrary to the requirements of Policies ER1 and NE7. As such, the benefits of the proposals are insufficient to outweigh the detrimental change to the quality of the landscape due to failing to conserve and enhance the character of the area. Even taking into account the community benefits of the scheme, these are not considered sufficient to outweigh the harm arising from the proposals.
- 8.97 There are not considered to be any detrimental harms to the setting of designated heritage assets, including the nearby Scheduled Ancient Monument located to the south of the site.
- 8.98 It has not been clearly demonstrated that the proposals would not result in harm to biodiversity. As such, it is not possible to conclude that the proposals would not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Therefore, it is not possible consider that the proposals comply with Policies ER1, NE1 and NE2. Likewise, it has not been demonstrated that the proposals would not result in increased flood risk.
- 8.99 Concerns regarding decommissioning are noted, but this is appropriately dealt with by condition and is not grounds on which to refuse the proposals.
- 8.100 Overall, the harm arising from the proposals is considered to outweigh the benefits and it is recommended that the application be refused.

9. CONCLUSIONS

- 9.1** As set out in the Planning Balance section above, and throughout this report, the proposals fail to comply with the relevant national and local planning policy. Therefore, it is recommended the application be refused.

10. Detailed recommendation

Based on the conclusions above, the recommendation to the Planning Committee on this application is to **REFUSE FULL PLANNING PERMISSION** subject to the following reasons:

1. The proposals would result in a detrimental change to the quality of the strategic landscape, failing to conserve and enhance the character of the landscape around the Shropshire Hills Area of Natural Beauty. This would result in significant harm to the character of the area and thus impact on the enjoyment of the area by receptors using the local public rights of way. The proposed mitigation is insufficient to overcome these harms. As such the proposals are contrary to Policies ER1 and NE7 of the Telford and Wrekin Local Plan (2011-2031), paragraph 174 of the National Planning Policy Framework, and Policies P1 and WF1 of the Shropshire Hills AONB Management Plan (2019-2024).
2. The application lacks detail with regards to the impacts of the proposals on designated sites, or the potential for Short Wood to impact on the operation of the solar farm due to shading. In addition, there is insufficient information contained within the application in respect of great crested newts, badgers, red list birds (notably Skylarks) and Barn Owls. As such, it is not possible to conclude that the proposals would not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Therefore, the proposals fail to comply with Policies ER1, NE1 and NE2.
3. The proposals have failed to demonstrate that they would not result in increased flooding risk either on-site or off-site. As such the proposals fail to comply with Policy ER12.