

TWC/2021/1071

Site of Steeraway Farm, Limekiln Lane, Wellington, Telford, Shropshire
Installation of a ground mounted solar farm with continued agricultural use (grazing),
ancillary infrastructure and security fencing, landscape provision and ecological
enhancements (Environmental Statement Submitted) *** Additional information ***

APPLICANT

RE Projects Development Limited & Steerway Solar,

RECEIVED

28/10/2021

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-applicationsummary.aspx?applicationnumber=TWC/2021/1071>

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 south of the M54 on two parcels of land either side of Limekiln Lane. The western parcel is approximately 18 hectares and the eastern parcel around 35 hectares. The land is made up of 10 fields, three of which are currently in agricultural use for arable crops and 7 laid to pasture for grazing by livestock.
- 2.2 The M54 runs along the northern boundary of the site. Part of the eastern and southern boundaries abut Short Wood. The Wrekin Golf Club abuts the western boundary, along with Limekiln Wood where it meets the southern boundary of the western parcel. There are a number of residential properties located along Limekiln Lane overlooking parts of the site.
- 2.3 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). There is an extensive network of public rights of way within the vicinity of the site affording views over various elements of it. Limekiln Lane is a well-used public right of way. The Ercall and Lawrence Hill Nature Reserves are located to the west of the site.
- 2.4 The site has an undulating land form with the land rising to the east, west and south from Limekiln Lane. The western parcel of land rises from approximately 125m AOD in the north eastern corner to approximately 155m AOD in the north western corner. There is a ridge along part of the eastern boundary, with the northernmost field sloping down from that ridge towards

Dawley Road. Adjacent to Limekiln Lane the site is approximately 130m AOD and the ridge is located at approximately 160m AOD. The land rises from around 137m AOD to approximately 160m AOD adjacent to Short Wood.

- 2.5 There are boundary hedgerows throughout the site, but partial views are possible of the lower parts of the site through these. The higher parts of the site are not screened due to the landform. In addition, the woodlands provide a degree of screening to the site, although again partial views are possible from the public rights of way within the woods.
- 2.6 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 of approximately 77,200 PV panels. These are proposed to be fixed arrays having a maximum height of 2.7m. The following additional equipment would be required throughout the site:
 - Approximately 6 transformer units (one in each section of the site) measuring around 6.1m in length, 2.5m in width and 3m in height.
 - An on-site grid connection cabin, approximately 12m in length, 3m in width and 3m in height.
 - Security fencing around 2m in height consisting of post and wire and deer fencing.
 - A 3m wide stone surfaced maintenance access track within the security fence, plus a crossing point over Limekiln Lane
 - Access from Dawley Road via existing access point.
- 3.2 It is also proposed to include meadow grasslands surrounding the panels, new hedge and tree planting along external perimeters where they do not already exist to a height of 3m, gap filling of hedges and additional planting to perimeters.
- 3.3 The proposals are indicated to be sufficient to serve around 11,000 homes and reduce carbon emissions by 7,000 tonnes annually.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The application is accompanied by an Environmental Statement in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This consists of Volume 1 which is the Environmental Statement (ES) and the accompanying appendices. There is also a Non-Technical Summary (NTS).
- 4.2 In line with the Scoping Opinion, the Environmental Statement covers two main topics:
 - Landscape and Visual Impact
 - Cultural Heritage and Archaeology

In addition, there is a chapter covering cumulative impacts.

- 4.3 Regulation 4(5) of the EIA Regulations requires the local planning authority to ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement.

In this regards, the case officer has worked in conjunction with:-

Specialist officers at Telford and Wrekin Council, Shropshire Council, Historic England, National Highways and Douglas Harman Landscape Planning.

- 4.4 The EIA regulations also require that planning permission shall not be granted unless the planning authority takes this environmental information into consideration. Relevant matters for consideration are set out below in the Planning Considerations.

5. PLANNING HISTORY

- 5.1 EIA/2020/0009: Installation of a solar farm and ancillary infrastructure. Scoping Opinion given
- 5.2 W97/0862. Winning and working of coal and clay by opencast methods, water treatment areas, and 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 19/3/2001
- 5.3 W96/0492: Extension of an existing 12m mast to a height of 18m on top of which 3 no. dual polar directional antenna and 1 no. microwave dish will be installed. Full Granted 19/08/1996.
- 5.4 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.

For information, the following planning application relates to the adjoining land (New Works Solar Farm) recently considered by the Planning Committee:

- 5.5 TWC/2021/0737: Installation of solar farm and associated infrastructure. Enlargement of existing car park and creation of viewing area. Refused 12/11/2021. Now appealed with the Public Inquiry due to open on 21 June 2022.

6. RELEVANT POLICY DOCUMENTS

- 6.1 National Planning Policy Framework (NPPF)
National Planning Practice Guidance
- 6.2 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

6.3 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

7. NEIGHBOUR REPRESENTATIONS

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

- Would ruin true beauty spot
- Impacts on wildlife, flora and fauna
- Loss of green space – need to protect to combat climate change
- Solar panels belong on roofs – plenty of industrial buildings
- Impacts on walkers and riders
- Impact on precious landscape
- Area is a community asset and important for mental health
- Contrary to policies NE1, NE6, NE7 and ER1
- Increased traffic on narrow lanes dangerous for other users
- Landscape and visual impacts
- Increased traffic during construction
- Glare impacting drivers on M54
- Impacts on Wrekin Strategic Landscape and should be protected
- Site is good quality farmland
- Should be refused just like the New Works Lane site
- Increased flooding risk to M54 due to compacting ground
- Evidence of rare grouse nest on site
- Disruption to residents during construction
- Potential impacts on Ercall Wood School during construction
- Limekiln Lane is an extension of the Ercall and Wrekin
- Will set a precedent for other development in this area
- Claims we should stop using fossil fuels ignore the fact that fossil fuels are used in the production of solar panels
- Won't be of any benefit to local residents

- Many better suited sites in Telford and Wrekin borough
 - Will impact views of the Wrekin from M54
 - Contrary to Wrekin Forestry Plan and Wrekin Local Plan
 - Contrary to Wrekin Strategic Landscape Study and Wrekin Forest Plan
 - Contrary to Little Wenlock Parish Plan
 - Limekiln Wood is promoted as one of the most biodiverse in the area
 - Adverse impacts on visitor economy
 - Arleston one of the poorest areas of Telford and this area offers respite and free activities for residents
 - Area rich with industrial heritage and nature and rare flora
 - Displaced deer may roam on M54 – appropriate deer fencing would be required from Cluddley junction to Dawley Road over bridge
 - Parts of the site are boggy
 - New footpath from Short Wood to Limekiln Lane sits under water after heavy rain
 - Part of site on floodplain – flooded twice in 2010's
 - Adverse impact on view from residential property on Limekiln Lane
 - Many people use this area as an alternative to the busy Wrekin walks
 - If this area is destroyed then will increase the pressure on the Wrekin area
 - Will negatively impact disabled people who can use these paths in open countryside
 - Impacts on users of the “safer routes to school” footpath
 - Many areas where the impacts would be less than this site
 - Site is valuable and sensitive Barn Owl site – breeding owls on site
 - Impacts on Barn Owls not assessed
 - Site accessible via Hutchinson Way and from Watling Street as well as the T50 50 Mile Trail
 - Site contains a number of informal paths that will be closed to walkers
 - Potential loss of badger foraging areas. Fencing should include badger access
 - Will affect the movement of deer resulting in changes to the woodland
 - Government policy does not support large-scale solar at any cost
 - Contrary to National Planning Policies and local policies
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- Support – contributes towards the Council's goals in respect of the Climate Emergency
 - Desolate windswept land next to motorway with associated noise pollution
 - Hedgerows will screen the site
 - Existing wildlife corridors would be retained
 - Grazing will continue
 - Solar panels are efficient form of energy production
 - Plans well considered and protecting landscape
 - Letter from The Rt Hon Mark Pritchard MP: Oppose.
 - Sensitive location adjacent AONB
 - Strategic Landscape must be protected as set out in local and national planning policies

- Visual harm to rural character and setting of AONB and Strategic Landscape
- Note objection from Ecologist regarding uncertainty of development
- Share concerns of Built Heritage Specialist regarding impacts on setting of Christ Church
- Support renewable energy in right location – this site inappropriate

Letter from The Rt Hon Mark Pritchard MP: Object

- Site is Strategic Landscape adjacent to AONB and Ancient woodland
- Landscape must be protected as set out in national and local planning policies
- Harm to rural character and setting of AONB and Strategic Landscape
- Note objections from Ecologist and Built Heritage Specialist
- Renewable energy must be in right location – this site is inappropriate

8. STATUTORY REPRESENTATIONS

8.1 Little Wenlock Parish Council – **Object.**

Little Wenlock Parish Council objects to this application for the following reasons: 1. The site is within the Wrekin Strategic Landscape area. 2. Two of the proposed fields are immediately adjacent to the Shropshire Hills Area of Natural beauty. The five fields are extremely close. Thus being detrimental to the quality of the strategic landscape and failing to conserve or enhance the character of the landscape around the Shropshire Hills AONB. Resulting in significant harm to the character of the area. Thus 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 ANB Management plan. (2019-2024). 3. The land is currently used for sheep grazing and arable farming it is not a brownfield site in the twenty first century having ceased its previous use over a century ago in 1900.

8.2 Wellington Town Council: **Object**

The Chair invited both Mrs Jocelyn Lewis and Cllr A McClements to address the Committee, prior to further consideration by the members.

Cllr Alvey concluded that this application was the wrong project in the wrong area, and the possible loss of the current environment.

Cllr Hall whilst admitting that whilst we need solar energy was well known; the scheme was ill thought out which should be objected on the grounds that had been raised.

Cllr Latter like most people whilst recognising the need for solar farms had concluded that this was the wrong scheme in the wrong location, which would cause damage to the adjacent ancient woodlands and was a rare environment, which should be protected; he had also concluded that the application was opportunistic in nature.

Cllr Roberts absolutely objected to the application which was in an area within the strategic landscape area which if allowed to proceed there would be no area which would be safe, within the designated plan. The application site was within an area of particular ancient woodland, which needed to be protected.

Cllr Jinks also referred to the area and that she had met with Mrs Lewis and had a walk round the area. She felt that this area should be protected as it is for future generations. She had looked at the application plans, and whilst it was an application for a farm, she considered that it was a plan seeking to exploit and destroy the landscape, she commented on the immense scale of the proposal, referred to the adjacent ancient woodland, which should not be destroyed. In effect it was a local nature reserve, a local wildlife site close to sites of natural and geological areas, which was located within the designated Wrekin strategic landscape and peppered with numerous local rights of way. Whilst citing the current Central Government policy framework that residents have a responsibility to help in the increase in the use of green energy she commented that large-scale developments were not seen as a priority and as a result she had concluded that the application was the wrong scheme in the wrong location. She also commented that alternatives should be considered and that given the large extent of commercial and industrial properties these areas should be considered instead. As a result the Committee agreed to unanimously object to the application on the grounds and basis of the comments stated above.

8.3 Further comments 14.3.2022: The Committee acknowledged that further and additional information had been submitted and that Members had opportunity to review this further information in advance of this meeting. Although in conclusion this additional information had not resulted in the Committee amending their overall objection to the application as previously stated. In conclusion whilst they felt that the generation of electricity in a renewable form as being positive they considered that the proposed location was inappropriate and that other options such as the utilisation of other options should be considered, for example the roofs of industrial premises and factories or new developments should be used. The Committee also should represent their local communities. Following discussion members wished to confirm that notwithstanding the additional information that had been received their view had not changed from their comments that had been previously submitted.

8.4 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. Detrimental visual impacts for walkers and impacts on attractiveness of PROWs. 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
Whilst we support renewable energy initiatives, this application should be refused as it is proposed to be in a completely inappropriate location.

8.5 Cllr Jacquie Seymour: Like the application for a Solar Farm off New Works Lane, this site lies on the western boundary of the Dawley Road and very definitely within the Wrekin Strategic Landscape Area. It would be very visible from the Dawley Road as well as the M54, regardless of any planting that would take years to be even partially effective, and would completely undermine this important and much valued natural habitat that lies within a unique setting. On top of that, this application is not only proposed to be built on valuable agricultural land and completely dominate the much used public footpath and bridleway of Limekiln Lane, it would also totally destroy the home environs of the residents of 6 rural properties.

8.6 National Highways: **No objections subject to conditions.**

Proposed Security Fencing; Landscaping and Tree Planting; Flood Risk and Drainage Strategy; Construction Traffic Management Plan: Accept the design principles proposed subject to condition.

Geotechnical Impact

No objections but would request sight of geotechnical information to discharge Coal Authority condition.

PV Solar Panels and Glint and Glare Assessment - no visual effect, in the form of glint and glare, demonstrating compliance with DfT 02/2013 para 49.

8.7 Natural England – **No objection:**

The proposed development will not have significant adverse impacts on designated sites of the Wrekin and the Ercall Site of Special Scientific Interest 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 paragraphs 176 and 177 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.

8.8 Shropshire Fire Service: Raise no objections.

8.9 Archaeology – Comment:

The proposed development site at Steeraway Farm, Wellington, lies in an area with a background of archaeological remains of the prehistoric through to the post-medieval periods, including the remains of medieval and post-medieval mining. The proposed development site itself includes the site of the former Wellington UDC Isolation Hospital, Steeraway (Shropshire Historic Environment Record [HER] No. PRN 35462). There have also been a small number of find spots recorded by the Portable Antiquities in the vicinity of the proposed development site. Much of the proposed development site has however been subject to 20th century open-cast mining. The proposed development site therefore has some archaeological and historical interest. A Historic Environment Desk-based Assessment (Berrys, May 2021) and a Baseline Archaeological Assessment have been submitted with this application, together with the report on a geophysical survey (AOC, May 2021, Project No: 40195). The Archaeological Assessment concludes there is a low to high potential for archaeological remains of different periods within parts of the site. The geophysical survey recorded a number of anomalies in the northern and southernmost parts of the site which were of uncertain but possibly of archaeological origin. Recommend condition for a phased programme of archaeological works.

8.10 Planning Policy: Comment

The application site is situated outside of the built up area of Telford, and located within the Wrekin Forest Strategic Landscape. Site adjoins the boundary to the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and local wildlife sites. TWLP Policy SP 3 sets out that the Council will support development in the rural area where it addresses the needs of rural communities.

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 Local Plan supports renewable energy development, subject to meeting the criteria of Policy ER1 as above. The key issue for this application site is the context of compliance with Policy ER1 point i.

The National Planning Policy Framework (NPPF) Paragraph 176, Policy NE7 and the Shropshire Hills AONB Management Plan 2019-2024 seek to conserve the setting of the AONB.

The application site is located adjoining the AONB boundary. The position and topography of the site and the scale of the proposal results in the site being highly visible from various vantages including in the context of the AONB. As such, the proposal is likely to have a significant impact on the views of the AONB and from the AONB. As such, it is unclear how the proposed development protects the AONB, as required by local and national planning policy, including those features identified in the AONB Management Plan.

NPPF Paragraph 174, Policy NE7 and the Telford and Wrekin Strategic Landscapes Study (2015) address the Wrekin Forest Strategic Landscape including the key special qualities of the landscape.

Given the scale and location of the proposal together with the topography of the site, it is clear that the proposal would have a significant impact on the special qualities identified above. Further, in terms of visibility the 2015 Study identifies the land south of the M54, which would include the application site, of most relevance is the following points:

- Although development exists on the lower northern slopes (south of the M54), The Wrekin is still seen within an undeveloped rural setting from the M54 and the edge of the urban area, as well is in views from the east, south and west.
- Other people viewing the Wrekin Forest from outside the Strategic Landscape include residents of many parts of Telford & Wrekin and the surrounding villages, and travellers on the M54/A5.

The site adjoins the M54 from Dawley Lane to Golf Links Lane (a significant distance). The above highlights the visibility of the site and therefore the scale of the impact of the development on the Strategic Landscape and wider on the AONB.

Finally the 2015 Study sets out key principles for the planning and management of the Strategic Landscape including:

- Protect the sensitive and undeveloped setting of the Wrekin and the Shropshire Hills AONB, particularly in key views from roads and settlements; and
- Resist large scale residential and industrial development within, or in the vicinity of, the Strategic Landscape, in order to protect the area's special qualities

As highlighted above, it is unclear how the submission complies with the above principles.

Other relevant policies are BE1, C3, NE1, NE2 and ER2.

8.11 Coal Authority: No objections subject to conditions.

The Coal Authority records indicate that the site lies within an area of probable shallow coal mining; thick coal seams inferred to outcrop at or close to site that may also have been historically worked; and the site is within the boundary of a site from which coal has been removed by surface mining (opencast) methods. In addition, within, or within 20m of the planning boundary, there are 4no mine entries (1no. off-site coal shaft that marginally intersects the south / south western boundary; and 3no. on-site limestone shafts).

As the Coal Authority's remit only extends to former coal mining activity, we are unable to provide any specific comments / recommendations relating to limestone mineshafts.

Taking into consideration the nature of the proposed development, the ground mounted solar arrays are unlikely to require deep and extensive foundations or groundworks and are often merely placed on the site surface freestanding with adjustable legs. Accordingly, these structures are deemed exempt (Coal Authority Guidance for Local Planning Authorities – England, Version 6 January 2021) from requiring the submission of a Coal Mining Risk Assessment. However, as the proposal includes the formation of an access route / ancillary infrastructure (conversion units, transformer cabins) the applicant will need to demonstrate to the LPA that they have considered the extent of coal mining legacy at this site and how this affects their proposal.

The applicant has submitted a Coal Mining Risk Assessment, April 2021 prepared for the proposed development by Earth Environmental & Geotechnical Ltd. The Assessment has been informed by an extensive range of sources of information (Section 1.7).

Having carried out a review of the available information, the report author concurs with our records and considers that as a result of former opencast operations having taken place within this site, it is unlikely that the ground has been restored to an engineered standard and ongoing settlement remains; resulting in a risk to the proposed development. Recommendations have been made that abandonment mine plans for the surface coal mines should

be examined in order to confirm the extent and depth of the former quarry followed by intrusive ground investigations (Section 4.13). The Coal Authority is of the opinion that all available evidence is used to inform any desk-based study to enable the report author to consider all relevant data; therefore, it is unclear why the abandonment plans have not already been reviewed.

Section 4.10 identifies that the location of the disused mine entries located within the western boundary (limestone shafts) will need to be determined prior to finalising the development layout. The LPA should note that the General Layout Plan (Drawing No: A00002 Issue 04) illustrates that the solar panels and / or sensitive structures are not within the area of the recorded limestone (or coal) shafts.

8.12 **Built Heritage Officer: Object.**

Numerous assets within the surroundings of the site. Proposed development would not have any adverse impacts on any of the designated heritage assets identified within the application nor on their settings. However, there are views of the tower at the Church of All Saints, Wellington, a Grade II* listed church. This designated heritage asset of the highest significance has not been assessed, nor has the impact on views to the tower from the site, and to what contribution such views have on the significance of the Grade II* listed building, in particular considering the history of the area, and the probability that such views would have been significant from locations such as the site.

However, with regards to the setting of Steeraway Farm, the landscape forming the Site makes a positive contribution to the significance of this non-designated heritage asset, in particular through the provision of an appropriate and historic context for the farm. Although the land will be retained as grazing, the scale and appearance of the landscape will be significantly altered, and will result in a level of detriment to the significance of the non-designated heritage asset. Whilst the NPPF does not require justification for any harm to a non-designated heritage asset or its setting, Policy BE6 (iii) does. In such instances, the scale of harm is to be weighed against the significance of the building. In this instance, the harm is to the setting, and the level of harm is considered to be, in terms of designated heritage assets, at the low to moderate level of less than substantial. The significance of the asset, primarily arising from its architectural appearance and its historic interest, is considered to be at a local level and of moderate local significance. However, no justification for any harm to the non-designated asset has been provided.

As such, with no justification for the harm to the significance and setting of the non-designated heritage asset, the scheme would be contrary to Policy BE6 (iii). It is also probable that there will be some harm to the way in which the Grade II* listed church is experienced and appreciated, and as such there would be harm to the setting of the designated heritage asset, with no clear and convincing justification, although there is no assessment to be able to ascertain this in terms of the application detail. In view that the proposals are therefore contrary to adopted Local Plan policy, it is recommended that the scheme should be refused on these grounds.

8.13 Historic England: **Comment**

The proposed development lies in an areas of rich archaeological remains from the prehistoric period through to the post-medieval period, including the remains of medieval and post-medieval mining. The National Heritage List for England includes three assets:

- Coal Mining Remains 350m north west and 520m north of New Works Village
- Large multivallate and univallate hillforts, a round barrow, a Late Bronze Age settlement and WWII military remains on The Wrekin
- Group of Round Barrows at Willowmoor

The proposed development will give rise to an industrialisation of the rural environment. Given the topographical location and intervening vegetation this is unlikely to impact on the significance of the scheduled 'Group of Round Barrows at Willowmoor' or the 'Coal Mining Remains'. Although there may be visibility with the latter should the current screening be modified.

Although slightly more distant, the more prominent change in terms of landscape setting will be from and to the scheduled archaeology on The Wrekin. The rural setting of these nationally important remains is part of its significance and this change will result in less than substantial harm to the remains situated on The Wrekin.

Should the development be granted planning permission, there will be some impact caused by development within the setting of the scheduled monument situated on The Wrekin (and possibly also to the Coal Mining Remains). This however can be lessened by design. It is recommended that mitigation measures are considered including that transformers, substation etc are located in close proximity to screen hedges so as to minimise the impact upon the rural setting of the monument. It is also recommended that recessive colours are used and the design of the surrounding fence, trackway, and lighting scheme is carefully considered to minimise visual impacts. The views of the local authority's archaeological advisor and built heritage specialist should be sought with regard to non-designated archaeology, listed buildings and non-designated heritage assets and their advice implemented in full.

Historic England has concerns regarding the application on heritage grounds. It is considered that the issues and safeguards outlined in the response need to be addressed in order for the application to meet the requirements of paragraphs 202, 203 and 205 of the NPPF. In determining this application the LPA 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.

8.14 Drainage: **No objections** subject to condition relating to SuDS Management Plan.

8.15 Ecology: **Object.**

Additional information is required relating to habitats including biodiversity net loss/gain and nesting wild birds. 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.

8.16 Highways: **No objection subject to conditions.**

With regards to the above proposals, it is considered that the main highways impact corresponds with the initial 8 month construction phase and subsequent decommissioning phase at the end of the development's useful life. Vehicular movements associated with the operational phase of the development are infrequent, associated with monitoring and maintenance, with the solar farm being unmanned once operational.

The applicant has provided detailed supporting information with an indicative construction programme, outlining the separate construction activities. This predicts a peak of 6 HGV 2-way movements per day in addition to up to 30 2-way daily staff movements in light vehicles, 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 or access along Limekiln Lane. A condition will be requested to ensure the development is constructed in accordance with the Construction Traffic Management Plan appended to the Transport Statement, the final details of which are to be agreed and approved as part of the requested condition.

The submitted plans show access visibility splays of 2.4 x 65m, however, visibility of 100m can be secured within the highway verge, therefore visibility splays of 2.4 x 100m will be conditioned in this instance to maximise visibility in the interests of highway safety.

8.17 Landscape: **Object.**

In relation to Policy ER1, the proposed development would result in significant adverse effects on a number of sensitive landscape and visual receptors within the local landscape. In particular, the arrays and associated infrastructure would compromise the distinctive sloping/undulating landform, along with the prevailing rural character and a sometimes, semi-natural and intimate landscape. In relation to avoidance of significant adverse effects on visual amenity, it is very apparent that the views of several residents and recreational users from some sections of nearby footpath, byway and bridleway would also be significantly affected through the introduction of a major visual focus, occupying a large part of their view.

Although the extent of adverse effects is relatively localised, on balance, these are considered to be detrimental to landscape character, and the visual amenity of those using a well-used network of recreational routes and some nearby residents. Consequently, the proposed development conflicts with Policy ER 1.

Policy NE7: Of major concern, the proposed development is located within the Wrekin Forest Strategic Landscape and 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”. Furthermore, the nearby setting of the AONB and the associated semi-natural character of Ancient Woodlands would also be compromised and to this end, it is considered that the proposed development is in conflict with this policy and associated guidance.

Policy NE2: In considering the implementation of mitigation measures to protect existing trees and hedgerows etc., the proposed development conforms with this policy.

Overall the applicant’s LVIA is not considered fit for purpose as it provides little use in establishing a rigorous and robust understanding of any likely significant effects. Notwithstanding the fundamental flaws in the ES, it is very apparent that the proposed development would result in a number of significant landscape, visual and cumulative effects. Consequently, it is advised that great weight should be given to the apparent conflicts in landscape-related policy, when balanced against wider material considerations.

8.18 Shropshire Hills AONB Partnership: **Comment**

With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

9. ASSESSMENT

9.1 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
- Landscape and visual impact
- Impacts on heritage assets
- Ecology and trees
- Highways
- Noise and impacts on residential amenity
- Flood risk and drainage
- Glint and glare
- Land stability

Principle of the development

- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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).

- 9.9 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”.
- 9.10 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.
- 9.11 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.
- 9.12 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.
- 9.13 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.
- 9.14 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]).
- 9.15 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.

Best and Most Versatile Agricultural Land

- 9.16 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 & Wrekin Borough. It is noted that there is growing concern in respect of food security due to the loss of BMV agricultural land. Whilst this is acknowledged, there has not been any change to planning policy to date to reflect this.
- 9.17 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. However, it is noted that the recommended EM1 grassland, as set out in the Preliminary Ecological Assessment, should not be cut or grazed from spring through to late July/August. Ongoing maintenance for this type of grassland is to take a hay cut and leave for 1-7 days so that the hay can dry and shed seed. After this the hay should be removed from the site. Mowing or grazing the regrowth to late autumn/winter and in early spring is appropriate.
- 9.18 The application is accompanied by a brief Agricultural Land Assessment. This has been undertaken by way of a site visit and a review of the Ministry of Agriculture Fisheries and Food revised Guidelines and Criteria for Grading the Quality of Agricultural Land October 1988. Quality Assessment. This establishes that the site is a mix of Grade 2, 3a and 3b. The report does not quantify the different areas other than by shading on a plan with no scale. A rough estimate based on this reveals that more than 50% of the land falls within the classification of Best and Most Versatile Agricultural Land.
- 9.19 The application does not include an assessment of the economic or other benefits of the use of this land. There is no analysis of the loss of this quantity of BMV land, some of which is currently used for crop production. The Site Search Report makes reference to approximately 70% of the land being used for grazing and 30% for arable crops. It notes that grazing can continue following the completion of the proposed development, although the limitations of this are discussed in paragraph 9.17 above.

- 9.20 Policy SP3, paragraph 174b) and Footnote 58 of the NPPF do not prevent the development of BMV agricultural land. Whilst the proposed development is located on a substantial area of what could be best and most versatile agricultural land it is not considered that the loss of this land would be contrary to local and national planning policies should the benefits outweigh the loss.

Landscape and visual impact

- 9.21 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.
- 9.22 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.
- 9.23 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.
- 9.24 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.'*
- 9.25 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).
- 9.26 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.

9.27 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

9.28 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.”

9.29 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.”

9.30 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

- 9.31 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.
- 9.32 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.
- 9.33 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. This harm would impact on users of the public rights of way within the area with adverse impacts on the visual amenity of the area. Residents of properties along Lime Kiln Lane have also raised concerns about visual impacts in relation to their properties.
- 9.34 Chapter 5 of the Environmental Statement relates to Landscape and Visual Impact and sets out the findings of the 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). In accordance with the requirements of the EIA Regulations the LVIA identifies the relevant receptors and assesses the susceptibility of the receptor to the impacts of the proposals. It sets out the assessment criteria for the assessment of the impacts. This chapter was initially found to be flawed in its approach and a revision has been submitted.
- 9.35 A number of residential, recreational and transport receptors have been identified. These include properties and drivers along Limekiln Lane, users of local public rights of way and drivers on the M54 and Dawley Road. The report identifies that there are no publicly accessible PRowS within the application site, other than a bridleway shown on the maps but not located on the ground. This is factually incorrect as there is a public right of way between Short Wood to Limekiln Lane, as identified on the applicant's plans.
- 9.36 The site is identified as being largely located within National Character Area (NCA) 65: Shropshire Hills and the western extents falling within NCA 66: Mid Severn Sandstone Plateau. The western part of the site is located within the Wooded Estatelands Local Character Type (LCT), with the eastern part falling within the Estate Farmlands LCT. A small section on the south western part of the site falls within the Wooded Hills and Estatelands LCT.
- 9.37 The LVIA places great focus on the fact that the M54 is a detracting feature within the landscape, adversely impacting the tranquillity of the site. Whilst the motorway is a noise generating feature, particularly when close to it, people predominantly using this area for the quality of the landscape do so accepting the presence of the M54.

- 9.38 In reviewing the designations for the site the report acknowledges on Page 47 that the site falls within the Strategic Landscape of the Wrekin Forest. Table 5.3: Landscape Value states that the site does not fall within any national landscape designation, although it acknowledges that the site is adjacent to the Shropshire Hills AONB. The wooded hillsides, falling largely within the AONB are identified as being characteristics of the Wrekin Forest Strategic Landscape. The site is acknowledged as being in the setting of the AONB. As a result the designations are classified as mostly Medium, and High on the boundaries with the Shropshire Hills AONB, and overall are Medium High.
- 9.39 The other classifications within the ES for the Landscape and Visual chapter are:
- Landscape Quality – Medium
 - Scenic Quality - Medium High
 - Rarity - Low to Medium
 - Representativeness – Medium
 - Conservation Interests - Low/Medium
 - Recreational Value – Medium to High
 - Perceptual aspects: Wilderness/Tranquillity – Not tranquil
 - Associations with art, literature, or historical events – Low
 - Overall – Medium
- 9.40 In terms of landscape effects proposed development are assessed as having a magnitude of effect at Operation phase which would be largely Minor or Imperceptible. The significance of the effects range from Negligible Adverse to Moderate Minor Adverse, with the greatest effects deemed to be in respect of topography, soils and geology; field patterns, and the boundaries of the site.
- 9.41 In terms of visual effects, the LVIA includes assessment from a number of viewpoints (30 in total). The assessment of the Likely Significant Effects is made in respect of these viewpoints. Assessments are carried out in respect of the Construction, Operational and Decommissioning phases of the development with assessments on a range of criteria. The Operation phase impacts are of the greatest importance in this instance, particularly as these are expected to last for around 40 years. Construction and Decommissioning impacts would be short term and temporary. The Operation stage impacts are assessed before and after mitigation measures are put in place.
- 9.42 The ES sets out the range of mitigation measures proposed for the development and these include:
- Setting back of panels from property and field boundaries
 - Management of roadside hedges to increase height
 - Inclusion of meadow grasses surrounding the panels and the opportunity for sheep grazing within the development fields.
- 9.43 The visual effects prior to mitigation are assessed as ranging from Imperceptible to Moderate, with the highest impacts deemed to be in relation to users of Limekiln Lane, users of PRoW 43, users of the restricted bridleway

linking Limekiln Lane to Dawley Road, users of the restricted bridleway linking Limekiln Lane to Short Wood, and users of the M54. Visual effects for residential receptors in Limekiln Lane, New Works Lane and Dawley Road are assessed as being Minor.

- 9.44 Following the implementation of the mitigation measures the visual effects are assessed as being between Negligible to Minor Moderate. This level of assessment is in respect of the residential receptors, users of Limekiln Lane, PRowS 35, 38, 40, 43, 44, 53 and the restricted bridleways.
- 9.45 The LVIA has been independently assessed on behalf of the Council and included a site visit with the Case Officer. Overall, they concluded that the original LVIA was not considered fit for purpose. Of primary concern was the fact that the document failed to recognise the policy purpose of the Wrekin Forest Strategic Landscape. This resulted in the assessment of effects being understated. Whilst the deficiencies have been addressed in the revised LVIA the assessment has not reached a different conclusion in comparison to the original.
- 9.46 With regards to the site, the LVIA does not appear to consider the very noticeable effect of the panels masking the distinctive sloping/undulating landform that contributes to the character of the local landscape. This only assesses the effect on field patterns as Minor-Moderate but taking into account the loss of relatively extensive open fields, the intrinsic rural character of the site and its setting would be significantly affected by the proposed development.
- 9.47 When considering the landscape effects, in assessing effects on the three LCTs that cover the site and its setting, the LVIA predicts a negligible (adverse) effect; to suggest that any change would be 'imperceptible', is clearly misleading. In practice, the proposed development, with an industrial and incongruous appearance, would result in a very noticeable and uncharacteristic change to the local landscape.
- 9.48 The prevailing rural character of the Wooded Estatelands and Estate Farmlands LCT and the associated country lanes, sloping/undulating landforms and broadleaved woodlands, are therefore likely to be significantly affected in the locality. Although the extent of landscape effect is relatively localised, largely due to the screening effect of surrounding woodlands and rolling/hilly landforms, the relatively large extent of arrays would tend to overwhelm the often-intimate scale and rural character of these distinctive landscapes.
- 9.49 With regards to the Wrekin Forest Strategic Landscape and AONB, the arrays and associated infrastructure would notably detract from the high scenic quality of the local area, the undeveloped setting to nearby wooded hills and associated Ancient Semi-Natural 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.

- 9.50 The viewpoints assessed within the LVIA largely represent views of those travelling along the network of recreational routes within the study area. It is clear the visual effect would be significant during the operational stage. Those routes most likely to be adversely affected are Limekiln Lane, a restricted Bridleway that connects Limekiln Lane with Short Wood, PRow 40, PRow 43 and PRow 44.
- 9.51 From these locations, the proposed development would tend to appear relatively prominent in the locality, particularly where the arrays cover rising ground. With views of extensive infrastructure experienced in close proximity, a large proportion of the view would be affected. With the introduction of a striking visual focus and uncharacteristic elements introduced, there would be a major change to the view. Although hedgerows and/or trees provide some intermittent screening, the visual amenity of those undertaking recreational activity in a protected landscape where the enjoyment of the view forms part of its purpose, would overall, be significantly compromised when traveling along these routes.
- 9.52 The viewpoints used in the LVIA make it apparent that from several dwellings along Limekiln Lane, residents would experience some uninterrupted views of the proposed development and where the arrays cover sloping rising ground, they would be very noticeable in close proximity where the appreciation of the view is subject to a landscape designation. Similar to recreational users travelling along Limekiln Lane, the introduction of a striking visual focus with uncharacteristic elements introduced, there would be a major change to the view. From several dwellings therefore, the views of residents are very likely to be significantly compromised.
- 9.53 Although road users travelling along the M54 and Dawley Lane would experience some relatively close up views of the proposed development, given the short duration of visibility, particularly when traveling at speed along the motorway, effects are unlikely to be significant. Views from along Limekiln Lane would however be significant.
- 9.54 The EIA Regulations 2017 require an assessment of cumulative impacts. At Scoping stage the Council identified the proposed solar farm on the New Works site. Chapter 7 of the ES relates to cumulative impacts and this states that there will be no Cumulative Effects with New Works on the majority of the landscape receptors, nor the northern, southern or western boundaries. The ES identifies that the eastern boundary, alongside Dawley Road, would be located adjacent to the northern boundary of the New Works Solar Farm and separated by a dense field hedge.
- 9.55 The installation of solar panels and access tracks is assessed as having no cumulative effect on physical boundaries and it is stated that the proposed enhancements, mainly centred on improving hedgerow planting, will result in the overall perception of the setting of both applications being altered due to the continuation of similar development across the fields in a north to south direction. However, the ES states that it is not anticipated that this will alter the assessment in terms of judgements of the effects on the setting of the site in terms of landscape receptors, but there is likely to be cumulative effects

when considering the visual receptors of views in the vicinity of the eastern portion of the Steeraway site.

- 9.56 The cumulative effects on the local landscape due to the scale of the combined schemes is considered to increase the level of effects increasing from negligible to minor in isolation to Minor and Minor Moderate cumulatively.
- 9.57 The ES concludes that there will be little to no significant cumulative visual effects associated with both schemes due to limited visual interconnectivity between the two sites. The basis for this assessment is due to there being no occasions where the entire development is contained in one single view and the implementation of the New Works Solar Farm will only be partially viewed together in limited instances.
- 9.58 The cumulative effects on residential receptors are not considered to increase, although a number of properties along Dawley Road may have the potential to have partial views of both schemes.
- 9.59 In terms of views from the recreational receptors the ES concludes there will be no cumulative effects from Limekiln Lane due the field boundary vegetation and rolling landform, including from Permissive Bridleway no 39 which runs east to west on the Steeraway Farm side of the hedge that separates the two developments. This is especially the case when considering the residual effects as the hedgerow will be maintained to increase the overall height.
- 9.60 The Council's Landscape Consultant disputes these findings and considers that given the very large extent of both the proposed development and the New Works Lane project, that significant effects would be experienced on landscape character, the Wrekin Forest Strategic Landscaping, and the setting of the AONB. Furthermore, in addition to some combined visibility from some nearby recreational routes, sequential cumulative visibility would be relatively extensive.
- 9.61 Overall, it is considered that the proposals would result in detrimental harm to the landscape character and the visual amenity of those using a well-used network of recreational routes and some nearby residents. The proposals would also result in a detrimental change to the quality of the local landscape and the nearby setting of the AONB and the associated semi-natural character of Ancient Woodlands would also be compromised.
- 9.62 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, BE1 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.
- 9.63 The benefits of the proposals would be the generation of renewable energy, sufficient to power 11,000 typical homes per annum, and saving approximately 7,000 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.

Impacts on heritage assets

- 9.64 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.
- 9.65 The site lies within an area with a background of archaeological remains of the prehistoric through to the post-medieval periods, including the remains of medieval and post-medieval mining. The site also includes the site of the former Wellington UDC Isolation Hospital, Steeraway. Historic England also identifies the site as being within the vicinity of three Scheduled Ancient Monuments. In addition, within the proximity of the site are a number of listed buildings whose settings may be affected by the proposals, and non-designated heritage asset in the form of the buildings at Steeraway Farm and those to the south, due to their age, character and relatively unaltered setting.
- 9.66 Chapter 6 of the Environmental Statement relates to Cultural Heritage and Archaeology. It is supported by two appendices containing the Heritage Impact Assessment and the Baseline Archaeological Assessment.
- 9.67 In terms of potential impacts on archaeological deposits, it is considered that the previous activities on the site may have largely disturbed any potential deposits. The Geophysical Survey undertaken has identified anomalies that are have been interpreted as extraction pits, agricultural drainage pipes and demolition disturbance on land known to have been used as an isolation hospital. Overall, the County Archaeologist is satisfied with the findings of the information submitted with the application and if planning permission were to be granted would request a condition requiring a programme of archaeological works to be undertaken.
- 9.68 In terms of impacts on designated heritage assets, two of the identified Scheduled Ancient Monuments are too remote or heavily screened from the application site for the proposals to result in any adverse impacts. However, in terms of potential impacts on the Scheduled Ancient Monument on the Wrekin, the construction phase is considered to result in minimal impact to the significance of the asset. The minor adverse impact will be temporary. The operational phase will result in a visual impact. This impact is assessed as being a minimal change which will result in a minor adverse effect. On decommissioning the impacts will be fully reversed.

- 9.69 In terms of impacts on listed buildings, the rural views to the tower of Christ Church in Wellington will be impacted in a similar way to the Wrekin. This too is assessed as being a minimal change resulting in a minor adverse effect.
- 9.70 The Council's Built Heritage Officer identified the assessment has failed to consider the potential impacts on the significance of Church of All Saints, Wellington. An addendum to the Heritage Statement has been submitted which states that this Grade II* building is experienced in an enclosed, urban environment with a tight-knit cluster of streets that form the core to the town. The Church is not appreciated from the application site and there is only some very slight inter-visibility between the two with only the lead dome and finial visible over the tops of the trees. Overall, the proposals are considered to not result in harm to the designated heritage asset.
- 9.71 Turning to non-designated heritage assets, the buildings around Steeraway Farm are not included in the Local List. However, they are considered by the Built Heritage Officer to be of significant age and due to their largely unchanged setting to be classified as a non-designated heritage asset.
- 9.72 The impacts on Steeraway Farm have been considered in the Environmental Statement. The construction phase is considered to result in minimal impact to the significance of the asset. The minor adverse impact will be temporary. The operational phase is assessed as having a low impact to Steeraway Farm which results in a negligible adverse effect. This would be reversed on decommissioning.
- 9.73 Given the identified impacts on heritage assets, these would be less than substantial harm. As such, paragraph 202 of the NPPF requires the identified harm to be weighed against the public benefits of the proposal. The harm has been identified in respect of the Wrekin Scheduled Ancient Monument, Christ Church and Steeraway, with the Wrekin having the highest designation. Significant weight must be given to the protection of the Scheduled Ancient Monument and the setting of the listed church. Less weight is given to the protection of the non-designated heritage.
- 9.74 The public benefits of the proposals would be the provision of a scheme for renewable energy be sufficient to serve around 11,000 homes and reduce carbon emissions by 7,000 tonnes annually. This must be given significant weight in the planning balance. Therefore, in terms of impacts on heritage assets it is considered that the less than substantial harm would be outweighed by the public benefits of the scheme for all of the identified assets.
- 9.75 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.

Ecology and trees

- 9.76 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.

- 9.77 The application is accompanied by an Ecological Appraisal. This considers the potential impacts on protected species and protected habitats. The application is also accompanied by an Arboricultural Impact Assessment assessing the impacts on the trees.
- 9.78 The Ecological Appraisal identifies that the site is approximately 150m from the Wrekin and Erccall SSSI at its closest point. The site also immediately bounds the Limekiln Woods Local Wildlife Site. A number of ponds are within 500m of the site and the majority of these have been assessed for their suitability for great crested newts.
- 9.79 The habitats within the site are identified as improved/modified, species poor grassland and arable land with intervening hedgerow and tree groups. The site is assessed as have limited ecological merit overall.
- 9.80 The report sets out a range of reasonable avoidance measures to ensure the proposed development would not adversely impact on biodiversity. These include:

Prior to construction

- Ongoing management of the fields to ensure connectivity of the site and suitability of terrestrial habitat
- Appointment of an Ecological Clerk of Works (ECoW) to undertake a walkover to determine any changes in status of habitats
- Hand search for protected species undertaken by ECoW
- Installation of heras fencing prior to commencement
- Protective fencing with a minimum 2m buffer between the development footprint and suitable terrestrial habitat
- Toolbox talk to personnel to raise awareness of potential for great crested newts

During construction

- Excavations to be filled or covered daily. ECoW to check excavations prior to backfilling
- Works restricted to daylight hours
- Storage of materials within secure compound
- Sensitive landscaping of all disturbed areas

- 9.81 The Arboricultural Impact Assessment identified 94 tree features within the site. The development proposals would require the removal of part of two B grade tree groups, two C grade trees, part of one C grade group and part of one C grade hedgerow. The report states that mitigation planting is not deemed necessary due to there being a large quantity of tree cover on site and most trees being unaffected by the proposals. A scheme of root and ground protection measures is included and could be conditioned if planning permission were to be granted.
- 9.82 It is noted that the Arboricultural Impact Assessment only considers the development site and no consideration has been given to the cable runs to connect to the grid.

- 9.83 Concerns regarding the potential impacts on Limekiln Woods ancient woodland were raised by the Council's Ecologist, in particular the proximity of the proposed development to the edge of the woodlands. Concern was also expressed regarding the potential for shading from the existing trees on and adjacent to the site. A tree shading plan has been submitted and the applicant has confirmed that the boundary fence is now relocated 15m from the boundary with Limekiln Wood. The applicant cites this as betterment given that farming activities are currently undertaken to the edge of the woodland.
- 9.84 The Ecology and Biodiversity section of the Planning Statement identifies a number of enhancements to be included in the proposed scheme. These include the erection of bat and bird boxes, new hedgerow and tree planting, infilling the existing hedgerows, and the planting of an EM1 flowering lawn mix across the site, which responds well to regular short mowing. New trees are to be planted along the boundary with the M54. An area of the site will be managed to encourage nesting birds, reptiles, butterflies and bees.
- 9.85 As noted above, there are contradictions within the application regarding the use of the EM1 flowering lawn mix. This should not be cut or grazed from spring through to late July/August. Ongoing maintenance for this type of grassland is to take a hay cut and leave for 1-7 days so that the hay can dry and shed seed. After this the hay should be removed from the site. Mowing or grazing the regrowth to late autumn/winter and in early spring is appropriate. However, paragraph 2.6 of the Ecology Update states that the pastures will be grazed throughout the summer with a cut being taken after being allowed to grow from spring to late summer. The Council's Ecologist also notes that this is a sub-optimal crop for sheep grazing. Paragraph 4.16 of the Planning Statement refers to the proposed landscaping responding well to regular short mowing. Therefore, doubts are raised in respect of the cited biodiversity net gains.
- 9.86 The proposed planting adjacent to the boundary with the M54 has been amended to take into account the concerns of National Highways who has now lifted their objection to the proposals subject to conditions.
- 9.87 Paragraph 174 d) of the NPPF seeks to ensure that developments will provide biodiversity net gains. The applicant is accompanied by a Biodiversity Net Gain Assessment which demonstrates that the development will deliver around a 97% increase in habitat and 55% increase in hedgerows. However, the levels of biodiversity net gain are questioned as to their feasibility and deliverability, in particular in respect of the proposed grasslands.
- 9.88 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 respect of wild birds. Also, there are significant concerns regarding the calculations for the biodiversity net gain. These show significant increases which, if planning permission were to be granted, would be conditioned. It is questioned whether the proposed gains can be achieved in reality. Furthermore, an outdated metric has been used to calculate the gains.

- 9.89 The Council's Ecologist considers that the application lacks detail with regards to the impacts of the proposals on wild birds. The proposed mitigation appears to be generic for countrywide use rather than specific to the site. The proposed mitigation appears to include birds not found in this area. 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

- 9.90 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.
- 9.91 The application is accompanied by a Transport Assessment setting out the traffic impacts for the construction, operational and decommissioning phases. The site is currently accessed from Limekiln Lane for the western parcels of land, and from Dawley Road for the eastern parcels.
- 9.92 The Transport Assessment makes reference to an improved access point from Dawley Road to serve the whole site. Permeable stone access tracks would be created throughout the site with a crossing point on Limekiln Lane, utilising the existing farm accesses. All access to the site would be via the improved access from Dawley Road. Traffic would not be permitted to enter the site using Limekiln Lane and traffic exiting the crossover would not be permitted to turn left or right. Existing public rights of way would be maintained within the site.
- 9.93 The Transport Assessment includes a routing plan for the delivery of materials to the site. Access would be proposed from the M54, along Lawley Drive and connecting with Dawley Road via The Crescent.
- 9.94 The construction phase is expected to last around 8 months. It is expected there would be around 50 staff working on site, varying throughout the programme. Vehicle sharing or mini-bus/combi-van trips would be encouraged and as such it is expected that at the height of the construction period there would be around 30 2-way trips per day associated with staff movements.
- 9.95 A worst case scenario of 620 HGV movements over the construction period has been assessed. This would average 3.5 movements per day, however movements would be more concentrated for the middle 6 months of the construction period. Therefore, it is predicted there would be a peak of 6 HGV 2-way movements per day. Site working hours are predicted to be between 07:00 and 19:00 Monday to Friday and possibly between 07:00 and 14:00 on Saturday. Deliveries would be scheduled, as far as practicable, to be undertaken between 09:30 and 15:00 Monday to Friday.

- 9.96 The predicted traffic movements are not considered to result in any adverse impacts on the local highway network, resulting in an increase of around 0.5% to normal daily traffic patterns as compared with the 2019 data.
- 9.97 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. However, this does not take into account the requirement for mowing operations for the grassland, nor the movements associated with grazing if this were to be undertaken on the site.
- 9.98 Decommissioning would have similar impacts to the construction phase over a similar timeframe.
- 9.99 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 relating to the Construction Traffic Management Plan appended to the Transport Statement to ensure the construction traffic will be routed to the M54 via Lawley Drive so as to avoid the Cock Hotel junction. Subject to conditions, the proposals are considered to be in accordance with Policy C3.

Noise and impacts on residential amenity

- 9.100 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.
- 9.101 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 Environmental Statement makes numerous references to the site being adversely affected by the noise from the M54. However, officers consider that this is overstated as the southern parts of the site are more tranquil than the northern sections.
- 9.102 Chapter 6 of the ES assesses the impact of noise in respect of heritage assets. This states that some noise is anticipated from the construction phase which would be an increase to the existing noise from the M54 and localised road traffic along Limekiln Lane. This considered to be a minimal impact on heritage assets which would result in a negligible adverse effect which would be temporary. Noise from construction works is not expected to be heard from higher points such as the Wrekin.
- 9.103 Overall, whilst the proposals have failed to demonstrate that they would not result in a loss of residential amenity due to noise impacts it is considered that the impacts from the construction period would be temporary and could be controlled by condition limiting hours of work.

Flood risk and drainage

- 9.104 Policy ER12 seeks to ensure that development proposals do not result in increased flood risk either within the site or elsewhere. The application is accompanied by a Flood Risk Assessment which identifies the site falls within Flood Zone 1 and therefore considered low risk of fluvial flooding.
- 9.105 The FRA has been assessed by the Council's Drainage Officer who agrees with the conclusions and the proposed drainage strategy within the report. As such no objections are raised to the proposals subject to a condition requiring the submission of a SuDS Management Plan. Subject to this the proposals are considered to comply with Policy ER12.

Glint and glare

- 9.106 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 considered a 750m survey area around the application site for ground-based receptors and a 30km study area for aviation receptors. The report identifies 42 residential receptors and 41 road receptors. Ten aerodromes are located within the 30km study area but none required a full assessment due to the proposals falling outside their respective safeguarding buffer zones. RAF Shawbury has been consulted on the application and has not made any comments in respect of the proposals.
- 9.107 One residential receptor is assessed as having a High impact from glint and glare – receptor 16 (The Mount, Dawley Road) due to impacts to upper floor windows. One residential receptor is assessed as having a Low impact – receptor 35 (5 Steeraway). Following the implementation of the mitigation measures of improved hedgerows and these being allowed to grow to 3 metres, The Mount would not be affected by glint and glare, but the impact at 5 Steeraway would remain Low.
- 9.108 One road receptor – receptor 6 (a point on the M54 near to Limekiln Lane) would have a Low impact from glint and glare. This impact would remain following the implementation of the mitigation measures. 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.
- 9.109 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

- 9.110 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.

- 9.111 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 site has no proven underground workings and coal outcrops on site have been worked within opencast quarries. Opencast mines are unlikely to have been restored to an engineered standard and as such there may be ongoing settlement from groundwater inundation or settlement creep. There are disused mine shafts located on the western boundary which would need to be determined/disproved prior to finalising the development layout plan.
- 9.112 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.

Planning Balance

- 9.113 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.
- 9.114 The proposal would result in the loss of around 53 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 11,000 homes a year. In addition, it would result in the displacement of around 7,000 tonne of CO₂ per annum. This would be a positive benefit towards helping meet the climate change agenda.
- 9.115 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.
- 9.116 There would be less than substantial harm to the Wrekin SAM, Christ Church, a Grade II listed building, and the non-designated heritage assets around Steeraway Farm. The public benefits are considered to outweigh the less than substantial harm.
- 9.117 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. Furthermore, it has not been clearly demonstrated that the proposals would not result in a biodiversity net loss.

9.118 Concerns regarding decommissioning are noted, but this is appropriately dealt with by condition and is not grounds on which to refuse the proposals. In addition, concerns regarding food security are also noted, but there has been no change to government policy regarding this matter at this time.

9.119 Overall, the harm arising from the proposals is considered to outweigh the benefits. The use of conditions and/or legal obligations to secure mitigation measures has been considered but it is not considered that these would be sufficient to mitigate the harm and it is recommended that the application be refused.

10 CONCLUSIONS

10.1 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.

11 DETAILED RECOMMENDATION

Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to REFUSE FULL PLANNING PERMISSION on the following grounds:

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 nesting wild birds. 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. Furthermore, the proposal claims significant levels biodiversity net gains which are not considered achievable. Policy NE1 requires no net loss and the information submitted with the application does not adequately demonstrate that this would not be the case. Therefore, the proposals fail to comply with Policies ER1, NE1 and NE2.