

## **INFORMATION RECEIVED SINCE PREPARATION OF REPORT**

Application number	TWC/2021/1071
Site address	Site of Steeraway Farm, Limekiln Lane, Wellington, Telford, Shropshire
Proposal	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 ***
Recommendation	Full Refuse

## **INFORMATION RECEIVED SINCE PEPARATION OF REPORT**

### **1. INTRODUCTION**

- 1.1 Since the preparation of the report to Planning Committee additional representations have been received. These cover, in part, issues around community benefits.
- 1.2 This update addresses the issues raised.

### **2. REPRESENTATIONS**

- 2.1 Additional letters in support reiterating the previously reported comments. Overall total – 22 letters in support.
- 2.2 Additional letters objecting raise the following new points. Overall total – 228 letters raising objections.
  - Cut corners in submitting application which has resulted in delays. What corners will they cut in development?
  - Offering financial benefits to local project if support for application shows lack of integrity
  - Direct conflict of interest around financial offer for Halfway House and support for proposals
  - Many nesting habitats have been removed in March
  - Insufficient ecology survey effort has been undertaken
  - Biodiversity Net Gain calculation/report appears to be incorrectly calculated
  - Habitats entered as created rather than enhanced
  - Areas double counted to include retained and created habitats
  - Proposed grassland habitat type to be created is a drastically improved habitat type to that identified in PEA – usually considered unachievable without costly works
  - Updated enhancement and mitigation plan is unclear and vague
  - Habitats not reflected in BNG calculations
  - Insufficient information regarding cutting of grasslands
  - Information provided fundamentally fails to show an understanding of the methods to create lowland meadows with any species diversity
  - Scheme relies on Reasonable Avoidance Measures for Great crested newts – not appropriate for this scale of development
  - Surveys of habitats done at sub-optimal time of year and doesn't properly assess habitats

- Standard mitigation such as bird boxes proposed but no consideration given to ground nesting birds
- Enhancement measures recommended for birds not found in this area, or even the UK
- No information as to how boxes will be installed on third party land or how they will be maintained and/or monitored
- Use of site by hedgehogs and badgers not addressed – security fencing will impact these species
- No assessment of impacts on adjacent priority habitats
- No reference to root protection zones, Arboricultural surveys or impacts on habitats from proposed development
- Claims of erecting fencing 15m from priority habitats as “betterment” are dubious given the land is identified as improved grassland and obviously not been farmed for many years
- No assessment of access track and fencing on ancient woodland
- Mitigation areas focussed along M54 which is far from ideal – would provide more benefit adjacent to ancient woodland

### 3. PLANNING CONSIDERATIONS

3.1 The majority of the representations opposing the proposals make some form of reference to an offer by the applicant to the Halfway House Community Interest Company (CIC) for a financial contribution towards their aims to purchase Halfway House.

3.2 The BRE has published a document entitled “Planning Guidance for the development of large scale ground mounted solar PV systems”. This is aimed at developers. The document includes a section on best practice around community engagement and community benefits. This states:

**“Community Gain** - Opportunities for community benefit should be explored wherever practical. Such opportunities include;

- Establishment of a local Environmental Trust or Community Benefits Trust, with funds being contributed annually by the developer and used for energy conservation measures.
- Local share issue.
- Local or community ownership of panels.
- Investment in Green Infrastructure provision and management, especially at the landscape scale.

Although community benefits are encouraged it should be clear that any offer is not relevant to the consideration of any planning application. Neither the principle of any undertaking nor the details contained within it can be proposed in order to directly mitigate / remedy a specific planning objection to a proposal.

As such, the requirement for community benefit is not considered to be compliant with the Community Infrastructure Levy Regulations 2010 (as

amended) and cannot be required under planning law. Therefore no weight can be given to the inclusion of a community benefit scheme when considering a planning application.”

- 3.3 Paragraphs 9.13 – 9.15 of the Officer’s Committee Report covers the issue of ‘community benefits’. It refers to case law from the Supreme Court which confirms the position in the BRE document that community benefits cannot be considered as a material planning consideration and cannot be secured through granting planning permission.
- 3.4 Therefore, whilst this may be an emotive matter, the potential for a financial contribution towards the Halfway House CIC cannot be considered in the determination of this application and the decision must be made on a balance of the planning policies.

#### **4. DETAILED RECOMMENDATION**

- 4.1 The additional comments and information submitted to Members since the preparation of the report do not raise any new material planning considerations. As such, 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** for the reasons set out in the main report.