

TWC/2021/1225

Site of Cheswell Grange Farm, Cheswell Drive, Cheswell, Newport, Shropshire
Construction of a solar farm comprising ground mounted solar photovoltaic arrays together with battery energy storage facility and associated infrastructure, including WPD and client substations, inverters, perimeter security fencing, access tracks, CCTV and landscaping ***AMENDED PLANS RECEIVED ***

APPLICANT

JHS (LF) Ltd,

RECEIVED

22/12/2021

PARISH

Church Aston, Lilleshall

WARD

Church Aston and Lilleshall

THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR. ANDREW EADE

Online Planning File:

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2021/1225>

1. SUMMARY RECOMMENDATION

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s) and Informative(s).

2. APPLICATION SITE

- 2.1 The application site is located approximately 1.7km north-west of Lilleshall, running northwards from Kynnersley Drive. The scheme proposed comprises three fields representing an area of existing agricultural land located to the west and south west of Cheswell Grange, Cheswell Drive.
- 2.2 The site extends approximately 36 hectares (ha) to the north of Kynnersley Drive and can be split into two halves, comprising two northern fields and a southern large field. The planning application boundary also extends to the east to include the battery energy storage facility in the farmyard barns and the proposed new hedgerow field boundaries.
- 2.3 The fields are generally bound by mature hedgerow and tree planting. The northern fields are bound by sporadic mature tree planting and mature hedgerows to the north and west, whilst to the east the site is bound by the existing cluster of agricultural buildings at Cheswell Grange Farm. The southern field is bound along its southern boundary by mature hedgerow planting which spans the length of Kynnersley Drive, whilst to the west the field is enclosed by a belt of tall mature woodland planting, which marks the boundary of the Weald Moors Strategic Landscape Area (SLA). The eastern boundary of the southern field is generally bound by sporadic tree planting which lines the existing agricultural access which extends northwards from

Kynnersley Drive along the eastern boundary of the site. A Public Right of Way (PRoW) leads north from Kynnersley Drive along the eastern field sit boundary towards Cheswell Grange farmhouse. A residential dwelling is located close to the south-east of the site where the PRoW leads north from Kynnersley Drive to Cheswell Grange.

- 2.4 The northern and southern parcels are separated by a length of hedgerow with sporadic tree planting which follows the length of an existing ditch which runs east to west across between the two parcels. The land within the site is mostly flat with a slight undulation in a south-north direction, rising towards the northern field.
- 2.5 The surrounding land is mostly flat, undulating in places, meaning that views of the site from the nearest sections of Kynnersley Drive east of the SLA would be compromised significantly for up to 1km. Sutherland Monument lies approximately 1.5km to the east of the site and sits atop Lilleshall Hill along with a PRoW, from where there are panoramic views of the countryside including the application site.
- 2.6 Access to the site is proposed from Kynnersley Drive.
- 2.7 The Weald Moors Strategic Landscape is located within approximately 300 metres of the western site boundary.

3. PROPOSED DEVELOPMENT

- 3.1 The proposal relates to the construction, operation, maintenance and decommissioning of a ground mounted solar farm with associated battery storage and associated infrastructure with a capacity of 19MW (megawatts) over a site of 36.36 ha. This would consist of a series of arrays set out across the site. These are proposed to be fixed arrays having a maximum height of 3 metres. The following additional equipment would be required throughout the site:

- Arrays of south facing solar PV panels fixed on galvanised steel and anodised aluminium mounting structure;
- 4no. containerised transformer stations;
- Battery storage units housed within two existing barns within the farmyard;
- Client substation;
- WPD substation;
- Spares Store;
- Internal access tracks;
- Perimeter fence and access gates; and
- CCTV.

- 3.2 The proposed solar panels are typically mounted in horizontal rows of four, with one row directly fixed above the other and angles at 20-22 degrees. The

arrays would be approx. 1 metre above ground level and up to 3.5 metres above ground level on the top edges of the array. The battery containers would be housed in existing agricultural barns. The inverter/transformer station will each measure approx. 12.2 x 2.5 x 2.6 metres. The WPD substation would be approx. 12.2 x 2.5 x 2.6 metres. The fencing is to be 2.4 metres high and would include access points for badgers and small mammals. CCTV posts would be 3 metres high.

- 3.3 It is also proposed to include over 3.5km new hedgerow planting, wildflower meadows and tree planting. Development buffers of 9-10 metres would be provided along boundary features including hedges, and 20 metre adjacent to the woodland belt, to enhance wildlife corridors and enhanced habitats for farmland and woodland bird species.
- 3.4 An existing access off Kynnersley Drive is proposed, which would involve widening the track by 2 metres to 5 metres.
- 3.5 Planning permission is sought for a temporary period of up to 40-years from the date of first exportation of electricity from the site.
- 3.6 To set the context for the application, the Applicant advises the agricultural diversification and carbon displacement plan at the farm is split into three phases. The first phase involved reintroducing pastureland for low input cattle and sheep grazing on areas of the farm that were not suitable for arable management. The second phase of the proposals was to introduce diverse herb rich leys into the arable rotation. The next phase of the farm plan is to reintroduce hedges and hay meadows to certain areas of the farm to improve the diversity of habitats on the farm and progress towards becoming a carbon negative business by introducing green energy production onto the farm.
- 3.7 The Applicant advises that the solar energy scheme is proposed to form part of the third phase of their regenerative and environmental plans, which are intended to respond to the climate emergency and commitments declared by Telford & Wrekin Council and Lilleshall Parish Council.
- 3.8 The Applicant advises the site forms one of the least suitable areas of agricultural land within their landholding, thus making it an ideal location to accommodate the solar farm whilst conserving the land of the highest arable quality. The land beneath the arrays would be seeded with flower rich meadow and would continue to be grazed.
- 3.9 The Applicant advises that the proposed development would allow the land to recover from decades of intensive farming. The land within the solar farm would be carefully managed to encourage the growth of species-rich grass and meadows to support local wildlife populations, whilst allowing extensive sheep grazing towards the end of each season.

4. PLANNING HISTORY

- 4.1 EIA/2021/0005 - Erection of a solar farm - Screening Opinion Given 26 October 2021
- 4.2 TWC/2020/0425 - Conversion of existing barn buildings to 2no. holiday lets and erection of a single storey side extension and single storey rear extension - Full Granted 04 September 2020
- 4.3 TWC/2017/0457 - Variation of Condition 9 of planning approval TWC/2016/0832 - to allow the approved marquee to be erected on site between the 01 April and 31 October (incl.) - Full Granted 24 July 2017
- 4.4 TWC/2016/0832 - Change of use of part of agricultural land to use for weddings and other social functions/events (under Use Class D2) including the erection of a boat house, marquee and the creation of associated car parking - Full Granted 05 May 2017

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)
National Planning Practice Guidance
- 5.2 Telford & Wrekin Local Plan 2011-2031:
 - SP3: Rural Area
 - SP4: Presumption in Favour of Sustainable Development
 - NE1: Biodiversity and Geodiversity
 - NE2: Trees, Hedgerows and Woodlands
 - NE7: Shropshire Hills AONB and Strategic Landscapes
 - C3: Impact of Development on Highways
 - BE1: Design Criteria
 - BE4: Listed Buildings
 - BE8: Archaeology and Scheduled Ancient Monuments
 - ER1: Renewable Energy
 - ER2: Mineral Safeguarding
 - ER12: Flood Risk Management

- 5.3 Other Material Planning Considerations:

Telford and Wrekin Strategic Landscapes Study 2015

6. NEIGHBOUR REPRESENTATIONS

- 6.1 27no. letters of representations have been submitted during the course of the application. The first round of public consultation received 21no. letters of representation, comprising 10no. letters of objection and 11no. letters of support, which can be summarised as follows:

Object:

- conflicts with Local Plan Policies ER1 and SP3;
- solar panels belong on roofs – plenty of industrial buildings;
- impact on precious landscape;
- impact upon flora and fauna;
- heritage and landscape impacts;
- impacts on Strategic Landscape Area and should be protected;
- visual detriment will be severe;
- development would appear industrial in nature;
- screening proposals are inadequate for Cheswell Manor;
- loss of useable farmland – negative impact on food production;
- not possible for the proposal to be sensitively screened;
- inaccurate and misleading description of the development;
- devaluation of residential properties close to the site;
- There is only an estimate of the number of homes that could be powered by the installation - there is no attempt to establish the true carbon footprint of the scheme. Most PV panels are made in China using power generated by coal, using rare earth metals and the batteries use cobalt mostly mined in China - any planning decision should not give undue precedence to incomplete 'green' claims;
- prevailing winds would affect Quarry House and no measures for managing this are included in the proposals;
- Kynnersley Drive is too narrow to accommodate the predicted traffic volumes and deliveries;
- Decision to refuse the solar farm application at New Works sets a precedent.

Support:

- will be a benefit to the area, wildlife and environment;
- good use of land with English species and gaps in fencing for hedgehogs;
- contributes towards the Council's goals in respect of the Climate Emergency;
- farm diversification should be supported.

6.2 Following the receipt of additional photomontages and enhanced Landscape Visual Impact Assessment (LVIA) a re-consultation was undertaken with a further 6no. letters of representation were received of which 4no. were letters of objection, raising the following additional issues:

- development cannot satisfy requirements of Policies ER1 and NE7;
- war in Ukraine has made it increasingly obvious that the UK must become self-sufficient both in food and energy - to this end, brownfield and industrial areas should be used for energy generation and agricultural land should be used for food

production;

- photomontages are of poor quality and not realistic;
- even at 15 year post-planning stage, the planting mitigation is not sufficient;
- request for Residential Visual Amenity Assessment for Quarry House, Cheswell Manor and Cheswell Lodge;
- Battery storage facility presents a significant fire risk.

6.3 CPRE Shropshire have submitted a letter of **objection** for the following reasons:

- recognise solar energy has a role to play in meeting future energy needs; however the most suitable and under-utilised locations for solar technologies is on industrial and other buildings with large roof surfaces;
- proposed development is in close proximity to the Weald Moors Strategic Landscape and conflict with Policy NE7;
- Telford & Wrekin Strategic Landscapes Study (December 2015) identifies a number of special qualities of the landscape, one of which is that the low-lying landform does not form a prominent horizon, but the area is visible in elevated views from surrounding higher land. So the views are not only there for the residents within the area, but also for recreational users such as walkers and cyclists on quiet lanes, and people enjoying views from nearby high ground (e.g. Lilleshall Monument);
- CPRE supports how the farm owners are introducing improvements like pastureland, diverse herb rich leys, hedges and hay meadows.

7. STATUTORY REPRESENTATIONS

7.1 Cllr. Andrew Eade: **Object**:

- requests application be determined by Planning Committee;
- application affects the visual appearance and character of the area which is located on the boundary of the Strategic landscape Area of the Weald Moors and thus does not comply with policies NE1 and NE2;
- application also adversely affects neighbouring residential facilities.

7.2 Lilleshall Parish Council: **Support**

7.3 Church Aston Parish Council: **Object**:

- supports measures to reduce dependency on fossil fuels through the development of renewable energy sources with the aim of achieving net-zero, large scale solar farms should, where

possible, be located on brownfield or industrial zoned land and not in open countryside.

- appear to be shortcomings in the LVIA regarding properties in the environs of Cheswell Hill ('impacts to the setting of Cheswell Manor and other adjacent dwellings are difficult to ascertain as they are private dwellings with no public access...however an assumed impact significance would be 'slight adverse' – para. 7.6 LVIA Conclusion);
- mitigation measures with respect to Quarry House in particular have not been properly or adequately assessed;
- need to ensure that 'visual amenity is not significantly detrimentally affected from any nearby residence' is not being met;
- there will undoubtedly be a negative impact on the rural landscape as the proposed scheme does not conserve or enhance the landscape, given its location between two designated Strategic Landscape Areas;
- suggestion (para. 7.13, LVIA) that 'from Lilleshall Hill the proposed development would be an insignificant but perceptible new (landscape) feature', must surely be questionable.

7.4 TWC Drainage: **Support subject to Condition(s)**:

- information has been provided on the SuDS maintenance on site. However, no information about who will be responsible for this maintenance has been provided. The on-site watercourse is not mentioned in the maintenance plan, TWC Drainage would expect the riparian responsibilities to be noted in this plan also.

7.5 TWC Ecology: **Support subject to Condition(s)**.

7.6 TWC Highways: **Support subject to Condition(s)**.

7.7 TWC Arboriculture: **Support subject to Condition(s)**:

- Requests more information on hedging species proposed along the southern and eastern boundaries.

7.8 Landscape: **Comment**:

- Landscape Visual Impact Assessment (LVIA) submitted as part of the planning application provides details of the methodology, relevant planning policy, baseline conditions, the proposed development, and the associated prediction of landscape and visual effects. In support of this, the LVIA includes a suite of relevant landscape figures including landscape character, designations and a landscape strategy. Based on Zone of Theoretical Visibility (ZTV) mapping, the LVIA also includes visual assessments (with some supporting photomontages) from eleven locations within the local landscape;

- in general, the scope of the LVIA is considered to be fit for purpose; its approach conforms to relevant guidance and it sets out a relatively detailed assessment of landscape and visual effects. The eleven viewpoints represent the typical views experienced by a variety of visual receptors, at varying distances across the study area and, in general, these are also considered fit for purpose;
- despite the scope of the LVIA being generally fit for purpose, it is very apparent that the LVIA significantly understates the nature of most landscape and visual effects. In part, this is due to the assessment of receptor sensitivity that, in all cases, are considered by the Applicant to be much lower than expected. As such, little weight should be attached to the findings of the LVIA;
- in terms of relevant material considerations, significant visual effects are very likely to be experienced by visitors to Lilleshall Hill and walkers along the PRow to the east of the site that leads north from Kynnersley Drive to Cheswell Grange;
- notwithstanding these relatively localised significant effects, on balance, the proposed development is judged to:
 - avoid significant adverse effects on landscape and townscape;
 - protect the appearance and intrinsic landscape quality of the Weald Moors Strategic Landscape and on balance is not inconsistent with, nor detrimental to, its visual and landscape quality; and
 - Protect existing trees, hedgerows, and woodland.
- although some adverse effects are inevitable, the Applicant's mitigation strategy is judged to be fit for purpose and in considering the relatively localised extent of adverse effects, the proposed development is considered to broadly comply with relevant landscape policy.

7.9 TWC Built Heritage: **Comment:**

The closest designated heritage asset is the Grade II Listed Cheswell Manor House approx. 280 metres to the north of the northern site boundary. Further listed buildings are located around 1.3km away at Brockton Manor, whilst several line Church Road in Lilleshall, some 1.6km distant and visually divorced from the site by the A518. The Grade II Sutherland Monument, however, is a prominent landmark given its elevated location and so there is potential for some impact on its setting.

TWC Built Heritage cannot agree with the conclusions of the Heritage Desk Based Assessment that there would be no impact on the significance of the identified heritage assets. There would be some harm to the wider setting of Cheswell Manor and views from the Sutherland Monument, and hence conflict with Policy BE4(i) and (vi). This harm is considered to be on the low end of

the scale of 'less than substantial harm' and capable of further mitigation. In accordance with NPPF para. 202, the harm identified should be weighed against the public benefits of the proposal.

7.10 Shropshire Archaeology: **Comment**:

There is documentary evidence that Cheswell Grange (Shropshire Historic Environment Record [HER] No. PRN 02931) was formerly a grange of medieval date belonging to the nearby Lilleshall Abbey. The proposed development site lies in an area with a background of archaeological remains of the prehistoric through to the post-medieval periods. The proposed development site has some archaeological and historical interest. A Heritage Desk-based Assessment has been submitted with this application, which concludes that the proposed development site has a low potential for archaeological remains of all periods. However, the Assessment does not appear to have accessed the Portable Antiquities Scheme records and Shropshire Archaeology therefore cannot entirely agree with its conclusions that 'there is little evidence of activity dating to any prehistoric period or the Romano-British period within the site or its near vicinity.'

It is recommended that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. Phase 1 of this programme of archaeological work should comprise a field evaluation in the form of a geophysical survey. Dependent on the results of the geophysical survey, further archaeological mitigation may be deemed necessary thereafter.

7.11 Shropshire Fire Service: **Note** that consideration should be given to the Fire Safety Guidance document.

7.12 Cadent Gas: **Object**:

- Proposals have the potential to impact gas apparatus.

8. ASSESSMENT

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

- Principle of Development
- Character and Visual Appearance
- Ecology and Trees
- Highways
- Noise and Impact upon Residential Amenity
- Flood Risk and Drainage
- Impacts upon Heritage Assets

8.2 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this instance, the development plan consists of the Telford and Wrekin Local Plan (TWLP). The National Planning Policy Framework (NPPF) sets out policy guidance at a national level and is a material consideration in planning decisions.

- 8.3 Policy SP3 relates to development in the rural area, whilst Policy ER1 relates to development proposals relating to renewable energy. The Local Plan does not specifically identify sites for the location of renewable energy schemes, and this is appropriate because schemes are required to be located where they can connect to the national grid and in locations where there are no significant adverse impacts.
- 8.4 Policy ER1 identifies that the Council supports renewable energy development, subject to a number of criteria. Chapter 14 of the NPPF sets out the national planning policy with regards to climate change, flooding and coastal change. This requires the planning system to support the transition to a low carbon future and to support renewable and low carbon energy and associated infrastructure. Para. 155 requires plans to help increase the use and supply of renewable and low carbon energy and heat - reflected in Policy ER1.
- 8.5 Para. 158 of the NPPF states that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. It also requires applications to be approved where its impacts are (or can be made) acceptable.
- 8.6 The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% net zero by Section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order in July 2019. In July 2019 the Council declared a climate emergency, including an ambition to achieve carbon neutrality by 2030, at target 20-years earlier than the Government's target.
- 8.7 Policy ER1 supports renewable energy developments subject to various criteria. The issues in criteria i), ii) and iii) will be discussed in detail in various topic subheadings in this report.
- 8.8 Criterion (iv) relates to the requirement for a requirement for the site to be reinstated to its former condition should the development cease to be operational. The control over reinstatement lies with the planning permission, if granted, and the imposition of Condition(s) requiring the reinstatement of the

site. This is standard practice for solar farm (and wind farm) applications and a practice followed by local planning authorities and the Planning Inspectorate, both for planning appeals and for National Significant Infrastructure Projects (NSIP).

- 8.9 Para. 13 of the Planning Practice Guidance states that 'solar farms are normally temporary structures and planning Condition(s) can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.'
- 8.10 The planning application seeks planning permission for a temporary period of 40-years, temporary due to the fact that the proposed development can, at the end of the project, be removed from the site and the land returned to its former use. There is no government imposed limit on the lifetime of solar farms set out in national guidance. Previously temporary consents were sought for 25-year periods, based primarily on the typical warranty period offered by manufacturers at the time and therefore used for modelling the viability for projects by developers. Due to changes in technology business models have been redesigned to reflect the more efficient panels available. Whilst this in its own right is not necessarily a material planning consideration, the increased economic and environmental benefits are.
- 8.11 In accordance with standard practice, and as set out in Planning Practice Guidance, it is considered appropriate, should planning permission be granted, for a Condition to be imposed requiring a decommissioning plan to be submitted within 39-years of the date of first export of electricity to the grid. Decommissioning would then be required at the 40-year anniversary in accordance with the decommissioning plan. It would also be considered appropriate to impose a condition requiring the submission of a decommissioning plan in the event, for whatever reason, the solar farm fails to provide electricity to the grid for a continuous period of 6-months within that 39-year period. Again, this is standard practice.
- 8.12 Criterion (v) of Policy ER1 relates to the degree of community participation/ownership of the scheme. This is in accordance with para. 156 of the NPPF which states that local planning authorities should support community-led initiatives for renewable and low carbon energy schemes.
- 8.13 Turning to community benefits, planning legislation is very clear on the fact that Local Planning Authorities can only impose Condition(s) 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, s.106 obligations can only relate to the development and can only be required where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

- 8.14 Recent Case Law from the Supreme Court has confirmed that it is unlawful to condition or tie to a legal agreement community benefits in the form of financial contributions when considering a planning application (R(Wright) v Forest of Dean DC [2019]).
- 8.15 Notwithstanding this, most solar farm Applicant's 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 a Parish Council opts to not engage in approaches by the applicant then, should planning permission be granted, the Applicant is under no obligation to pursue efforts to offer community benefits.
- 8.16 The site is located on land currently used for agricultural purposes. Policy SP3 states that where development is proposed on best and most versatile agricultural land the economic and other benefits of the land will be taken into account. Best and most versatile agricultural land falls within Grades 1, 2, and 3a. Grade 3b land falls outside of the definition of best and most versatile. Concern has been raised in the representations about the loss of agricultural land and that the development should be directed towards brownfield land, or to the roofs of the large scale commercial premises within the Telford and Wrekin Borough.
- 8.17 Para. 13 of the Planning Practice Guidance 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 the fields will continue to be used for the grazing of sheep around the proposed solar panels towards the end of the season.
- 8.18 The application is accompanied by an Agricultural Quality Assessment (AQA). This assessed the quality of the agricultural land and concludes that, due to soil type, it has only moderate value in terms of the agricultural land classification for the growing of crops for food production, resulting in a Grade 3b classification.
- 8.19 In accordance with Policy SP3 and Footnote 58 of the NPPF the proposed development is located on an area of poorer quality land, and is considered to be in accordance with local and national planning policies.
- 8.20 Character and Appearance

Policy ER1 seeks to ensure that renewable energy development proposals do not, inter alia, have a significant adverse effect on landscape. Policy BE1

requires development to respond to its context and to respect the landscape context.

- 8.21 Policy NE7 seeks to protect, inter alia, the borough's Strategic Landscapes from development which would cause detrimental change to the quality of the landscape. The application site lies adjacent to the Weald Moors Strategic Landscape Area (SLA).
- 8.22 Para. 174 of the NPPF seeks to protect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the Development Plan. It also requires the recognition of the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.23 The application is accompanied by a Landscape and Visual Impact Assessment. This sets out the baseline characteristics of the site and the surrounding countryside, and then assesses the landscape and visual impacts of the proposals. The Assessment has been carried out in accordance with best practice, including Guidelines for Landscape and Visual Impact Assessment (GLVIA).
- 8.24 The site and its immediate surroundings are characterised by two Landscape Character Types (LCTs), with a prevailing pattern of Estate Farmlands LCT to the east of the site and Lowland Moors LCT to the west. Several areas of Sandstone Hills LCT are also located in the wider landscape to the north and east.
- 8.25 The site lies approximately 300 metres from the Weald Moors Strategic Landscape and is described in the Telford & Wrekin Strategic Landscapes Study (TWSLS) a suite of Special Qualities and Visibility factors. Those which are relevant to the proposed development are:

Special Qualities:

- flat, low-lying topography on a former peat bog, with slightly raised 'islands' occupied by villages;
- a strong sense of visual enclosure created by the pattern of woodland blocks, shelter belts and lines of trees. These block views of surrounding urban areas;
- an intricate network of sinuous streams lined with willow trees, and straight drainage ditches;
- long inward views across the open Moors, often framed by trees;
- a sense of peace and tranquillity, with very little visible development;
- a strongly rural landscape, with little settlement and relatively few roads;

- low, wooded horizons and big skies; and
- a sense of history in the landscape, stemming from the presence of historic landscape features, including prehistoric fort, quiet medieval lanes and villages, canals, and the landscape legacy of post-medieval drainage and subsequent agriculture.

Visibility:

- the Wrekin is a prominent local and regional landmark, seen from both urban and rural areas. There are important views towards it and from it;
- the low-lying landform does not form a prominent horizon, but the area is visible in elevated views from surrounding higher land;
- within the area there are long views across the Weald Moors, but these are often framed by trees and woodland;
- the surrounding trees and woodland screen views of development and urban areas beyond the Weald Moors, enhancing the Weald Moors' undeveloped character;
- residents viewing the landscape from within the area include the occupants of Kynnersley and Preston Upon the Weald Moors, and the scattered farms and cottages throughout the area. There are also views into the area from some adjacent settlements, e.g. Crudgington; and
- recreational users include walkers and cyclists on quiet lanes, and people enjoying views from nearby high ground (e.g. Lilleshall Monument).

8.26 The Strategic Landscapes Study sets out the overall aim of the Weald Moors Strategic Landscape is to 'protect the undeveloped nature of the Weald Moors and to conserve and enhance the experience of tranquillity, the traditional rural character and the landscape pattern of open fields, woodland blocks and tree-lined watercourses.'

8.27 In working towards this aim, the TWLS identifies the following Planning and Management Principle that is particularly relevant to the proposed development.

'Ensure that any development in the vicinity of the Strategic Landscape is not detrimental to the special qualities of the area. The design and masterplanning of any such development should allow an adequate buffer around the Strategic Landscape, and should incorporate mitigation planting which is in keeping with the existing character of the Weald Moors.'

The visual receptors that are likely to experience some views of the site include:

- recreational users of nearby footpaths, particularly from the section of PRow to the east of the site;
- recreational users on Lilleshall Hill and other areas of surrounding higher ground;
- road users travelling along nearby rural lanes, especially Kynnersley Drive; and
- residents of Lilleshall, Cheswell and other scattered dwellings alongside nearby rural lanes

8.28 The LVIA represents eleven typical views experienced by a variety of visual receptors. It is considered to be acceptable in terms of its scope and selection of viewpoints. In assessing effects, the LVIA considers the implementation of a Landscape Strategy that, in addition to other operational considerations, aims to minimise any adverse landscape and visual effects. In summary, the LVIA predicts no significant landscape or visual effects; long term effects on landscape character and the Weald Moors Strategic Landscape are both judged to be slight (adverse), as are effects on the setting of the Sutherland Monument. From the eleven assessment viewpoints, long term effects range from none to slight adverse and as such, it is concluded that the impact of the development site on the visual amenity of the study area has an overall minimal (adverse) significance.

8.29 In summary, the LVIA predicts no significant landscape or visual effects; long term effects on landscape character and the Weald Moors Strategic Landscape are both judged to be *slight* (adverse), as are effects on the setting of the Sutherland Monument. From the eleven assessment viewpoints, long term effects range from none to slight adverse and as such, it is concluded that the impact of the development site on the visual amenity of the study area has an overall *minimal* (adverse) significance.

8.30 The LVIA has been independently assessed on behalf of the Council and whilst the document is generally considered to be fit for purpose, it is very apparent that the LVIA significantly understates the nature of most landscape and visual effects. In part, this is due to the assessment of receptor sensitivity that in all cases, are considered to be much lower than expected. For example, the Applicant assesses the Weald Moors and all visual receptors as having a *low-medium* sensitivity, rather than *medium-high* as would be expected. Likewise, the Applicant's assessment of magnitude of change for most receptors is considered to be much lower than would be expected. As such, Officers have been advised that little weight should be attached to the findings of the LVIA.

8.31 In relation to landscape design and mitigation, the LVIA sets out the mitigations proposals for the development intended to reduce the magnitude of change with the provision of additional new landscape features including;

- Existing tree and hedgerows would be protected, maintained and managed throughout the development site;
- Approximately 3.5km of new tree and hedgerow planting would be planted along historic boundary lines to assist in the screening the proposed development, and creating new wildlife habitat and corridors;
- Ecological habitat creation and management of approx. 0.62 hectares that would enhance and diversify site-wide wildlife habitats;
- Installing badger/small mammal access points at appropriate locations within the security fence.

8.32 The independent assessment of the LVIA advises that, in the context of relevant material considerations, the visual effects from Lilleshall Hill and the PRoW to the east of the application site should be considered *significant*. From Lilleshall Hill the proposal development would appear noticeable and distinct, even in the longer term. From the PRoW to the east of the site, recreational users would experience views of extensive infrastructure that would detract from views towards the nearby Weald Moors Strategic landscape, and visual impacts would be particularly *significant* in the short to medium term, and despite the screening proposed by the Applicant in the longer term adverse impact are likely to remain albeit at a *less significant* level.

8.33 In relation to the impact upon landscape character, the extent of change is relatively localised and although the proposed development would notably contrast with the open and rural character, it would relate to the flat landform, and the scale of the surrounding land use pattern. Although effects on landscape character are judged to be *not significant* overall, it should be noted that from some nearby locations to the site and from Lilleshall Hill, the proposed development would be uncharacteristic and, with a prevailing industrial appearance, it would contribute to eroding the sense of rural character as it presently exists. As mitigation planting matures, the open nature of the local landscape would also be partly lost.

8.34 Although the proposed development is in close proximity to the Weald Moors Strategic Landscape, intervening trees and woodland would tend to screen nearly all views from within the designation. Although views of industrial infrastructure would detract from the wooded backdrop/setting to a degree, most of the Special Qualities would remain intact and as such, effects are judged to be *not significant*.

8.35 Notwithstanding these relatively localised visual and landscape effects, on balance, the proposed development is considered to meet Policy BE1(i-v) as any adverse effects that are likely to be experienced in the local landscape are not considered to be significantly detrimental to landscape character, nor the visual amenity of most people living, travelling through or enjoying the

landscape. Therefore, it follows that the proposals are also considered to meet the requirements of Policy ER1(i).

8.36 Furthermore, the benefits of the proposals would be the generation of renewable energy, sufficient to power more than 5,750 homes per annum, and saving approximately 8,150 tonnes of CO₂ each year. This would be a positive benefit towards helping meet the climate change agenda. The Applicant states the scheme proposes to also store power when required to help balance the district power network and National Grid circuits from Ironbridge. Therefore the benefits arising from the proposals are considered sufficient to outweigh the harms to the landscape. The proposed mitigation measures are considered sufficient to overcome these impacts and as such the proposals are compliant with national and local planning policies.

8.37 Ecology and Arboriculture

Policy ER1 seeks to ensure that renewable energy schemes do not have significant adverse impacts on ecology and wildlife. Policy NE1 seeks to protect biodiversity and there is an expectation that development will provide opportunities for enhancing existing ecological features and to mitigate any potential impacts. Policy NE2 seeks to protect existing trees, hedgerows and woodland.

8.38 The application is accompanied by an Ecological Appraisal and a Biodiversity Metric Calculation Tool. This considers the potential impacts on protected species and protected habitats. The main habitat within the application site is grassland used for grazing.

8.39 Para. 174 (d) of the NPPF seeks to ensure that developments will provide biodiversity net gains.

8.40 The proposals have been considered by the Council's Ecologist who notes the Biodiversity Net Gain Assessment for this site suggests a 46.47% increase in habitat units and a 219.35% increase in hedgerow units would be achieved upon completion of the scheme, and this would satisfy Policy NE1. The Council's Ecologist also request Condition(s) relating to bat and bird surveys, badger inspections and lighting plans.

8.41 The application is accompanied by an Arboricultural Impact Assessment. The Council's Arboricultural Officer supports the application subject to a Condition requiring development in accordance with the submitted Tree Protection Plan. Confirmation is sought from the Applicant on which hedging species is proposed along the southern and eastern boundaries for hedge planting.

8.42 Highways

Policy C3 seeks to ensure that all development proposals mitigate their impacts on the local highway network. This proposal would have construction

impacts and operational impacts. At the end of the project's lifespan there would be decommissioning impacts. It is envisaged that the construction and decommissioning impacts would be similar.

- 8.43 The application is accompanied by a Construction Traffic Management Plan. Construction works are envisaged to take around six months, including mobilisation and close out periods. This includes the preparation of the site, erection of security fencing and assembly and erection of the PV strings. It is proposed that construction activities take place 0800-1700 Monday to Friday and 0800-1500 Saturdays.
- 8.44 It is envisaged that around 40 construction workers will be on site at peak periods. The panels and equipment will be transported to the site on HGVs and the Applicant has advised that HGV deliveries will be phased with the construction activities on site with up to a maximum of six deliveries per day during the peak of the construction period. On average, assuming a six month construction period (total) and a six day working week (144 days total), there is expected to be around two HGVs, or around four two-way vehicle deliveries, per day by the largest vehicles.
- 8.45 Access to the site is proposed via an existing farm track from Kynnersley Drive. This comprises a gated track measuring approximately three metres wide. The access would be improved and widened by approximately two metres under the proposals.
- 8.46 During the operational phase, access would be minimal with around 1 visit per month for maintenance purposes, usually in a small van type or 4x4 vehicle. This would not result in any impacts on the local highway network.
- 8.47 No details have been provided on decommissioning but it is expected it would have similar impacts to the construction phase over a similar timeframe.
- 8.48 The separation distances of the site from the A518 mean that it would be unlikely that the development would have an impact on drivers.
- 8.49 The proposals have been considered by the Council's Highway Engineer who considers that the main highways impact correspond with the initial six month construction phase. Any movements associated with the operational phase of the development would be infrequent and associated with monitoring and maintenance, with the solar farm being unmanned once operational.
- 8.50 The Applicant has provided supporting information submitted in the Construction Traffic Management Plan outlining the route for construction traffic, constraints and mitigations to minimise the impact on the local Highway Network. The Applicant is proposing to alter an existing farm access to accommodate Heavy Goods Vehicles during the construction phase. The Applicant has also suggested improvements to the existing passing place between the construction site entrance and the A518 and as such, a

Condition has been requested requiring details and implementation prior to construction. Therefore, subject to conditions, the proposals are considered to be in accordance with Policy C3.

8.51 Noise and Impacts upon Residential Amenity

Policies BE1(vii) and ER1(ii) support proposals where there would be no significant adverse effect on local amenity due, inter alia, to noise arising from the scheme. Para's. 170 (e) and 180 (a) of the NPPF also seeks to prevent the loss of amenity due to noise.

8.52 The Applicant originally intended to submit an Acoustic Assessment with the application, however, during the course of the application the Applicant has held discussions with industry specialists and various manufacturers and as a result advises that the latest acoustic data will be available from summer/autumn 2022. In order to use the most up to date acoustic data, which the Applicant advises is improving all the time, the Applicant has requested the use of planning conditions to secure the final design and acoustic performance of the proposed battery equipment, along with any necessary mitigation measures. This is considered appropriate.

8.53 The most significant noise emissions from the development would be related to the proposed battery enclosures which the Applicant states would typically occur when the air conditioning units that are used to control the temperature within the battery containers are operational. Each battery would be cooled by a fan cooled unit and these would only operate in certain circumstances: the summer when temperatures are warmer, and during the day when temperatures are warmer than during the night. The Planning Statements says 'if the cooling fans are required on a hot day then it will be for no more than 1 hour, which is the longest the batteries would discharge for. Cooling is not required when the batteries are charging. The cooling fans will not operate every day and will generally not operate during night-time hours.'

8.54 The closest residential property is located circa 40 metres to the south of the existing corrugated steel barns, separated by the existing grain drier unit and belt of trees. The Applicant advises that, whilst not formally agriculturally tied to the farm, the property has historically been and is currently occupied by agricultural workers at Cheswell Grange Farm.

8.55 The Applicant advises that the operational nature of the farm means that there is already a high level of background noise in this location resulting from farm vehicles, machinery and livestock operating and moving through this area and the main farmyard, often during late and early hours (particularly during harvest season). In addition to this, the existing grain drier located adjacent to the proposed battery can be loud when in operation in the summer given the wrong weather conditions and can operate on 24-hour cycles at some points. The Applicant considers that the introduction of the proposed batteries within the existing barns will not introduce any unacceptable noise impacts above

those already present, however, this is not backed up by any professional assessment and potentially fails to demonstrate the relationship between background noise levels and potential noise sources and receptors.

- 8.56 Noise associated with construction activities would be heard at nearby properties. Such impacts should be temporary in nature and could be controlled through good working practices and limitations on construction hours to avoid the most sensitive times.
- 8.57 Several residents have requested the Applicant undertake Residential Visual Amenity Assessments (RVAA) in respect of Quarry House, Cheswell Manor and Cheswell Lodge. Residential visual amenity means visual amenity from residential properties including their gardens. It is a subset of residential amenity, which also includes aspects such as noise, light, vibration and shadow flicker, and it is primarily applied in assessing the impacts of windfarms due to their multiple impacts.
- 8.58 Planning guidance advises that development types including potentially very large but lower profile structures, such as road schemes and housing, are unlikely to require a RVAA except properties in very close proximity (50-250 metres) to the development. The three properties in question are all approximately 250 metres or more from the proposed solar farm.
- 8.59 In the England and Wales Planning System the approach taken is that no individual has a right to a particular view over third party land. However, there may be a point when, by virtue of the proximity, size and scale of a development, a residential property would be rendered so unattractive a place to live that planning permission should be refused.
- 8.60 In such cases there would need to be material concern that the effects of a proposed development would result in harm involving factors such as undue obtrusiveness or an overbearing impact making the living conditions unpleasantly overwhelming and unavoidable. This would be in addition to being located 50-250 metres from the proposed development.
- 8.61 Taking all these factors into account: the distance between the site and Cheswell Manor, Cheswell Lodge and Quarry House, the scale of the development, and the nature of the impact being visual only, the Local Planning Authority considers that the threshold for requiring a RVAA is not met for this application. Whilst the proposals would affect views from the properties the combined effects could not be considered to make the setting an unattractive place to live. Members are asked to note the LVIA was amended during the course of the application to take further account of some of the views from these properties, which led to the re-consultation.
- 8.62 Flood Risk and Drainage

Policy ER12 seeks to ensure that development proposals do not result in increased flood risk either within the site or elsewhere. A Flood Risk Assessment was submitted with the application and the Council's Drainage Engineer supports the proposals subject to a Condition requiring information to be submitted concerning SuDS and who will be responsible for the maintenance on site, including the watercourse and riparian responsibilities.

8.63 Impact upon Heritage Assets

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. These duties are also reflected in Local Plan Policy BE4. Policy BE8 seeks to protect archaeological sites and scheduled ancient monuments. Further policies are set out nationally within the NPPF.

8.64 The application is accompanied by a Heritage Desk Based Assessment (DBA) assessing the potential impacts of the proposals on a range of heritage assets including Cheswell Manor and the Sutherland Monument.

8.65 The Council's Built Heritage Specialist advises that Grade II Listed Cheswell Manor is a mid-18th century traditional brick and tile two-storey with attic farmhouse. It is set within an open agricultural landscape, across which broad views are possible due to the flat, low-lying nature of the land. The farmhouse is orientated to look south-southeast, so views from its principal elevation would be limited to oblique views across the application site, with a much closer visual relationship with its associated farm buildings and the neighbouring Cheswell House and Cheswell Lodge. Close views of the principal elevation are from the lane looking northeast and would therefore not be affected by the development. Distant views are possible towards the listed building from Kynnersley Drive across the application site, although its architectural and historic significance is barely discernible at that distance.

8.66 There would nevertheless be a change to its setting through the change in character of the agricultural fields in which it is set and some limited inter-visibility. The Applicant's Heritage Desk-Based Assessment claims that there is no historical or functional connection between the site and the Manor as there is no historic evidence for the fields having been within the same ownership. However, as Cheswell Manor was a farmhouse and the site formed part of the wider agricultural landscape in which it was set, there is a clear historical functional connection which is evident on the ground in views of the wider context of the building. The proposed change to the character of the site, through the introduction of the solar panels and frames, and security fencing to the boundary, would therefore have some negative impact upon its setting.

8.67 The Grade II Listed Sutherland Monument of 1833 is a large ashlar obelisk set on Lilleshall Hill, a natural promontory to the west of Lilleshall village. Its

primary significance and original function was as a landmark visible for miles around as a memorial to George Granville the first Duke of Sutherland. Nevertheless a secondary role of significance is as a viewing point allowing extensive views across the land, and the former Sutherland Estate. Although the site is small within the totality of the landscape visible from the monument, it is far from a 'small-scale development', and given its nature has the potential to introduce a notable expanse of modern structures and materials quite visually distinct from the surrounding agricultural landscape.

- 8.68 There is furthermore some connection of significance with the monument and Kynnersley Drive (south of the application site), which is known locally as the 'Dukes Drive' due to its alignment with the monument, and provision of kinetic views towards the monument from the northwest. That the drive was laid out prior to the erection of the monument may dispel any deliberate historical association, however, significance alters over time and there is now a social or communal significance between the two. However, views of the Monument from Kynnersley Drive are quite limited and sporadic, and those from the boundary of the application site extremely limited.
- 8.69 The Council's Built Heritage Specialist does not agree with the conclusions of the Heritage DBA, which states there would be no impact on the significance of the identified heritage assets. There would be some harm to the wider setting of Cheswell Manor and views from the Sutherland Monument, and hence conflict with Policy BE4 (i) and (vi). Nevertheless, the Council's Built Heritage Specialist places this harm on the low end of the scale of 'less than substantial harm' and being capable of further mitigation. In accordance with NPPF para. 202, the harm identified should be weighed against the public benefits of the proposal. The Built Heritage Specialist recommends additional mitigation through hedge and tree planting along the north boundary facing the Grade II Listed Cheswell Manor, could be achieved via planning Condition.
- 8.70 In terms of potential impacts on archaeological impacts, the County Archaeologist does not wholly accept the findings of the Heritage DBA and requests a Condition securing the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI) to satisfy Policy BE8.
- 8.71 Given the fact that the proposals will not result in any substantial harm to heritage assets it is considered that, on balance, the proposals are in accordance with Policies BE4 and BE8 and the NPPF.
- 8.72 Other Matters

Devaluation of property is not a material planning matter and cannot be taken into consideration in the determination of this application.

8.73 With regards to the objection by Cadent Gas, the advice within their comments stipulates that no building should be within 3 metres of the route of the existing pipeline. However, the proposed plans show a hedgerow. The Applicant has asked Cadent Gas for clarification on this but in the absence of a response, propose to amend the length of the hedgerow to ensure a gap in excess of 3 metres is provided between the hedge and the pipeline. This is considered acceptable.

8.74 Planning Balance

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 Church Aston Parish Council and local residents have raised concerns in respect of the proposed development and those concerns have been considered in this report.

8.75 The proposal would result in the loss of around 36ha of farmland. This would be replaced by the potential to develop around 19MW of renewable energy for a period of 40-years. This would be sufficient renewable energy to power the equivalent of more than 5,750 homes a year. In addition, it would result in annual saving of approximately 8,150 tonnes of CO₂. This would be a positive benefit towards helping meet the climate change agenda. The scheme proposes to also store power when required to help balance the district power network and National Grid circuits from Ironbridge.

8.76 The proposals would result in Significant adverse effects on the visual character in the short to medium term although these would reduce to Slightly Significant in the longer term. In terms of landscape character the impacts would be Not Significant and impacts on views would be limited due to being relatively localised. Therefore, on balance, the proposals are considered meet the requirements of Policies ER1 and NE7 as the benefits of the proposals are considered sufficient to outweigh the detrimental change to the quality of the landscape.

8.77 There are not considered to be any substantial detrimental harms to the setting of designated heritage assets, including the nearby Sutherland Monument on Lilleshall Hill.

8.78 It has been clearly demonstrated that the proposals would result in benefits to biodiversity. Therefore, the proposals are considered to comply with Policies ER1, NE1 and NE2. Likewise, the proposals are considered to have demonstrated they would not result in any increased flood risk.

8.79 Overall, the benefits arising from the proposals is considered to outweigh the harms and it is recommended that the application be approved.

9. CONCLUSION

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

10. DETAILED RECOMMENDATION

10.1 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 **GRANT PLANNING PERMISSION** (with the authority to finalise any matter including Condition(s), legal agreement terms, or any later variations) subject to the following Condition(s):

Condition(s):

Time Limit

Temporary Consent – 40-years (incl. Decommissioning Strategy)

Submission of Decommissioning Strategy (if site ceases to operate for 12-months prior to 40 -year period)

Submission of Ecological Assessment Report prior to Decommissioning

Final Layout to be Submitted and Approved (incl. layout, equipment elevations and floor plans)

Submission of Acoustic Assessment

Badger - Pre-commencement Inspection

Bats - Pre-commencement Survey

Lighting Plan

Development in Accordance with Construction Traffic Management Plan

Archaeology - Written Scheme of Investigation

Built Heritage - Details of Additional Mitigation Planting

Drainage - Details of SuDS Management

Access Details

Details of Materials

Development in Accordance with Submitted Tree Protection Plan

Details of Proposed Tree and Hedge Planting Species and Locations

Landscaping Scheme to be implemented no later than first planting season following first export of electricity

Ecological Survey – in Accordance with Biodiversity Management Plan and Landscape and Ecological Management Plan

Provision of Ecological Monitoring Report

Development in Accordance with Approved Plans