

TWC/2020/0851

Land North of Roden Lane Farm, Roden Lane, Roden, Telford, Shropshire  
Installation of a renewable energy scheme comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations, access, internal access track, landscaping, security fencing, security measures, access gate, and ancillary infrastructure

**APPLICANT**

JBM Solar Projects 12 Ltd

**RECEIVED**

08/10/2020

**PARISH**

Ercall Magna

**WARD**

Edgmond and Ercall Magna

**THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR STEPHEN BENTLEY.**

Online Planning File: <https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?applicationnumber=TWC/2020/0851>

**1. SUMMARY RECOMMENDATIONS**

1.1 Full Grant subject to conditions and informatives.

**2. APPLICATION SITE**

2.1 The application site is located to the north of the B5062 and lies within the parish of Roden. The site is made up of a number of fields covering around 133 hectares. The fields wrap along the southern and eastern boundaries of Mytton's Coppice.

2.2 Access is proposed to be from the existing access to the newly constructed chicken rearing sheds, which this site wraps around.

2.3 The site boundary for the application also includes a narrow tract of land running westwards towards the boundary with Shropshire Council. This forms part of the proposed connection to the grid. In the event of planning permission being granted for the proposed development a further application will need to be made to Shropshire Council for the remainder of the connection.

**3. PROPOSED DEVELOPMENT**

3.1 The proposal relates to the construction of a solar farm. This would consist of a series of arrays set out across the site. These are proposed to be sun-tracking arrays thus enabling the optimisation of solar gain and energy generation. The maximum height of the solar panels would be 3m. The distance between the arrays would be between 4m and 7m depending on the site conditions. The typical minimum distance between the edge of the panels and the perimeter fencing would be 5m.

- 3.2 Battery storage units are proposed to be located throughout the site. These would consist of containerised battery units, inverters, DC-DC converter boxes and ancillary equipment. These would be container type structures being around 2.5m long, 2.4m wide and around 2.8m high.
- 3.3 Additional container type structures are required throughout the site including the switchgear and inverters. These containers would be around 12.5m long, 2.4m wide and 2.9m high for the inverter and 2.6m for the switchgear.
- 3.4 Deer proof fencing is proposed around the site and access tracks around the site are also proposed. Motion sensor CCTV is also proposed at various points around the site to ensure the safety of the site. The fencing would be 2m in height and the CCTV poles would be 3m.

#### **4. PLANNING HISTORY**

- 4.1 TWC/2016/1182: Erection of 4 no. poultry sheds and 10 no. feed bins, ancillary works, amendments to existing vehicular access (off B5062 Roden Lane), erection of biomass building and associated landscaping to include bunds. Approved 10/10/2018.

#### **5. RELEVANT POLICY DOCUMENTS**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford & Wrekin Local Plan 2011-2031

SP3 Rural area  
SP Presumption in favour of sustainable development  
NE1 Biodiversity and geodiversity  
NE2 Trees, hedgerows and woodlands  
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 The Ercall Magna Neighbourhood Plan has reached Regulation 14 stage is out for public consultation. However, at the present time it has little weight.

#### **6. NEIGHBOUR REPRESENTATIONS**

- 6.1 Six representations have been submitted raising the following points:
  - Area of outstanding natural beauty and proposals would be an eyesore
  - Potential contamination from battery storage
  - Loss of quality farmland
  - Potential habitat loss

- Glint and glare impacts on RAF
- Thousands of tonnes of concrete for foundations
- Poultry waste from adjacent shed should be spread on this land. Will force transportation through village leading to environmental issues
- No benefit to local community
- Power loss through connection to grid
- Will increase flood risk
- Should be exploring wind farms
- Unlikely to be decommissioned
- Lack of security arrangements (secure, funded plan) to ensure decommissioning
- Increases carbon footprint
- Not 'temporary' development and impacts underplayed
- Heavy construction traffic having impacts on highway
- No consideration of visual impacts on homeowners
- Traffic calming under TWC/2016/1182 not been implemented
- Noise generation
- 70 properties will be negatively affected by proposals
- Includes grade 3a land – developers renege on assurances
- Impacts on character of countryside
- Wildlife fencing will drive deer towards A53
- Need s106 giving money to affected Parish Councils so local people can determine how it is spent
- CPRE: ground-mounted solar arrays can bring benefits subject to them being located where they do not harm the natural beauty of the countryside, where they do not harm the productivity of the countryside, and in ways that provide local benefits.
- LVIA isn't adequate
- Potential noise issues
- Loss of agricultural land
- No local community involvement, no consultation and no benefits accruing to communities

Local Ward Member – Cllr Stephen Bentley:

- Concerns regarding:
  - Noise
  - Environmental elements:
    - Leachates
    - Wildlife habitats and movements
    - Historical archaeological impacts
  - Decommissioning
- Not received satisfactory responses to queries.
- Decommissioning Process and Legal Application need to be in place at the onset of the proposed project and in place as part of any application determination
- For project to be temporary, actions and undertakings in 40 years' time have to be made and therefore secured

- Planning Department are not in a position to negotiate the proper financial and legal agreement that is required

## **7. STATUTORY REPRESENTATIONS**

### **7.1 Ercall Magna Parish Council – Object:**

Disappointed with engagement with applicant. Request members visit the site. No direct community engagement. Surprised no benefits to local community with all energy going to National Grid. Impacts on a number of non-designated heritage assets. Applicant is looking to sell on the site if planning permission granted. Sheep grazing not considered to be appropriate management of the site. Concerns regarding noise. Need independent review of evidence. Contrary to Policy ER1 due to landscape impacts. Decommissioning will need to ensure land is not contaminated, hedgerows and public rights of way must not be affected. Should be a condition to prevent housing at the end of the 40 year period. Parish Council has entered into discussions with applicant regarding appropriate community gain.

### **7.2 The Parish Council has also engaged a Planning Consultant who has submitted representations on their behalf. This is the Planning Balance and Conclusions:**

We accept the Application would bring benefits in terms of the aggregate generation of renewable energy. However, those benefits would be outweighed by the significant adverse impact that would result to the landscape, visual amenity and to the setting of the Ebury Hill Scheduled Monument. These impacts are not acceptable given the sheer scale of the proposal put forward and for which no evidence has been provided as to why the development of this scale is necessary in this location.

Our conclusions are as follows:

- The principle of development of a proposal of this scale is not supported due to the adverse significant impact to landscape, public amenity, and of an identified heritage asset. The Application is therefore contrary to Policy ER1.
- The proposal would cause a highly intrusive presence from key public viewpoints resulting in a major adverse harm to the public's visual amenity.
- The proposal fails to preserve or enhance the local landscape character and will cause significant harm to landscape features and topography.
- The proposal would cause demonstrative harm to a Scheduled Ancient Monument of Ebury Hill through harm to its setting which is closely tied to its significance.
- There has been an inaccurate representation of harm from key viewpoints within the LVIA and to heritage assets within the Heritage Statement on the account that the proposed plant has been insufficiently modelled to take into consideration the impact of glint and glare. Before a decision is made, the LVIA and Heritage appraisal should be independently reviewed.

- A proposal of this scale is unprecedented in the open countryside. There is no justification as to why a development of this scale is necessary in this particular location.

Overall, the scale of this proposal and its associated landscape, visual amenity and heritage harm does not accord with the Statutory Development Plan and the proposal should be refused in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

7.3 Natural England – No objection:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. The proposal site is sufficiently distant from Allscott Settling Ponds and Attingham Park Site of Special Scientific Interest that direct impacts would not be expected and the nature of the proposal is unlikely to affect the features for which these sites are notified.

7.4 Shropshire Fire Service, Highways, Drainage and RAF Shawbury: Raise no objections.

7.5 Archaeology – Comment:

Site lies within setting of a number of designated and non-designated heritage assets. Three Scheduled Monuments (Haughmond Abbey, Ebury Hillfort, and a medieval fishpond). Haughmond Abbey is Grade I listed building. A number of Grade II Listed buildings in Haughton, Poynton and Roden. A number of non-designated heritage assets including Haughton Cottages, and a Roman road which ran between Wroxeter and Whitchurch. Recommend consultation with Heritage advisor at Shropshire Council and Historic England. Suggest Written Scheme of Investigation condition.

7.6 Historic England – No comment:

On the basis of the information available to date, we do not wish to offer any comments.

7.7 Cadent Gas: Require an informative requiring compliance with Good Practice.

7.8 ESP Ltd on behalf of Shropshire Council: Landscape and Visual Impact Assessment:

The LVIA appears to have been prepared in a proportionate, transparent and evidenced based manner in compliance with the best practice set out in GLVIA3, however we have a number of concerns in respect of whether effects are adverse, beneficial or neutral, with respect to the assessment of cumulative effects and effects on landscape character.

Recommend the LVIA be amended so that:

1. All effects are judged to be adverse, beneficial or neutral in accordance with the LVIA methodology.
2. Consideration be given to cumulative landscape and visual effects.

3. The levels of magnitude and overall level of effect for the landscape character of the Estate Farmlands LCT be reviewed.
4. Predicted effects on the landscape character of the Wooded Hills and Farmlands, Principal Timbered Farmlands and Enclosed Lowland Heaths LCTs are assessed.

## **8. ASSESSMENT**

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

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

### Principle of the development

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

8.3 Policy SP3 relates to development in the rural area, whilst Policy ER1 relates to development proposals relating to renewable energy. The Local Plan does not specifically identify sites for the location of renewable energy schemes, and this is appropriate because schemes are required to be located where they can connect to the national grid and in locations where there are no significant adverse impacts.

8.4 Policy ER1 identifies that the Council supports renewable energy development, subject to a number of criteria. Chapter 14 of the NPPF sets out the national planning policy with regards to climate change, flooding and coastal change. This requires the planning system to support the transition to a low carbon future and to support renewable and low carbon energy and associated infrastructure. Paragraph 151 requires plans to help increase the use and supply of renewable and low carbon energy and heat. This is reflected in Policy ER1.

- 8.5 Paragraph 154 of the NPPF states that applications for renewable energy development are not required to demonstrate the overall need for renewable energy. It also requires applications to be approved where its impacts are (or can be made) acceptable.
- 8.6 The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% net zero by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order in July 2019. In July 2019 the Council declared a climate emergency, including an ambition to achieve carbon neutrality by 2030, at target 20 years earlier than the Government's target.
- 8.7 Policy ER1 supports renewable energy developments subject to various criteria. The issues in criteria i), ii) and iii) will be discussed in detail in various topic subheadings in this report. However, it is considered that the proposals meet the criteria.
- 8.8 Criterion iv) relates to the requirement for a requirement for the site to be reinstated to its former condition should the development cease to be operational. Many of the representations, including the Parish Council, are in respect of this aspect of the proposals. Some representations are stating that a fully bonded or costed reinstatement programme should be included with the application. However, it should be noted that the control over reinstatement lies with the planning permission, if granted, and the imposition of conditions requiring the reinstatement of the site. This is standard practice for solar farm (and wind farm) applications and a practice followed by local planning authorities and the Planning Inspectorate, both for planning appeals and for National Significant Infrastructure Projects (NSIP).
- 8.9 Paragraph 13 of the Planning Practice Guidance (ID 5-013-20150327) states that "solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use".
- 8.10 The planning application seeks planning permission for a temporary period of 40 years, temporary due to the fact that the proposed development can, at the end of the project, be removed from the site and the land returned to its former use. There is no government imposed limit on the lifetime of solar farms set out in national guidance. Previously temporary consents were sought for 25 year periods, based primarily on the typical warranty period offered by manufacturers at the time and therefore used for modelling the viability for projects by developers. Due to changes in technology business models have been redesigned to reflect the more efficient panels available. Whilst this in its own right is not necessarily a material planning consideration, the increased economic and environmental benefits are.
- 8.11 In accordance with standard practice, and as set out in Planning Practice Guidance, it is considered appropriate 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 is also considered appropriate to impose a condition requiring the submission of a decommissioning plan in the event, for whatever reason, the solar farm fails to provide electricity to the grid for a continuous period of 6 months within that 39 year period. Again, this is standard practice.

- 8.12 Criterion v) of Policy ER1 relates to the degree of community participation/ownership of the scheme. This is in accordance with Paragraph 152 of the NPPF which states that local planning authorities should support community-led initiatives for renewable and low carbon energy schemes.
- 8.13 Notwithstanding this, there have been concerns raised in respect of the consultation process and community benefits arising from the proposals with concerns that the application does not comply with criterion v). The applicant has attempted to engage with the local residents and parish councils in respect of the proposals. This has been hindered to a degree with various lockdowns both in England and Wales. However, the applicant has confirmed that the following public engagement has been undertaken:
- Writing and making personal calls to the members of the Ercall Magna Parish Council early in September to gain early engagement and offer zoom meetings with the committee and seek feedback on how best to communicate the project details
  - Writing to all surrounding local Parish Councils and sharing a flyer they were able to post somewhere locally for people to see
  - Writing to ward members
  - Writing to RAF Shawbury (based on early feedback from Ercall Magna Parish Council)
  - Offering Zoom meetings with the Parish Councils (We held one with Ercall Parish Council) and had a decline due to project not being relevant to another Parish Council
  - JBM have offered Ercall Parish Council further Zoom meetings, personal zoom calls with specific people who wish to have additional information on the project, phone calls for those not able to access zoom, or to have 1 on 1 meetings which can occur outside and socially distant in line with government guidelines
  - JBM have held a number of telephone conversations with Ercall Parish Council for feedback and offers to engage with individuals with concerns
  - Recently providing posters (effectively consultation boards) so that the parish can display these in a way that the community will see them
  - Creating a bespoke website ([www.myttonssolarfarm.co.uk](http://www.myttonssolarfarm.co.uk)) where comments can be left
  - Placing an advert in the Shropshire Star that gave contact details and a website address, and
  - Posting letters to all properties within 1km of the site (approximately 150 letters).
- 8.14 Turning to community benefits, planning legislation is very clear on the fact that local planning authorities can only impose conditions in accordance with very strict rules; that is where they are necessary, relevant to planning and to

the development to be permitted, enforceable, precise and reasonable in all other respects. Likewise, s106 obligations can only relate to the development and can only be required where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

- 8.15 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]).
- 8.16 Notwithstanding this, most solar farm applicants usually enter into agreement with the local community, normally via the Parish Council, to provide some form of community benefit. This could be, for example, the installation of solar panels on community buildings. However, this agreement is entirely outside of the planning system and can have no bearing on the decision in respect of the planning application. It is not a material consideration and if the Parish Council opts to not engage in approaches by the applicant then, should planning permission be granted, the applicant is under no obligation to pursue efforts to offer community benefits.
- 8.17 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.
- 8.18 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. As discussed later in this report, the proposals encourage biodiversity improvements.
- 8.19 The application is accompanied by a comprehensive Agricultural Quality Assessment. This assessed the quality of 283 hectares of agricultural land and established that this comprised a mixture of grade 2, and subgrades 3a and 3b.
- 8.20 The application site comprises 133 hectares and has been defined as a result of this testing. The site is predominately Grade 3b land with small areas of Grade 3a and Grade 2 land being included where the drawing of the boundary follows existing boundaries on the ground.
- 8.21 In accordance with Policy SP3 and Footnote 53 of the NPPF the proposed development is located on an area of poorer quality land, and is considered to be in accordance with local and national planning policies.

### Character and appearance

- 8.22 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. 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.
- 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 (GLVIA3).
- 8.24 The site is identified as being located within the National Character Area 61 Shropshire, Cheshire and Staffordshire Plan, and the Estate Farmlands Local Character Type (LCT). Whilst the site falls wholly within the Estate Farmlands LCT, the assessment identifies that the site abuts or is in close proximity to other LCTs.
- 8.25 Baseline conditions identify the existing built form, including the broiler sheds located within the site, and the existing greenhouses at Roden Nursery. No local public rights of way cross the application site, although it is acknowledged that there are public rights of way in the vicinity, including to higher vantage points such as Ebury Hill.
- 8.26 When considering landscape it is important to consider the impact on the character of the landscape as well as the visual impacts. These are two different considerations.
- 8.27 Turning first to the impacts on the character of the area, the national characteristics of the Character Area are of extensive, gently undulating plain, strong field patterns with generally well-maintained boundaries, predominantly hedgerows, with dense, mature, hedgerow trees. The area has regularly spaced, large farmsteads, dispersed hamlets, market towns and many other settlements. Similarly, the LCT is of a “gently rolling lowland and valley floor landscapes”.
- 8.28 Landscape opportunities in this area are to maintain and buffer the areas of ancient semi-natural woodland by creating and managing transitional scrub communities between woodland and adjoining habitats to benefit biodiversity and landscape connectivity to help increase resilience to climate change.
- 8.29 The proposals, by their very nature, are relatively low lying, having a maximum height of around 3m. The storage containers containing the equipment and battery storage would be the tallest components within the site and whilst the colour of the containers isn't specified within the application, these can be conditioned to be green so as to minimise the visual impacts if

the proposals are found to be acceptable. Paragraph 9.10 of the LVIA assesses the impact of the proposals on this basis.

- 8.30 The LVIA identifies the site as having characteristics typical of the wider vale landscape and as such its value as a landscape element is considered Low. The Susceptibility of the landform to the type of development is also Low and as such the Sensitivity of the landform is Low.
- 8.31 The proposed development would not significantly change the profile of the site with the proposed panels following the existing contours of the land. On this basis the development is assessed as having a negligible effect on the site in landform terms.
- 8.32 The boundaries of the site are predominantly hedgerows, with the woodlands of Mytton's Coppice adjacent to part of the northern boundary of the site. Hedgerows as an element of the landscape are considered to be of Medium value, with a Medium Susceptibility to Change and having a Sensitivity of Medium. The woodland is considered to be of High Value and High susceptibility and having a High Sensitivity to Change.
- 8.33 The hedgerows are proposed to be retained and enhanced where there are gaps. In addition, new stretches of hedgerow are proposed to be planted, reintroducing historic field boundaries. This will contribute to the character of the landscape and provide additional biodiversity connectivity. Small sections of hedgerow would be required to be removed to enable the access tracks within the solar farm to be created. These small losses would be more than compensated by new planting and on this basis it is considered that the loss of vegetation would result in a Low Beneficial Magnitude of Change on existing hedgerows and trees within the site.
- 8.34 Overall, the LVIA concludes that with a low beneficial magnitude of change and a medium to high sensitivity the proposed development would bring about a Minor to Moderate Beneficial Effect upon the hedgerow resource within the site.
- 8.35 In terms of land cover, the proposed development is assessed as being a High Magnitude of change to the land cover, although the potential to plant wildflower meadows and the fact that the land can be returned to its previous use can, on balance, reduce the Magnitude of Change to Medium. The LVIA assesses this as being Minor Beneficial.
- 8.36 The Council has had the LVIA independently assessed and whilst the scope of the document is considered to be fit for purpose, a few issues were identified. These related to the lack of consideration of cumulative impacts, although it is confirmed that there are no other proposed developments that need to be considered in the assessment. It should be noted that an independent assessment on behalf of Shropshire Council reached similar conclusions.
- 8.37 The impacts of the proposals are considered to be underplayed in the applicant's LVIA and the conclusion that the proposals would be Minor

Beneficial are disputed. Telford and Wrekin Council's assessor considers that the adverse effects of a development with an industrial appearance would outweigh any benefits resulting from mitigation planting and management. As such, it is considered that the conclusion should be Minor Adverse.

- 8.38 The LVIA identifies a Zone of Theoretical Visibility and subsequently receptor viewpoints have been identified. A total of 11 receptor viewpoints were identified, including six from the public right of way network. The assessment considers that the majority of residential receptors will largely be screened from the proposed development by existing or enhanced landscape planting. Some properties in Roden Lane could potentially experience partial views across the site from upper floor windows. As such the proposal would result in negligible effects in Year 1 and Year 10.
- 8.39 The users of PRowS at Ebury Hill and Haughmond Hill may have the opportunity to experience partial views of the proposed development. From Viewpoint 5 (adjacent Holly Coppice) this would result in a Moderate Adverse Effect in Year 1, reducing to Negligible by Year 10 once the proposed planting has had time to mature. From Viewpoints 6 and 7 (top and bottom of Ebury Hill) this would have a Major Adverse Effect in Year 1, reducing to Moderate Adverse in Year 10.
- 8.40 Viewpoint 4 is located at the access point to the site. At this location the proposed development is assessed as having a Minor Adverse effect in Year 1, reducing to Minor Adverse to Negligible in Year 10.
- 8.41 Both the Council's independent assessor and the review on behalf of Shropshire Council, raise concerns regarding the lack of assessment of impacts on the adjoining LCTs. The applicant has submitted additional information assessing the impacts of the proposals on these. In terms of the Principal Timbered Farmlands LCT (where Viewpoints 7 and 8 are located), the proposals would result in a Low Magnitude of Change and a Minor Scale of Effect.
- 8.42 In terms of impacts on the Wooded Hills and Farmlands LCT (where Viewpoints 5 and 6 are located – Ebury Hill summit and Holly Coppice) the proposals would result in a Low Magnitude of Change and a Minor Adverse Scale of Effect.
- 8.43 The Enclosed Lowlands LCT would largely remain unaffected by the proposed development and as such the impacts would be a Negligible Scale of Effect.
- 8.44 Telford and Wrekin Council's independent assessor has reviewed the additional information and largely agrees with the conclusions. Overall they conclude that the extent of landscape effect is relatively localised and to some degree this is limited by the presence of some other existing development (eg chicken farm, glasshouses and other light industry) that currently detract from the rural character. Overall, the extent of visibility is relatively localised and from most locations, the proposed development would appear set back from

nearby roads, dwellings and footpaths. Furthermore, the views from most sections of nearby roads and dwellings would be at a similar elevation to the site and as such, only a relatively small part of the array would tend to be visible from most locations.

- 8.45 Notwithstanding any adverse landscape and visual effect that are likely to be experienced in the local landscape, on balance, these are not considered to be detrimental to landscape character, nor the visual amenity of most people living, travelling through, or enjoying the landscape. On balance, therefore, the proposed development is considered to be in broad compliance with Policy ER1. In addition, the proposals are judged to be in broad compliance with Policy NE2.
- 8.46 The proposals do slightly compromise the aims of Policy BE8, relating to Scheduled Ancient Monuments, due to the proposals failing to protect the entirety of the prevailing rural setting of the SAM. Impacts on heritage assets are discussed in greater detail below.

#### Ecology and trees

- 8.47 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.
- 8.48 The application is accompanied by an Ecological Assessment and accompanying surveys. This considers the potential impacts on protected species and protected habitats, including Allscott Settling Ponds SSSI and Attingham Park SSSI.
- 8.49 In terms of impacts on SSSIs, the Ecological Assessment confirms that the proposals would not result in any harm, a finding that is agreed by Natural England.
- 8.50 The site is located adjacent to Mytton's Coppice, an Ancient and Semi-Natural Woodland, and Poynton Springs Local Wildlife Site. The proposed layout of the site incorporates a 15m buffer to these sites and as a result the proposals would not impact on the ecology.
- 8.51 The main habitat within the application site is agricultural land interspersed with ditches and hedgerows. Agricultural land, by its very nature, is ecologically poor and the proposals seek to introduce new wildflower meadows which would provide biodiversity enhancements with the creation of new habitats. In addition, it is proposed to reinforce the existing hedgerows where there are gaps. This would assist with the screening of the proposed development whilst reinforcing the habitats and wildlife corridors within the site.
- 8.52 Paragraph 170 d) of the NPPF seeks to ensure that developments will provide biodiversity net gains. In order to calculate potential gains the proposals have been assessed using the Defra Metric Biodiversity Net Gain Calculator

(version 2.0). This demonstrates an overall net gain of over 53% in habitat units.

- 8.53 Small sections of hedgerow would need to be removed to create the access tracks within the site and this would require the works to be carried out in a manner to ensure that nesting birds are not disturbed. This is standard mitigation and good practice.
- 8.54 The proposals have been considered by the Council's Ecologist who has no objections to the proposals, subject to conditions requiring the development to be carried out in accordance with the submitted Biodiversity Management Plan and Landscape and Ecological Management Plan. A further condition requiring the monitoring of the conservation aims and objectives, as set out in the application, are being met. In the event that the biodiversity benefits envisaged by the proposals not be delivered then appropriate remedial action will be required to be identified, agreed and delivered. Overall, it is considered that the proposals comply with Policies ER1 and NE1.

#### Highways

- 8.55 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.
- 8.56 Construction works are envisaged to take around 4-6 months, with construction activities taking place between 0800-1900 Monday to Friday and between 1000-1600 on Saturdays (note the D&A and Construction Management Plan has this reversed).
- 8.57 It is envisaged that around 50 construction workers will be on site. The panels and equipment will be transported to the site on 15.4m long articulated vehicles. It is envisaged that around 960 deliveries will be required, at an average of around 5-8 deliveries per day, or 10-16 two-way movements per day.
- 8.58 Access to the site will be via the existing access serving the newly construction poultry rearing sheds. Access on the highway network is proposed to be from the M6 or M5, via the A53 or A5 and A49 to the B5062.
- 8.59 During the operational phase, access would be minimal with around 1 visit per month for maintenance purposes, usually in a small vehicle, or 4x4. This would not result in any impacts on the local highway network.
- 8.60 Decommissioning would have similar impacts to the construction phase over a similar timeframe.
- 8.61 The proposals have been considered by the Highway's Officer who confirms that they have no objections to the proposals subject to conditions, including one requiring the junction markings to be carried out on the access road.

Subject to conditions, the proposals are considered to be in accordance with Policy C3.

- 8.62 Comments have been made in representations about the lack of mitigation measures required in respect of the broiler sheds previously approved being delivered. The planning permission and accompanying s106 Legal Obligation required the payment of a financial contribution towards the creation of a gateway feature and traffic calming measures. The financial contribution has been paid and the works are to be programmed by the Council. These measures have been taken into consideration by the Highways Officer when considering this application.

Noise and impacts on residential amenity

- 8.63 Policies BE1vii) and ER1ii) support proposals where there would be no significant adverse effect on local amenity due, inter alia, to noise arising from the scheme. Paragraphs 170e) and 180a) of the NPPF also seeks to prevent the loss of amenity due to noise.
- 8.64 The application is accompanied by a Noise Assessment that assesses the potential impacts of the proposed development. This sets out that unattended noise surveys were undertaken at four locations, representative of the surrounding noise sensitive properties, over the period of 5 – 12 August 2020.
- 8.65 The survey data revealed that noise levels were generally low for the area. These ranged between 28dB to 32dB for daytime levels and between 20dB and 27dB for night time levels. The report then assesses the potential impact of the solar farm with noise sources identified as being from the central inverter, central inverter battery station, the DC-DC converter, and the HVAC (heating, ventilation and air conditioning) unit for the battery container/DC-DC converter container. The battery stations would be operational 24 hours a day, the solar panels and central inverters would be operational during daylight hours, potentially between 05:00 – 21:00 hours in the summer. Equipment, including battery stations will be enclosed in units with sound insulation, similar to those used on the nearby poultry unit.
- 8.66 The closest properties to the proposed equipment (battery/inverter station) would be between approximately 510 and 830m away. Noise levels are predicted to be generally low with an increase of between +2 and +6dB, although the Haughton receptor, a dwelling, is predicted to be impacted by an increase in noise levels of +11dB at night time. However, whilst this increase is considered to be an indication of “Significant Adverse Impact” the overall noise levels are predicted to be 31dB, significantly lower than the WHO night time noise levels of 40dB. When background levels are so low it is appropriate to consider the overall noise levels in respect of the WHO night time noise levels, as set out in BS 4142:2014.
- 8.67 A cumulative noise assessment has been undertaken to include the poultry units, utilising the information submitted with the planning application. Cumulatively it was concluded that noise levels would remain below the 40dB LAeq noise levels for night time noise. It should be noted, however, that the

commentary within the Noise Assessment assumed that the poultry units were not yet in operation at the time of the background noise readings being undertaken. However, it has been confirmed that the units were put into operation in May 2020 and therefore noise from these units has already been included in the background noise readings.

- 8.68 Overall, the proposals would not result in a loss of residential amenity due to noise impacts and as such comply with local and national planning policies.

#### Flood risk and drainage

- 8.69 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, confirming that the site is located within Flood Zone 1, the area least likely to flood. The southern boundary is partially within Flood Zones 2 and 3, although no infrastructure is proposed to be located within this area.

- 8.70 A small area of the site is identified as being within an area at risk of shallow flooding in the Medium Risk scenario (1 in 100 year event). These areas show predicted flooding to be less than 300mm deep. The panels would be at least 800mm from the ground and therefore not at risk of flooding.

- 8.71 The solar farm, with the inclusion of wildflower meadows, will enable the soil conditions to improve, and thus increase the permeability. Overall, the proposals would not result in increased flood risk. The proposals have been assessed by the Drainage Officer who raise no objections to the proposals. As such they comply with local and national planning policies.

#### Impacts on heritage assets

- 8.72 The Planning (Listed Buildings and Conservation Areas) Act 1990 places statutory duties on local planning authorities in respect of considering the impacts of proposals on listed buildings and conservation areas. These duties are also reflected in Local Plan Policies BE4 and BE5. Policies BE6 and BE8 seek to protect locally listed buildings and archaeological sites and scheduled ancient monuments. Further policies are set out nationally within the NPPF.
- 8.73 The application is accompanied by a Heritage Statement. This identifies that the application site is not located within or adjacent to any conservation areas. There are no statutorily listed or locally listed buildings within or immediately adjoining the site boundaries.
- 8.74 The site does lie within 1km of Ebury Hill Iron Age hillfort and World War II vehicle testing station, and a fishpond, located near Haughton Farm and thought to be associated with Haughmond Abbey, both Scheduled Ancient Monuments. The ruins of Haughmond Abbey, are Grade I listed and the Abbey site is a Scheduled Ancient Monument lies just beyond the 1km radius of the site.
- 8.75 Within 1km of the site there are 6 Grade II listed buildings and 3 Scheduled Ancient Monuments (SAMs). In terms of archaeological sites, a non-

designated monument known as Haughmond Cottages is located within the application site. In addition, part of Watling Street, a Roman Road passes through a small section on the eastern edge of the site.

- 8.76 The impacts of the proposals on heritage assets have been considered in accordance with Historic England's suite of documents aimed at assessing the significance and impact on historic assets. "Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning 2" (revised edition 23 July 2019) advises on the understanding of the nature, extent, and level of significance of a heritage asset. "Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12)" advises using the terminology of the NPPF and PPG when assessing impacts. "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (December 2017) details a stepped approach towards assessment.
- 8.77 Whilst it is acknowledged that some heritage assets may be visible from within the site, it must be acknowledged that visibility is not the same as impacting on significance. Once significance has been established then it is necessary to assess the level of harm arising from the proposals. Paragraph 196 of the NPPF allows the public benefits to be weighed in the decision making process when there is less than substantial harm to a heritage asset.
- 8.78 In respect of the SAMs, only Ebury Hill was taken forward to Step 2 of the analysis. There is a public bridleway along the concrete road on the eastern side of the hillfort which allows long-distance views across the landscape. Views from the interior of the SAM are obscured by existing vegetation, and is the location of the caravan park. Ebury Hill is visible from the application site, although it must be noted that there are no public rights of way within or surrounding the application site. Therefore, public vantage points are restricted to those using the access to the broiler sheds outside of but surrounded by the application site. The Heritage Statement assesses that the proposed development could cause a very minor degree of harm, at the lower end of the less than substantial spectrum, to the significance of this asset. The proposals have been assessed by Historic England who raise no objections to the proposals.
- 8.79 Poynton Manor House was the only Grade II listed building taken forward to Step 2 of the analysis. This is a C16 building with a C19 extension and its heritage significance is largely derived from the special architectural and historic interest of its built form and fabric. It forms part of a complex of buildings and is located approximately 550m east-north-east of the application site. This building has a historical association of land ownership with part of the application site.
- 8.80 This heritage asset is best appreciated from within its grounds. In the same way Ebury Hill can be seen from the application site, so can elements of Poynton Manor, but again these are limited due to there being limited access to the wider site. From the heritage asset there could be glimpsed visibility

from first floor windows over the northern part of the site. It should be noted that the thin spur of application site boundary relates to an existing hedgerow that is to be reinforced and will not contain infrastructure directly related to the proposals. On this basis it is considered that the site makes no contribution to the heritage significance of Poynton Manor and as such would not result in harm to the heritage asset.

8.81 Potential impacts on archaeological assets has also been considered and geophysical surveys of the site have been undertaken. The Archaeologist has considered the application and raises no objections to the proposals subject to a condition relating to a phased programme of archaeological works to be undertaken.

8.82 Given the less than substantial harm of the proposals on designated heritage assets, at the lower end of the spectrum, and the public benefits of the proposals in helping to meet the country's carbon targets, it is considered that the harm arising would be outweighed by the benefits, in accordance with paragraph 196 of the NPPF. Furthermore, the proposals are considered to be in accordance with Policies BE4, BE6 and BE8.

#### Glint and glare

8.83 Solar farms, due to their nature, have the potential to give rise to glint and glare issues. Close proximity (within 10km) to aviation facilities is of particular concern and in this instance the site is located around 5.4km to the south of RAF Shawbury.

8.84 The application is accompanied by a Glint and Glare Assessment. This has taken into consideration RAF Shawbury, assessed the potential impacts on 29 road receptors and 71 dwelling receptors.

8.85 In terms of potential impacts on RAF Shawbury, the report concludes that the ATC Tower would not be expected to have views towards the proposed development site. The airfield has 4 runway designations (2 per runway). The two mile approach paths to Runways 18 and 23 do not pass over or near to the proposed development and as such there would be no glint or glare implications. Runways 05 and 36 are approached from the south and south west and the two mile approach paths, in particular for runway 36, pass close to the proposed development site. However, given the layout of the site and the angle of approach of aircraft, solar reflection would not be significant in terms of aviation safety as this would occur outside of a pilot's main field of view.

8.86 RAF Shawbury has been consulted on the proposed development and they confirm that they raise no objections to the proposals.

8.87 In terms of impacts on road users, assessment is limited to national and regional roads. In this instance, a 2.8km section of Roden Lane, the B5062, is identified as being required to be assessed. A total of 29 receptor points have been identified along this stretch of highway and assessment is made at a height of 1.5m, representing the average height of a road user.

- 8.88 Existing boundary screening will screen the development proposals from highway users from many vantage points, along with the additional screening provided by existing buildings located adjacent to the highway. Twenty of the 29 identified receptors were identified as having potential for views of the development, but the assessment identified that these would be largely screened. One road receptor was identified as having potential views of reflecting solar panels, but this would be at the edge of the road users' main field of vision.
- 8.89 Dwelling receptors are identified as those being within or close to one kilometre of the proposed development site and have a potential view of the panels. The study identified 71 potential receptors within the study area. In this assessment, a height of 1.8m above ground level is taken as being the typical eye level for an observer on the ground floor of the dwelling.
- 8.90 The assessment identified that solar reflection would be geometrically possible towards 35 of the 71 identified properties. However, for 27 of these dwellings, existing screening would restrict or prevent views. For 6 of the identified dwellings, marginal views of the reflecting solar panels may exist. However, the assessment identifies that this would occur for less than 3 months per year and for less than 60 minutes per day. Two dwellings are identified as being affected for more than 3 months per year and for less than 60 minutes per day. The impact on these two receptors (7 – located to the north of the site, and 69 – located to the southwest of the site) is identified as being moderate.
- 8.91 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.

#### Planning Balance

- 8.92 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 has raised significant concerns in respect of the proposed development and those concerns have been considered in this report.
- 8.93 The proposal would result in the loss of around 133 hectares for arable crop production. This would be replaced by the potential to develop around 49.9MW of renewable energy for a period of 40 years. This would be sufficient renewable energy to power the equivalent of more than 15,000 homes a year. In addition, it would result in the displacement of around 21,500 tonne of CO<sub>2</sub> per annum. This would be a positive benefit towards helping meet the climate change agenda.
- 8.94 The proposals would result in minor adverse effects on the landscape character. Impacts on views would be limited due to being relatively localised and only a relatively small part of the array would tend to be visible from most locations. Overall, the impacts are considered to be broadly in compliance with the requirements of Policies ER1 and NE2. As such, the landscape and visual impacts are not of sufficient weight to refuse the proposals.

- 8.95 Impacts on the setting of designated heritage assets would be limited and the less than substantial harm, at the lower end of the scale, on Ebury Hill Scheduled Ancient Monument would be outweighed by the public benefits arising from the proposals.
- 8.96 There would be no significant harm to biodiversity and the proposals indicated that 53% biodiversity net gains are possible. There would be no adverse harm to the highway network and no increased risk of flooding would arise as a result of the proposals. Noise impacts would be limited with night time noise levels being lower than the WHO recommended levels.
- 8.97 Concerns regarding decommissioning are noted, but this is appropriately dealt with by condition and is not grounds on which to refuse the proposals.
- 8.98 Therefore, the limited harm arising from the proposals would be significantly and demonstrably outweighed by the benefits delivered by the proposed development. On that basis, it is recommended that the proposals should be approved.

## 9. CONCLUSIONS

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

## 10. Detailed recommendation

Based on the conclusions above, the recommendation to the Planning Committee on this application is to **FULL GRANT PLANNING PERMISSION** subject to the following conditions and informatives:

1. A04 Time limit
2. Temporary consent – 40 years:

The applicant, or their successor in title shall inform the Local Planning Authority in writing that the development has been completed and is in operation within 1 month of the date of first use. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of first export of electricity. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work, which shall include details of the schedule of decommissioning. The scheme of decommissioning work shall first be submitted to and approved in writing by the Local Planning Authority, no later than 39 years from the date of first export of electricity, and subsequently implemented as approved.

3. In the event the site ceases to generate electricity for a period of 12 months prior to the 40 year period a scheme of decommissioning works to be submitted within 6 months for approval.

4. Prior to decommissioning the site, an ecological assessment report detailing site recommendations will be submitted to and approved in writing by the Local Planning Authority. The site will only be decommissioned in accordance with the approved report.
5. Final layout plan to be submitted and approved
6. Landscaping scheme to be implemented no later than first planting season following first export of electricity.
7. Written Scheme of Investigation
8. Routing of HGVs as per submitted CTMP
9. Construction Management Plan
10. Provision of give way markings in the bell mouth of the new access junction to the site.
11. Ecological Survey – in accordance with Biodiversity Management Plan and Landscape and Ecological Management Plan
12. Provision of Ecological Monitoring Report
13. Lighting Plan
14. Erection of artificial nesting/roosting boxes
15. C38 Development in accordance with approved plans
16. I40 Conditions
17. Custom – Cadent Gas informative
18. I41 Reasons for grant of approval
19. Informatives – Ecology - Bats and trees
20. Ecology – Nesting wild birds
21. RANPPF1