



South Staffordshire Council

PLANNING COMMITTEE – 19th September 2023

Requests to Speak

App no	Address	Speaking For	Speaking Against	Councillor to speak
22/00936/FUL MAJOR (5 Mins)	Land At Littywood Farm, Toft Lane, Coppenhall	Simon Chapman – RPS (Agent)	David Martin (Neighbour)	Cllr Andrew Adams
23/00419/FULHH NON MAJOR (3 Mins)	Elsfield Dunsley Drive Kinver STOURBRIDGE DY7 6NB		Susan Capon (Neighbour)	Cllr Paul Harrison

Additional information

Application 22/00936/FUL – Land at Littywood Farm, Toft Lane, Coppenhall

Please amend Condition 5 to read:

5. Prior to commencement of the development a road condition survey and inspections of roads bordering the site to the south (Hyde Lea Bank) and to the east (Toft Lane) of the site shall be carried out (the extent of the road to be inspected to be first agreed by the applicant with the County Highway Authority) and submitted to the local planning authority:
 - Prior to commencement of development; and
 - Prior to completion of the development.

Should any new or significant defects be identified in connection with the proposed construction traffic, the repairs and timeframe for undertaking the works are to be agreed with County Highways Authority. Thereafter the works shall be completed in full accordance with the agreed details.

Reason:

5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy, to ensure that the local road users are not unnecessarily adversely affected by construction activities.

Officer Note:

Should Members be minded to approve the application, the applicant has confirmed their agreement to the recommended pre-commencement conditions.

Senior Strategic Planning Policy Officer - Landscape comments on submitted Landscape and Visual Impact Assessment

The comments below offer an overview of the visual effects of the proposed development, having regard to the submitted Landscape and Visual Impact Assessment (LVIA) undertaken by the applicants. The LVIA has been undertaken by a Chartered Member of the Landscape Institute, representing an appropriately qualified individual. The representative viewpoints to address visual receptors have been discussed with officers prior to submission of the application, establishing a zone of theoretical visibility and indicative viewpoints.

Landscape effects

The site is part of the Settled Farmlands landscape character type, as identified in the Staffordshire landscape character evidence base. The Settled Farmlands area is distinguished by features such as its rolling landform, irregular hedged fields and arable and pasture farming. Critical features to the landscape quality of this area include the loss of such landscape features and the poor survival of semi-natural vegetation, including hedgerows and semi-natural grasslands. The site does not form part of any landscape designation and is not considered to represent a valued landscape for the purposes of NPPF paragraph 174(a), having regard to the site's current landscape condition, lack of rare landscape elements and level of recreational use.

The proposed development would introduce solar panels across the majority of an area of undulating large post-war fields currently in agricultural use, bounded by well-established hedgerow planting and interspersed with isolated trees. In addition to the proposed solar panels, inverters set on concrete bases and access tracks will be interspersed throughout the site, and a substation will be located at the northern extent of the site. This will have a degree of adverse impacts on the site's current landscape character, introducing a number of forms of development not characteristic of the wider landscape setting. However, key elements critical to landscape quality within the scheme (e.g. field hedgerows and trees) will be retained and any landscape effects will be largely reversible. Equally, over time proposed landscape mitigation in the form of biodiversity planting and new and reinforced hedgerow planting will improve key landscape factors critical to the landscape quality of this landscape character area. Therefore, the LVIA's conclusion that landscape effects will be moderate adverse is supported.

Visual effects

In terms of effects on visual receptors, the assessment identifies 10 representative viewpoints which are considered adequate to capture likely visual receptors who will experience the scheme from nearby PRoW and public highways. Four of these viewpoints are immediately adjacent to the site boundary (Viewpoints 1, 2, 3 and 4). The rest of the viewpoints capture potential medium-long distance views towards the site. Of these, three longer distance viewpoints (Viewpoints 8, 9 and 10) offer no views to the site once existing vegetation is taken into account and require no further assessment, as demonstrated by the submitted views from these points. The remainder (Viewpoints 5, 6 and 7) offer views to the site and have been taken forward for further assessment.

During the construction phase, no visual receptors will experience any visual effects worse than moderate adverse, and these effects will be limited to a short period of time. Turning to the operational phase of the scheme, of the medium to long distance viewpoints offering views to the site from the wider area, none will have major or moderate adverse effects even at winter in Year 1 of the scheme. All effects from these viewpoints will be negligible or minor adverse due to the small/negligible magnitude of impact from these viewpoints. This finding is supported, noting that views to the development from the surrounding landscape will be broken up by intervening established vegetation and topography. Of the views immediately adjacent to the site, two (Viewpoints 1 and 4) would only result in minor adverse visual effects as of winter in Year 1, reducing over time to negligible or negligible to minor adverse once landscaping has matured by Year 15. This finding is supported due to the filtered and fleeting views to the development from these two locations and the less sensitive nature of the visual receptors in these locations (i.e. road users).

Two viewpoints representing users of PRoW within/adjacent to the site (Viewpoints 2 and 3) offer significant visual effects as of winter in Year 1, representing major adverse effects to receptors in these locations. This is due to the prominence of the views of the panels and security fencing in these locations and the high sensitivity of receptors (recreational walkers), although there will still be views to the wider countryside setting from along this PRoW due to the setback between the fencing and the PRoW. Over time these impacts will reduce to moderate adverse effects by Year 15, with effects reducing over time as new hedgerow planting mitigation matures.

Given the above, the scheme will have major adverse effects on two visual receptors immediately adjacent to the scheme in Year 1, reducing to moderate adverse by Year 15 with planned mitigation planting. No medium or long distance views to the site from the wider area will experience moderate or major adverse effects either at Year 1 or Year 15 of the development. Having reviewed the applicant's assessment against the Landscape Institute's guidance for such assessments and visited the viewpoints provided, the LVIA's conclusions on these matters are considered reasonable.

Conclusions

The site is not part of a valued landscape and will have a moderate adverse impact on the local landscape, albeit there will be some mitigation measures provided which will enhance key landscape characteristics and biodiversity. The most impactful negative visual effects of the scheme will be limited to a small subset of representative visual receptors. With mitigation, visual effects will be

largely localised to the PRoW within or adjacent to the site, which are not part of a wider recreational route and do not appear to be regularly used from the evidence on site. There is a limited degree of conflict with Policy EQ4 insofar as it requires development to not have a detrimental effect on the immediate environment. However, it is well-established that large scale solar schemes will inevitably have some degree of visual impact (attached appeal decision Appendix 1) in the immediate vicinity of the site.

Given the above, whilst there is a limited degree of conflict with parts of Policy EQ4, overall it is considered that the scheme has satisfactorily retained and enhanced elements key to the rural character and local distinctiveness in this area, has minimised the extent of detrimental effects on the immediate environment, does not raise significant adverse effects in views from the surrounding area and has taken opportunities to restore degraded landscape features identified through the Staffordshire landscape character evidence base.

Further comments received from the planning agent with regards to site selection and Best and Most Versatile (BMV) land

Site Selection

Elgin undertakes a robust and effective site selection exercise to identify suitable areas for solar development to meet the electricity demand within this network area.

The site selection exercise considered several planning policy, environmental and technical criteria including:

- The availability of utilities and viability of a grid connection;
- Land availability;
- Compatibility with national and local planning policy;
- Preference for previously developed land or industrial settings;
- Visual impact, and
- Proximity to community sensitive locations and areas of designated environmental significance.

A large number of variables including daylight, topography, access, grid connection, planning designations, environmental factors etc need to be taken into consideration in developing a successful solar PV farm. The site selection process critically needs to identify a substation where there is available grid capacity and then find land large enough to fit that capacity, within the same land ownership.

Through their discussions with the District Network Operator, demand for additional energy generating capacity was identified. As a starting point, all non-agricultural, urban and previously developed land (or “brownfield land”) was identified. However, due to the scale of the Proposed Solar PV farm, no such land was considered to be suitable or available to accommodate the project.

The site selection process then discounted statutorily designated land such as Green Belt, Areas of Outstanding Natural Beauty (AONB), National Parks, Sites of Special Scientific Interest, National and International Habitats sites, designated Heritage Assets etc. and land allocated for development within the extant and emerging Plans. The site at Littywood was deemed as appropriate for a solar development as it is located outside of any sensitive designations and is supported by national and local planning policy in principle.

In seeking to refine their search further and noting that the majority of the land within the search area is rural and agricultural in nature, an Agricultural Land Classification (ALC) Assessment was commissioned. The ALC Assessment confirmed that the majority of the application site comprised Subgrade 3b agricultural land, with areas of Grade 2 and Subgrade 3a. Further details on the sites ALC is detailed below.

It should be noted that a solar PV farm would not take the fields out of agricultural use, as the landowner would be able to graze sheep on the land underneath the panels. Furthermore, the proposed site is completely reversible, and the site can be reinstated to its current nature following decommissioning.

Once an appropriate location had been identified, Elgin engaged with the landowner and a high-level planning constraints exercise was undertaken to determine whether the parcels of land available would be suitable for a Solar PV farm from an environmental and planning perspective. This would determine whether Elgin would proceed with site.

Following a review of the area based on the above approach, the site at Littywood was selected as it included:

- an appropriate grid connection,
- was a large flat site (166 acres), and was owned by the same landowner,
- was not covered by sensitive designations (e.g. Green Belt, AONB etc), and
- was free of constraints, was not liable to flood, positioned away from receptors and it could be even well screened.

Loss of BMV

The submitted ALC report demonstrated that the majority of the solar PV farm is on grade 3b land, although there was areas of grade 3a and grade 2. Due to the distribution of the grade 3a and grade 2 across the site, in order to deliver an economically scheme, a small part of the solar PV farm will be on land that is designated as either grade 3a or grade 2.

During the scheme development both prior to the submission of the application (in consultation with the LPA and neighbouring properties), and during the applications assessment (following consultation responses) the proposed layout has been amended. These alterations to the layout have been in response to providing appropriate buffers around residential properties, heritage assets, trees and ecology.

Having taken into consideration the above, the solar PV farm that is the subject of this planning application, is the most appropriate for the site, and seeks to minimise the loss of BMV, while resulting in an economically viable and deliverable development.

Appeal Decisions

Several appeal decisions have been reviewed by officers as part of the assessment process for this application. It is considered appropriate to share these with members prior to the committee meeting.

Appendix 1:

Decision date: 7 August 2023

Appeal Allowed.

Large scale solar schemes will inevitably have some degree of visual impact in the immediate vicinity of the site.

Appendix 2:

Decision date 21 July 2023

Appeal dismissed.

The inspector accepted the 2015 Ministerial Statement as being very relevant to his decision. The Appeal Proposal involved the loss of 34 hectares of BMV Land which was 49% of the appeal site

Appendix 3:

Decision date: 27th June 2023

Appeal Allowed.

Applicant provided an alternative site assessment but the inspector pointed out “I have not been provided with any evidence that indicates that there is any national or local policy requirement to carry out an assessment of alternative sites”.

Appendix 4:

Decision date: 6th February 2023

Appeal Allowed.

Despite being in the Green Belt and involving 2ha of BMV agricultural land, no alternative sites assessment was required (or discussed) and the appeal was allowed.

Appendix 5:

Decision date: 13th February 2023

Appeal Allowed.

The inspector considered, despite objection, they had not seen evidence of any legal or policy requirements setting out a sequential approach to considering alternative sites, and stated they did “not consider that planning permission should be withheld on the basis of a lack of identified alternative sites being considered”.

Appendix 6:

Decision date: 5th April 2022

Appeal Allowed.

Applicant did not undertake an alternative site assessment. The Secretary of State recognised there was no evidence that undertaking such an assessment would remove the need to use farmland for the development.