

22/00936/FUL

Mr Sean Murphy

DUNSTON AND COPPENHALL

Councillor Andrew J Adams
Councillor Samuel G Harper-Wallis

Land At Littywood Farm Toft Lane Coppenhall Staffordshire

The installation of a ground mounted solar array and associated infrastructure

Pre-commencement conditions required:	Pre-commencement conditions Agreed:	Agreed Extension of Time until
YES	REQUESTED 21/08/23	22 nd September 2023

1.0 SITE DESCRIPTION AND APPLICATION DETAILS

The installation of a ground mounted solar array and associated infrastructure

Date of site visit - 11 January 2023

1.1 Site Description

1.1.1. The application site is an irregularly shaped piece of arable farmland which extends to approximately 70.77 hectares and is situated around 1 mile south-west of Coppenhall village. The site is within a rural area characterised by open fields and is bounded to the south-east by Levedale Road and to the south and south-west by an access track which curves around the western site boundary.

1.1.2. Although the site is within a rural area there are a number of residential properties on the periphery of the site including The Toft (adjacent to the north-east corner) which is a Grade II listed building and Toft House which is situated adjacent to the southern tip of the site. There are several other residential uses in close proximity to the east. Littywood Farm, which comprises of 400 acres of land for the production of soft fruits, is situated immediately to the north-west. There is a public bridleway which enters the site along the south-western site boundary and travels north towards Butterhill Farm. The site slopes gently from north-east to south-west and there is a localised high point within the south of the site.

1.2 SITE HISTORY

Planning Applications

22/01119/EIASCR Request for Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Proposed Solar Farm and Ancillary development on Land at Littywood Farm, Coppenhall, South Staffordshire, ST18 9AH, EIA not required, 22nd December 2022

1.3 APPLICATION DETAILS

The Proposal

1.3.1. The application proposes the installation of a solar photovoltaic electricity generating station extending to approximately 70.77 hectares. The main components of the facility are the solar panels and

frames, inverters, transformers, cabling and a sub-station. The dark blue or black panels would be situated in a series of rows installed up to a height of 3.2m and tilted southwards at between 10 and 25 degrees.

1.3.2. For health and safety and security purposes, 2.4m high timber post and wire fencing is proposed which would be set in 5m from the existing hedgerows with vegetation surrounding. The proposal would also require an upgraded site access and new aggregate access tracks within the site. A 'biodiversity buffer' is shown running along the eastern side of the site which wraps around the rear of The Toft (in the north-east corner) and Toft House (in the southern part of the site).

1.3.3. The Transport Statement advises that the proposed vehicular access route for deliveries and construction vehicles would be via the M6, A449, School Lane and Long Lane, and the Butterhill Road and the route for egressing the site would be via Whittamoor Lane, School Lane and A449. Due to the road characteristics for accessing and egressing the Site, a Temporary Traffic Regulation Order (TTRO) is proposed to be implemented for a one-way system for the 16-week construction period. Access into the site would be via an upgraded existing field access north-west of The Toft and egress via an upgraded access roughly halfway along the south-eastern site boundary, turning right out of the site and left at the Whittamoor Lane / Levedale Road junction. HGV's could not access the site of the sub-station therefore it is proposed to deliver materials to the main site which would be taken over via trailer or tractor.

1.3.4. As part of the operation the following components would be installed on the site:

- Solar panels with galvanised steel/aluminium mounting frames arranged in south-facing rows across the site.
- A series of Inverters across the site consisting of pre-fabricated metal green or grey containers measuring approximately 7-10m x 2.2-3m, with a flat roof to a height of 3m.
- A sub-station to be situated next to an existing infrastructure pylon within the northern part of the site. The sub-station compound would extend to 73.6m by 51.5m with 2.45m high panel fencing surrounding. The control room, which is the largest element, would extend to approximately 144 sq.m. in area with a flat roof to a height of 5.5m. Vegetation/screen is proposed west of the lane to screen this element from the west.
- CCTV cameras mounted at 3m in height around the perimeter of the site to monitor the solar farm.
- Several permeable stone access tracks
- 2.4m high timber and post security fence with bottom gaps to allow for movement of wildlife.
- Underground cabling to connect the panels, inverters and sub-station.

1.3.5. Once operational the site would be monitored remotely and any visits would be occasional (typically less than once a fortnight) for maintenance and inspection.

1.3.6. The application states that the solar farm would provide a generation capacity of approximately 40MW, generating enough power for approximately 9,330 typical family homes, resulting in an approximate saving of 480,000 tonnes of CO² per annum. The design of the equipment is reversible and the anticipated lifespan of the facility is 40 years, after which time the site could be decommissioned and returned to agricultural use.

1.3.7. The plans have been amended to move the solar panels further away from the rear of The Toft, a Grade II Listed building. The landscaped buffer along the south-eastern boundary has been widened and the panels have been moved further away from Toft House in the southern corner. One CCTV camera has also been omitted from the rear boundary of this dwelling. Hedgerow planting has been incorporated either side of the Public Right of Way (PROW) to soften the visual impact of the fencing for PROW users. To compensate for the areas of panels that have been removed, a new triangular area of panels has been added in the northern part of the site further away from The Toft and other residential uses.

Agent Submission

1.3.8. The application is accompanied by the following:

- Agricultural Land Classification Report
- Arboricultural Report
- Construction Traffic Management Plan
- Transport Statement
- Design & Access Statement plus addendum
- Planning Statement plus addendum
- Heritage Statement
- Flood Risk Assessment
- Geo-environmental Desktop Study and Preliminary Risk Assessment
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Preliminary Ecological Appraisal
- Solar PV Glint and Glare Study
- Transport Statement
- Bat Roost and Barn Owl Assessment
- BNG Assessment
- Biodiversity Metric
- Wintering Bird Survey
- Breeding Bird Survey
- NatureSpace Report

1.4 POLICY

1.4.1. Constraints

Newt - Impact Risk Zone Red Name: RED ZONE:

Newt - Strategic Opportunity Area Name: West Staffordshire Pondscape (North):

Newt - Impact Risk Zone Amber Name: AMBER ZONE:

Public Right of Way Name: Dunston 13, PROW ID: 2035, Status: BRIDLEWAY

Public Right of Way Name: Bradley 7, PROW ID: 1101, Status: BRIDLEWAY

Public Right of Way Name: Dunston 12, PROW ID: 1890, Status: BRIDLEWAY

Public Right of Way Name: Dunston 11, PROW ID: 1743, Status: BRIDLEWAY

Public Right of Way Name: Penkridge 34, PROW ID: 4365, Status: FOOTPATH

Public Right of Way Name: Bradley 30, PROW ID: 4019, Status: BRIDLEWAY

SAC Zone- 8km Buffer Buffer Zone: 8km

1.4.2. Policies

- Within the Open Countryside

- Core Strategy

Core Policy 1 The Spatial Strategy for South Staffordshire

OC1 Development in the Open Countryside Beyond the West Midlands Green Belt

Core Policy 2 Protecting and Enhancing the Natural and Historic Environment

EQ1 Protecting, Enhancing and Expanding Natural Assets

EQ3 Conservation, Preservation and Protection of Heritage Assets

EQ4 Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3 Sustainable Development and Climate Change

EQ6 Renewable Energy

EQ7 Water Quality

EQ9 Protecting Residential Amenity

EQ11 Wider Design Considerations

EQ12 Landscaping

EV11 Sustainable Travel

- National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

- Evidence base for the Local Plan Review (Publication Plan)

Sustainable Construction & Renewable Energy Topic Paper November 2022

1.5 CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise and representations may be summarised.

Site Notice Expires	Press Notice Expires
1 February 2022	25 January 2023

Councillor Andrew Adams - Penkridge North & Acton Trussell

5th January 2023

Call in to committee.

Contrary to SSDC adopted core strategy (local plan) adopted 11th December 2012, Valid until 2028

Page 5 paragraph 7: Proposed development is within "open countryside" (Planning statement page 21 paragraph 7.26

Relevant policy in Plan or NPPF: Contrary to spatial and environmental strategies and policies

CP1,CP2,CP9,EQ6

Councillor Samuel Harper-Wallis-Penkridge North & A Trussell

No Response Received

Councillor Leonard Bates - Penkridge NE-Acton Trussell Ward

No Response Received

Councillor Josephine Chapman - Penkridge West Ward

No Response Received

Penkridge Parish Council

No Response Received

Dunston & Coppenhall Parish Council

26th January 2023

1. The proposed development is significant in its nature and (if passed) would be expected to have a considerable impact on the local environment and its residents. Hence, we decided to carry out a consultation exercise:

- a) To tell residents about the proposed development and planning application.
- b) To tell them how and where to find out about the application.
- c) To tell them about the planning portal, and the process to follow if they wanted to comment on the application.

This response has been collated by the members of our Parish Council, following consultation with residents within both parishes who live within proximity of the proposed development.

Our consultation was carried out on the following dates:

Friday 6th January (all day)

Friday 20th January (afternoon)

Sunday 22nd January (afternoon)

2. During our consultation, we asked each resident to tell us if they knew about the application already. Some people had heard about the possibility of such a development, but very few knew that any application had been submitted. We were also concerned to learn that more than half of those who live close to the proposed site (including residents from Little Heath, area surrounding The Toft and Butterhill), had not received any notification from the District Council whatsoever. If we had not told them about it, the application may have gone unnoticed and without comment from any of these people.

1. Having consulted widely, here is a summary of findings:

- a) Most residents were unaware that a planning application had been submitted.
- b) Most residents were concerned about the potential impact of the proposed development (explained later in this document).
- c) A handful of residents (mainly those in Coppenhall, who live a bit further away) were ambivalent about the proposed development.
- d) A few people were under the misconception that a solar farm in the neighbourhood may result in them receiving cheaper electricity supplies to their homes.
- e) Only one resident openly expressed their support for the proposed development, on the basis that the UK needs to have access to more and cheaper energy supplies.

4. The Parish Council were also concerned to find out that District Councillor Bates had visited the site with representatives from Elgin Energy some months before the company contacted us about their proposal to develop an application. We understand that he is cabinet member for climate change, and as such has an interest in projects and developments of this nature. That said, we were disappointed that the information was not shared with us at the earliest opportunity.

5. Summary of key concerns raised by residents:

- a) The proposed site comprises 170 acres of agricultural land, all of which for many years has been used solely for the purpose of growing crops to feed our people.
- b) A significant share of the site is high quality agricultural land, with some parts graded as one, two and three. As such, development of any kind on this land would be in contravention of current Government policy.
- c) The whole site sits within the local open countryside, which is currently protected from development under the terms of the current South Staffordshire District local development plan. The open countryside is a valuable and beautiful agricultural resource. Destruction of open countryside is a high-risk strategy, because we need it to grow food and feed the nation. Once destroyed, it cannot be recovered.
- d) The proposed site may lead to localised flooding in the fields and lanes because the solar panels may interrupt the flow of rainwater and prevent it from soaking away as it naturally would if the field were planted with crops. The proposed site has previously been used by Mr. Busby for cultivation of strawberries underneath polythene tunnels. This started in the early 2000's, with soft fruits grown for several years on the trot, interspersed with a few years fallow and arable crops to help the field recover its nutrients. During the soft fruit periods, considerable and regular flooding was observed on the lane adjacent to the field (which also bounds to the turkey farm on the opposite side of the lane). Flooding started happening when water could not soak into the land because of the polytunnels (there for some of the year) and ground covering insulation materials (there all the year round), which prevented water from soaking away. The problem was particularly bad near to the Calamer Pits, with floods of two feet or more regularly observed. Indeed, I remember those floods very clearly, often having to reverse up to one quarter of a mile because my car is too low to drive through safely. The problem may also be exacerbated because the ground underneath any solar panels would remain dry, and this would reduce the soil permeability. If the ground becomes hard and dry, water is even more likely to run off the land into the nearby lanes.
- e) Concerns about flooding and drainage are much more serious for residents of Little Heath (The Paddock, Toft House, Little Heath House, and Heath Ridge) because these properties are among the nearest to the proposed site, and they all rely on bore holes for their own water supplies (pumped electrically to each home), and they all rely on septic tanks for drainage purposes. None of these properties are on mains water or drainage.
- f) Concerns about the visual impact. The proposed development would be located on a field located immediately opposite to a turkey farm, which, in its appearance resembles a factory unit (it does not look like a farm). The positioning of solar panels and energy storage units in a neighbouring field would result in a significant, detrimental and long-term change to the appearance and visual impact of the local area. Residents are concerned that the open countryside would be transformed into an unpleasant industrial landscape. This would be detrimental to the wellbeing of residents across the whole community.
- g) Concerns about permanent change of land use classification from open countryside to industrial land. Residents are worried that a potential change of use may have adverse consequences for the neighbourhood, such as potential for future residential or industrial developments.
- h) Concerns about the possible noise from solar panels. We understand that solar panels generate a buzzing noise which is constant, but even louder at night than during the daytime.

Summary: We have taken account of the views of all residents we spoke to during our consultation exercise in deciding our position. The Parish Council of Dunston with Coppenhall, and all its members have unanimously agreed to object to this application.

Designated Wildlife Sites: The removal of fertiliser use and high-intensity cattle grazing on the site is likely to result in an overall reduction of ammonia and nitrogen pollutants. On this basis, I agree with the assessment of ammonia and other nitrogen emissions from the site in paragraph 4.1.21 of the ecological impact assessment, and do not consider that the proposed development needs to be screened into further assessment for the purposes of Habitat Regulation Assessment. Significant effects to SACs and RAMSAR sites are unlikely to occur as a result of the proposed development.

Habitats: Further to my previous comments, I have recommended a condition for a combined landscape and ecological management plan to secure management of the created and enhanced habitats in the long-term to ensure they meet the target conditions stated within the submitted metric.

Protected Species: I am satisfied with the ecological survey information relating to protected species for the site, and have no significant concerns regarding the survey methods, assessments or approach. I note that the applicant has progressed the district level licensing option from Naturespace, and the conditions and informative notes as stated on Pages 7 and 8 of the Naturespace impact report must be adhered to any decision notice. I have recommended that the combined LEMP also include species-specific enhancements across the site, including bat and bird boxes. I welcome the inclusion of monitoring in the EclA report, and I have also required species monitoring to be progressed as part of the combined LEMP to ensure that management measures will achieve the positive outcomes for species as identified within the EclA. This will also ensure that ongoing management is iterative and informed by the results of monitoring.

Recommendations: No objections subject to conditions.

NB - A district-level licence has been granted to South Staffordshire Council in relation to great crested newts which is administered by Naturespace. The applicant has paid an initial fee to Naturespace to provisionally enter the district level licence scheme subject to a second stage payment which will be paid post-decision. This licence fulfils the requirements of the Habitat Regulations and no further consideration of the regulations is therefore considered to be necessary.

Conservation Consultation

31st January 2023

The site is within open countryside and is adjacent to a Grade II listed building. The Toft is a Grade II listed and stands approximately 60m from the edge of the site. Having looked at the layout plan there are a significant number of solar panels to be located in the field immediately adjacent to the listed building.

Having looked at the plans and the site it is my professional opinion that the proposed development causes harm to the setting of the listed building. There is a significant change to the setting of the listed building with the addition of solar panels within such close proximity to the designated heritage asset. It is felt that the change causes less than substantial harm to the setting of the listed building (in this instance to the higher end of the spectrum). Therefore, in line with the NPPF, as the scheme stands I cannot support the application on heritage grounds.

Conservation Consultation

Further comments received 6th June 2023

Amended plans have been submitted following on from my previous comments. My previous comments predominantly related to the impact of the panels on the Toft, which is Grade II listed. Since the initial comments were made the scheme has been revised and the panels have been moved away from the Grade II listed building. This increased open space between the listed building and the first panels does help in creating a buffer between the listed building and the array. However, there will still be panels visible in some views from the property and potential views towards the property.

Based upon the changes it is felt that whilst there is an improvement to the scheme in terms of the impact upon designated heritage assets, there is still harm caused by the proposals. This harm is considered to be less than substantial.

Environmental Health Protection

3rd January 2023

I have no comments to make in respect of this application.

Arboricultural Officer Consultation

6th February 2023

Having reviewed the application and supporting information I can confirm that I have no objection to the proposed development.

There are a significant number of trees on the development site, mostly located on the boundary. These boundary trees will be more than adequately protected by the construction of a dual purpose site boundary fence / tree protection fence located well within the development red edge. The location of the solar farm equipment and associated infrastructure is set back from this fence so as to provide an appropriate construction exclusion zone. Those trees located within the site that are to be retained will be protected by tree protection fencing of a specification equivalent to BS5837:2012 standard. The only tree that has been specified for removal is a comparatively small Hawthorn which is in poor condition. This tree does not merit being a material constraint to development and its loss will be more than adequately compensated for by the landscaping provision.

The information submitted to date for the landscaping lacks detail in terms of species mix, nursery stock types and planting specifications. However, the outline specification for the landscaping provision as a whole appears to be of a high standard and should adequately screen / filter the visual impact of the site within the surrounding area within 3 - 4 growing seasons. Conditions are recommended.

Local Plans

No Response Received

County Planning

29th December 2022

The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

- Not within or near to any permitted waste management facility; or
- Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire (2015 - 2030); or
- Is development subject to our standing advice for development proposals within mineral safeguarding areas.

County Highways

8th May 2023

Personal Injury Collisions: Current records show that there was not any Personal Injury Collision (PIC) on Toft Lane either side of the proposal within 215m for the previous five years.

Background: Toft Lane is an unclassified road (Road No. D4275) with a speed limit of 60mph. The road has no footways on either side of the carriageway. The road is unlit.

The proposal is to have two access points. One access for ingress and the other access for egress. The proposed Northern vehicular access route will be via the A449, School Lane, Long Lane, and the Butterhill Road.

The route for Eastern egressing the Site will be via Whittamoor Lane, School Lane and A449. The proposal is to have a one-way system for the local highway network which require a Temporary Traffic Regulation Order (TTRO) as shown in Figure 37: One-Way System in the accompanying Transport Statement. This will cover the 16 weeks construction period.

The site access on the northern boundary would require an upgrade to the existing farm access in order to allow HGVs to manoeuvre into the Site as shown on RPS Drawing Number JNY11456/01.

The visibility for a 60mph speed will not be met and therefore it is proposed to have a Temporary Traffic Regulation Order (TTRO) which will be implemented within the vicinity of the northern access and substation access to enact a temporary 40mph speed restriction over the duration of the construction works. Similarly, the egress access on the eastern boundary would require an upgrade to the existing farm access in order to allow HGVs to manoeuvre out of the Site as shown on RPS Drg No. JNY11456/02 Visibility splays of 2.4 x 105m are achievable to the northeast (to the left) of the access for construction vehicles exiting the Site only. This does not meet the 60mph speed limit visibility of 215m. Tracking has been shown on main route turns and for the access and egress.

Construction Traffic Management Plan (CTMP) has been provided which shall be the base of the construction phase. It states that all deliveries by goods vehicles (>3.5 tonnes) will be undertaken outside of the school peaks of 08:00 to 09:00 and 15:00 to 16:00.

Road condition surveys and inspections of roads bordering the Site to the south (Hyde Lea Bank) and to the east (Toft Lane) of the Site will be undertaken to ensure that the local road users are not unnecessarily adversely affected by construction activities.

- o A road condition survey will be undertaken prior to commencing construction; and
- o A road condition survey will be undertaken upon completion of the construction works.

Should any new or significant defects be identified, repairs will be undertaken immediately and the road made good in liaison with SCC.

Recommendations: No objections subject to conditions.

County Countryside and Rights of Way Officer

23rd December 2022

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

- Public Bridleway No. 11 Dunston Parish runs across the application site along the southern boundary.
- Public Bridleway No. 12 Dunston Parish runs through the centre of the site in a north - south east direction .
- As Public Bridleway No. 13 Dunston Parish need diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). It is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority. Users of the bridleways must be able to exercise their public rights

safely and at all times and the bridleway/s be reinstated if any damage to the surface occurs as a result of the proposed development.

Historic Environment Officer Archaeology

11th January 2023

Archaeological/Historic Environment Interest: The application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER), including the South Staffordshire Historic Character Assessment (HECA - HECA 5b Southern Stafford, Coppenhall and Acton Trussell - search for Historic Environment Character Assessment on the county council website for more), and a Heritage Statement (HS), and Landscape and Visual Impact Assessment (LVIA) produced in support of the application. The HS has been produced in line with the relevant Chartered Institute for Archaeologists' and Historic England Standard and Guidance, has provided a useful understanding of the developmental history and archaeological potential of the application site. The HS and the LVIA have also assessed the potential impact of the proposals on nearby designated heritage assets such as listed buildings and scheduled monuments, whilst also assessing the potential cumulative impact of the proposals on the historic agricultural landscape.

From an archaeological point of view, the HS has concluded, based on the known archaeological resource within the application site and the wider study area, that there is some, albeit low, archaeological potential/interest in the application site for all periods. This assessment is generally supported, however I am also quite mindful of the fact that there has been a relative lack of previous archaeological works in the wider area, and the location of a number of significant archaeological sites relatively nearby, including a number of scheduled moated sites, the scheduled Iron Age Hillfort at Berry Hill (approx. 2km to the northwest of the site) and a multi-phase site, which includes a Roman villa, at Acton Trussell, approx. 3km to the southeast. This latter concern is supported by the aforementioned HECA, which states that earlier activity has been recorded in the character area in the form of the hillfort at Berry Ring and evidence for prehistoric to Roman settlement at Acton Trussell. Such sites suggest the potential for further unknown archaeological deposits to survive across the HECA.

Archaeological Recommendations: Taking the above into account with regards to the archaeological potential of the site, and considering the potential impact of the scheme, it is advised that, whilst I do not wish to raise any archaeological objections to the proposed development, should permission be granted, a further stage of archaeological evaluation, in the form of a staged evaluation, initially comprising a geophysical survey, should be carried out across the site. This evaluation should be undertaken in advance of any groundworks in order for the results to inform the need for further staged works and to inform the scale and extent of these further archaeological works (such as trial trenching, excavation, watching brief etc.), and indeed assist the applicant in developing alternative design or installation options, should the results deem it necessary.

The above approach, i.e. evaluation, is supported by NPPF (2021) para 194, while any works which stem from the evaluation and the earthwork survey are supported by NPPF (2021) para 205. All archaeological works must be undertaken by an appropriately experienced archaeological organisation (with suitably experienced personnel) or historic environment professional/ archaeologist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct (or equivalent) and to a level commensurate with the relevant CIfA Standards and Guidance.

Staffordshire County Council Flood Risk Management Team

12th January 2023

Flood Zone - The site is within Flood Zone 1. Surface water risk- Yes, the updated Flood Map for Surface Water (uFMfSW), shows a minor flow path in the eastern area of the site around the site boundary which flows south. This is unlikely to affect the solar arrays as they are situated off the ground.

Past flooding- None

Watercourse within 5m of site- Yes, an ordinary unnamed watercourse is present along the western boundary extent. The watercourse is an upper tributary of a small catchment network that drains the land surrounding the settlement of Bradley and flows south before discharging into the Eaton Brook (EA Main River).

Other observations- There are 2 no. ponds/ lagoons located on the sites western boundary.

We are satisfied with the submitted proposals and have no objection to the granting of planning permission, subject to conditions.

Development And Waste Management Unit

No Response Received

Cannock Chase AONB Officer

23rd February 2023

The site lies approximately 5.9km west of the AONB. The AONB therefore falls just outside the 5km study area for the Landscape and Visual Impact Assessment (LVIA). The AONB and its position in relation to the site is noted in the study, which is welcomed. As most of development proposed on site is not higher than 3.7 metres and no permanent lighting is proposed, the study area is considered appropriate.

The site lies between 108 - 116m AOD. Land between the AONB and the site is gently undulating rising to approximately 140-150m AOD on the AONB boundary and then to the higher levels of the plateau around 200m AOD. Theoretically the site could be visible from the AONB. The AONB Management Plan 2019-2024 notes that one of the special qualities of the AONB is inspiring views. It is important therefore to avoid development that would disrupt these views.

The AONB Views and Setting Guide includes Viewpoint 18 as a representative viewpoint looking west. Evidence in the guide suggests that structures 3.7m high would be unlikely to detrimentally affect views from the AONB, due distance and intervening landform and vegetation which filter views. The exception to this may be the taller main substation proposed close to the connecting pylon. Spatial Guidance refers mainly to avoiding the introduction of bulky development or tall structures including those that might interrupt the skyline that might interrupt views to the Wrekin or disrupt the rural outlook from the AONB.

Overall, the potential for detrimental effects from the proposed development on the AONB is considered to be low, but there is potential for disruption of views towards the AONB from rights of way crossing the site. The AONB requests assessment of possible effects of glare on views from elevated locations in the AONB such as Tar Hill or at Bednall Belt on the eastern boundary, to establish whether mitigation would be appropriate. The proposed Area for Biodiversity on the eastern site boundary is noted. Additional tree planting along the eastern flank of the buffer would have potential to enhance site screening from elevated viewpoints and reduce potential for glare on views from the AONB.

Stafford Borough Council

10th January 2023

Stafford Borough Council have considered this application and raises no objection to the scheme.

Policy N3 of The Plan for Stafford Borough supports development for the generation of renewable energy resources and initiatives for a low carbon economy, where;

- a. The technology is suitable for the proposed location, does not cause harm to residential amenity, the significance of heritage assets and their setting and has limited adverse effects on the surrounding landscape and townscape character;
- b. Levels of noise, overshadow, flicker (associated with some wind turbines), or other harmful emissions are minimised and there is no adverse effect on public safety;
- c. The technology does not affect the integrity of the water environment, or locally, nationally and internationally designated sites;
- d. Every proposal is accompanied by decommissioning conditions and the ability to ensure restoration of the site following cessation of energy production.

In areas where other renewable energy schemes are in operation, the cumulative effect of additional developments will be an important factor that will be taken into consideration. Large scale renewable energy proposals should deliver economic, social and environmental benefits that are directly related to the proposed development. It is considered that the scheme would comply with our local plan subject to decommissioning conditions.

NatureSpace Partnership Newt Officer (Staffordshire)

4th January 2023

- The development falls within the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence.
- There are 53 ponds within 500m of the development proposal. 5 of which are within the red line boundary.
- There are great crested newt records within the red line boundary.
- There is direct connectivity between the development and surrounding features in the landscape.

In line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must obtain further ecological information and then either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through South Staffordshire Council's District Licence; or
- Provide further information (6 presence absence surveys of all the ponds within 500m of the red line boundary and of the ponds located on site) in line with Natural England's Standing Advice, to rule out impacts to great crested newts, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals.

Natural England

31st May 2023

Natural England has previously commented on this proposal and made comments to the authority in our response dated 31/01/2023 reference 417690.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significant different impacts on the natural environment than the original proposal.

Natural England

16th January 2023

SUMMARY OF NATURAL ENGLAND'S ADVICE: 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.

Landscape advice (AONB): The proposed development is for a site within 10km a nationally designated landscape namely Cannock Chase AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

Soils and Agricultural Land Quality: Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 28.99 ha of BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that: Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013) and advise you to fully consider best and most versatile land issues in accordance with that guidance. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing

Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Historic England

21st February 2023

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

National Grid Transco

7th February 2023

I can advise that there is a 132kV line running through the site which has been taken into account on their design plan. The installer/client will need to consult with NGED Primary systems team in order to ascertain any restrictions, diversions or costing offers from the NGED side prior to any installation works taking place.

Western Power Distribution - Formerly Central Networks

No Response Received

Kully Tanda - Designing Out Crime Officer

11th January 2023

I have some concerns for this application, mainly the perimeter fencing and the two Public Rights of Way which pass through the site.

Design Concerns:

1. Over the past couple of years there has been a national problem of cable theft from Solar Farms, this has also occurred at several sites across Staffordshire. Some sites have been repeated targets a weeks after the original theft, allowing the solar companies to replace the stolen items before targeting them again. This is an organised crime, which involves multiple vehicles and individuals, some of whom act as 'spotters' to look out for police or security.
2. The plans indicate the installation of a 2.4m High Tensile Wire deer fence. I do not support the use of this High Tensile Wire fence, as this will not keep out thieves, nor prevent the theft of the either the solar panels themselves or the cable theft.
3. The site has two Public Rights of Way (PRoW) through the site, resulting in people legally having the right to cut through this site. Access to the site may result in accidental damage to the photovoltaic (PV) panels. The problem arises when potential thieves also use the PRoW to access the site and walk off with extremely high value items.

4. I support the intention to install a CCTV, and the use of infrared lights to assist the CCTV visual capability in these proposals. I recommend this CCTV should be monitored, and the vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary, as well as covering access from the PRow should be considered. If the CCTV system is monitored, the presence of ramblers etc on the PRow will activate the camera sensors. This may result in complacency in monitoring the CCTV, and criminal behaviour and or theft may be missed.

5. The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack or theft is to provide Monitored CCTV and a Robust Boundary.

Recommendations:

Public Right of Way - Consult with the Council with the possibility of rerouting the Public Right of Way along the edge of the site. If this is not an option, I recommend PV Panels are not installed in this section of the site. This will allow the remaining of the site to have the recommended perimeter fencing installed.

Perimeter Fencing - I recommend that the 2.4m Paladin fencing planned for installation, meets the LPS 1175: issue 6, Security Rating (SR) 1. The base of the fence should preferably be surrounded with well-compacted gravel. The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing. Chain link or uncertified palisade fencing is not recommended.

A low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance. It may be beneficial if the fence was alarmed for intruder interference.

CCTV Systems – advice given regarding certification and appropriate BS standards.

Secured By Design - It is recommended that the development should be built to Secured By Design Standards (SBD), which considers security within the design of any development. Guidance can be found in the Secured By Design Commercial 2015 V2 guide SBD Design Guides ([securedbydesign.com](https://www.securedbydesign.com)).

Staffordshire Fire and Rescue Service

3rd January 2023

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS - Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16. I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS) - I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS). Further information can be found at www.bafsa.org.uk/ - the website of the British Automatic Fire Sprinklers Association Ltd.

Badger Conservation Group

No Response Received

Campaign To Protect Rural England Staffordshire

No Response Received

Environment Agency

10th January 2023

We would not wish to provide any bespoke comments on the proposal and refer you to our standing advice.

Staffordshire Wildlife Trust

No Response Received

Severn Trent Water Ltd

No Response Received

Open Spaces Society

No Response Received

Ramblers Association

12th January 2023

The Ramblers' Association wishes to lodge a strong objection to the above mentioned proposal. The reasons for our objection are listed below.

- 1) The proposal breaches Policy EC4 of The Open Countryside in the new Local Plan. The development would cause harm to the character of the area at Little Heath. It would change the appearance and cause visual intrusion for all those residents living along the perimeter of the area.
- 2) This would be a huge development which constitutes industrialisation of The Open Countryside.
- 3) Any pleasure obtained by horse riders or pedestrians using the bridleway No. 12 across the field from bridleway No. 11 up to Butterhill would be totally negated by a view of solar panels and the path bounded by security fencing and surveillance cameras. The path could also suffer from flooding and be unusable.
- 4) The solar array could cause significant flooding around the area, especially along Toft Lane which regularly floods in periods of heavy rain.
- 5) Last year the Government stated quite clearly that solar arrays must not be erected on good quality land capable of growing good crops. I have known this area for many years and it has always grown good crops, several years of soft fruit and years of wheat, barley and oil seed rape which we now need to boost our food security. Grazing sheep beneath the panels would not do much to boost our food security.
- 6) Bridleway No. 13 may be needed to be diverted on to an adjacent track which could also suffer from flooding and end up very unpleasant to use.

Contributors

Please note that responses may be summarised.

Mrs D Richardson **OBJECTS**

Date Received 12.01.2023

- It is contrary to local plans to conserve open countryside and green belt land - it would fundamentally change the character of the natural environment in the area with large size panels; high wire fencing; CCTV installed; associated infrastructure.
- It is contrary to national plans to preserve arable land for future food production. Over time this land has been seen as highly desirable agricultural land and the assessment of it as anything less than this does not correspond with previous advertisements and previous successful production on the land and it should not be lost to a large scale solar development. We should be committed to securing the agricultural viability of the land for food security into the future.
- It is not an accessible area with single lanes - if lanes have to be widened for access there will be loss of hedgerows and again change of the distinctive character of the area. It would increase risk in the area and not be acceptable in highway safety terms.
- The planning application states token gestures to wildlife - but evidence from CPRE shows that solar farms can be harmful with the fencing preventing transitory animals from their traditional routes; bird and bat deaths being common as the panels are mistaken for water; installation practices of removing topsoil damages the environment; cleaning materials may be harmful in the soil;
- Alternative use of brownfield sites or warehouse roofing for solar panels would avoid the loss of agricultural land.

The comments already made to Parliament by R. Kendrick MP are relevant here:

The National Planning Policy Framework expects local authorities to protect and enhance valued landscapes and sites of biodiversity and recognise the character and beauty of the countryside and the benefits of the best and most versatile farmland in their policies and decisions' 'a number of proposals for solar farms in the countryside have been rejected as causing visual harm, harm to amenity or harm to openness. ...local authorities should protect all that we value in landscapes and natural capital' 'we place great importance upon our agriculture and food production, and this is reflected in the NPPF.

Gordon And Ann Pamela Burrows **OBJECTS**

Date Received 13.01.2023 and 09.06.2023

The application contravenes with the adopted core strategy/local plan, is contrary to specific policies of the local plan and the NPPF. The council's adopted plan is confirmed as being sound and runs for a fifteen-year period until 2028. Open countryside is protected by the local plan. The application is away from main, small or local service centres and away from where development is to be focused under the local plan. The application is set amongst 'other small villages and hamlets' where development is severely restricted. The application is woefully insensitive and dismissive to the open countryside and is not a development that can help the local communities to sustain essential local facilities and services.

The application would fundamentally and irretrievably destroy the attractiveness and character of the open countryside, visually dominating and scarring the entire area. The application completely dismisses the clear vision of maintaining and protecting the environment.

OC1 confirms that the open countryside will be 'protected for its own sake, particularly for its landscapes, agriculture and recreational value. The applicant proposes a vast and unprecedented development of 170 acres of solar development, densely congested black solar panels, 3.2 metres high, surrounded by a metal mesh fence 2.4 metres high, watched over by security cameras. To say the least, this would constitute the most extraordinary material change of use achieving a staggeringly destructive affect on the appearance to the open countryside.

The applicant claims support for the application in relation to renewable energy from policy EQ6 and CP9, which make provision for renewable energy production in South Staffordshire. However, this must be read in

conjunction with the fundamental intention contained in the aims of the plan CP1 and CP2 which are directly aimed at protecting open countryside and diverting development away from those areas.

Furthermore, the application is inconsistent with rural diversification, claiming support from the specifics contained within CP9, requiring that applications comply with appropriate diversification of the agricultural economy and of small-scale renewable energy projects. A proposed solar array of 170 acres is not small scale.

Due consideration must be given to the classification of land contained within the application. A topic of utmost importance both locally and nationally in respect of our nation's food security, needs and sustainability. Government policy aims to protect Best and Most Versatile Land from significant, inappropriate, or unsustainable development, encouraging local planning authorities to consider the economic and other benefits of Best and Most Versatile Land, to try to use areas of poorer quality land instead of higher quality, productive arable land.

In 2021 Nock Deighton LLP, specialist agricultural branch, advertised a larger land advertisement for letting identifying and labelling the applicants site as 'Block A', describing the particular area as 'Good productive land'. I have seen year upon year of productive yields of crops in rotation, from wheat, barley, oilseed rape and tracts of land used rotationally for strawberries. Not crops aligned with subgrade land. The land cannot be classified or advertised as 'good productive land' for the purpose of arable letting and yet graded as moderate quality for the purposes of this planning application.

Additionally, and in support of the above objection, as recently as November 2022 the Government and DEFRA were looking to redefine Best and Most Versatile Land to include Grade 3b land. Acknowledgement of our increasing need to make the best use of our land to have food security and emphasising the importance of giving due consideration to the location of renewable energy sites, using our best agricultural land for farming, and making use of brownfield or poor-quality land for energy projects.

The Environment Secretary raises the topic of national food security and the necessity to strengthen our domestic food production capabilities. We currently face shortages, increasing prices, exacerbated by the recent and ongoing invasion of Ukraine. The NFU as recently as 14th December 2022 have secured Government commitment to consult on safeguarding agricultural land for food production.

The Proposal to destroy the openness and beauty of hundreds of acres of green belt farmland for a period of 40 years or more is simply outrageous. No single area should suffer an intrusion on the massive scale of this proposal.

Public footpaths thread through and around the proposed site, they along with narrow country lanes, much used by the public and local residents for walking, cycling and enjoyment will be destroyed by an ocean of hideously unattractive structures and impenetrable prison like fencing, an area of beauty, peace and tranquillity. Destroyed yet further by the prospect of incessant noise pollution from the cooling fans.

Wildlife and their habitats will be lost, transitory animals will have their traditional routes blocked, birds and bat deaths will be common as they mistake the glass for water. The land would be degraded with little potential for biodiversity, creating permanent shadow and rainwater run-off creating set channels without proper dispersal. Topsoil is removed and cleaning materials can contaminate the soil. There is a possibility of toxic chemicals leaching out from the panels.

Noise, peace and quiet would be destroyed by industrial grade traffic and light pollution. Prevailing winds are south westerly and will carry the noise to the residences of Dunston Heath, Coppenhall and beyond.

Traffic Management Plan is woefully inadequate with the proposed entrance to the site on Toft Lane, little more than a pot-holed agricultural track, access prior to reaching Toft Lane to the proposed site is primarily on single track country lanes with no provision or capacity for passing. The site is entirely inadequate for commercial vehicles. Is the intention to tear out the existing hedgerows along Toft Lane?

High voltage power lines cross the north-eastern section of the proposed site. Should a power conductor fall on to a sea of solar panels, what serious repercussions would result?

Flooding, the site already suffers from significant surface water build up, Levedale Road and Toft Lane are frequently unpassable in times of persistent rain. 170 acres of sloping solar panels would naturally lead to faster water run-off, significantly increasing the risk of flooding. Water already runs in torrents down Long Lane. We live in times of ever-increasing flash flooding and storms.

Residents were advised and assured that prior to the submission of a full planning application neighbouring residents would be provided with a full and detailed planting proposal in mitigation to our deep concerns at the possibility of such a proposal being submitted. This has not been forthcoming. Additionally, there are discrepancies between the site layout plan of 3rd October 2022 and the site layout plan of 5th December 2022, in connection with a biodiversity 'buffer' zone. I and other neighbouring residents require absolute clarity to make sound assessment and judgements.

Whilst we appreciate the need for renewable energy, more suitable sites should be utilised e.g. roof tops of large buildings/warehouses, all new build houses, sites situated close to motorways or on low grade land.

Kaye Dixon **OBJECTS**

Date Received 09.06.2023

- There have been additional documents which were not submitted previously which contradict some original information. The effect of this amended information gives lack of confidence, credence, clarity and trust in any of the information and intentions in the original planning application. T
- Since the application there is an increase in the need of more local crop production (which this area currently offers). Lack of foodstuffs caused by climate changes, European war and network problems has resulted in empty supermarket shelves and rationing of some products. Nationally and locally the drive and need is to produce more and use available land to grow produce. Necessity requires more crop production and this application for change of land use contravenes government initiatives and societies need for food production.
- Livestock would not graze beneath any panels therefore the area cannot be maintained without other machinery being bought on site adding further distress to the environment and community.

This application represents an unnecessary and detrimental blot on the landscape. The effect of any change in land use will be an overall loss to the economy, welfare and structure of the area.

Mr John Sutton **OBJECTS**

Date Received 13.01.2023

1. The proposed development goes against the principles and strategy of the SSDC local plan that was adopted in December 2012 and runs until 2028.
2. The land classification does not reflect the government guide to assessing land as it states in section 5.9 of the planning statement that the "...The ALC Assessment confirmed that the majority of the site comprises Subgrade 3b agricultural land with some areas of Grade 2 and Subgrade 3a. ..". Whereas the government

guide would classify the land as a minimum of 3a but more towards grade 2 based on recent use, as it has been successfully used for the production of the following crops over the past 8 years:

- Soft Fruits
- Cereals
- Rape seed oil

The land bordering the site is still used for soft fruits and top fruits.

This surely would go against the guidance regarding protecting BMV land and the goal to alleviate any future concerns about food security.

3. The development goes against the planning principal of protecting the character of the countryside as per the definition in the NPPF framework 174.

4. The proposed relocation of the footpath is unacceptable as it will change it from being a true footpath going across the heart of the field with no vehicle access to being part of a farmers track that is regularly used by tractors, vans, cars, buses and even HGV's to access the farm from the Levedale Road.

The other footpath that will be retained will lose all of its character as it will change from being an open path across the middle of the field with views across the crops to being a path fenced in either side by wire mesh security fencing (2.5m high) and the view across the fields will be lost completely.

5. There are no specific benefits or added value for the local community or countryside as a whole. There is a loose commitment via a Voluntary Unilateral Agreement to make what appears to be a one off payment post go live to the local Parish Council but no details are provided. There is no mention or offer of any Section 106 agreement.

6. There are fundamental inaccuracies in the reports provided demonstrating a lack of onsite investigation work:

- a. Pollution: the land has been contaminated by plastics both buried in bulk onsite and ploughed into the ground over the years of strawberry production. The plastics still come off the land and blow across the adjoining fields. This problem should be addressed in the construction statement.
- b. Land Use: the site and adjoining land has been consistently used for soft fruit production over the past 8 years which is not truly reflected in the reports.
- c. Water extraction: there are groundwater extraction points for drinking water on the properties adjoining the site.

7. The consultation period should be extended as it was started just before the Christmas break and the delivery of the notices were disrupted by postal issues. As a minimum the response from Natural England should be made available to the public before the consultation process is closed.

Specific Issues

1. Location of cameras: there appears to be a CCTV camera located outside the back of our house and at the entrance to the lane leading to our house and across the whole site including the public right of ways. There appears to be no references to the purpose of these cameras and how the personal data captured by these cameras will be used, stored and who will have access to it as required by GDPR.

2. Details of planting scheme - we appreciate the planting splays that have been introduced but would like to understand more details about the type of planting that is proposed and how long it is anticipated to take effect as it could be years before they reach their maintained heights. The plans provided do not provide enough detail about this. Even with these splays the proposed development will decimate the view from our property.

3. There must be assurances in place that there will be zero impact from glint and glare from the panels

4. Assurances must be given regarding construction traffic and the impact on the residents and infrastructure.

5. Similarly any construction and subsequent operating noise should be addressed in the planning response.

Mrs Catherine Taylor **OBJECTS**

Date Received 31.01.2023

It contravenes the SSDC Core Strategy (local plan) which was adopted for 15 years, 2012-2028 which strives to retain the countryside of the locality.

The Government Policy is to retain and protect the most versatile agricultural land and utilise poorer quality land for development. This application directly contravenes this policy. This area is in the main Grade 3(a) - Good quality agricultural land. which has been used for > 10 years to grow strawberries, wheat, barley and rapeseed. The UK must grow more of its own food and the utilisation of good quality arable land for other purposes damages the country's ability to secure its future food provision.

It is contrary to local plans to conserve open countryside and green belt land and it would fundamentally change the character of the natural environment in the area.

The infrastructure and creation of the solar farm would damage hedgerows and have a detrimental impact on wildlife. Any security installation, e.g. fencing, lighting would create light pollution and interfere with the natural habitat and negatively impact the movement of wildlife.

There is a flood risk associated with the size and scale of the proposed panels.

Alternative use of brownfield sites or warehouse roofing for solar panels would avoid the loss of agricultural land. There are multiple brownfield sites that appear derelict that could be used and would not have the harmful impact mentioned above.

In summary, this installation would have a longstanding negative impact on the environment, local community, wildlife and be in direct contravention of government and local policy.

Andrew Jennings **OBJECTS**

Date Received 17.01.2023

1. The loss of prime, agricultural land that is being used for growing cereal crops.
2. Drainage flooding: this ground is at a higher level than the road network and already discharged and floods the area
3. Loss of countryside, enjoyed by walkers, cyclists, horse men & women from the near villages of Penkridge, Coppenhall and Dunston
4. Ecological disturbance: there is a bat roost located at Croft Barn, there are also buzzards, owls, newts & many other species
- 5.... is a grade 2 listed building and this solar factory will impact on the heritage.
6. Loss of food production with the uncertain times throughout the world we live in. Rape seed, wheat and other cereal crops costs have increased tremendously. If this land was used for grazing and a low grade I could understand with the new part L regs coming in and all new housing development will require renewable solar I believe placing solar panels on roofs of houses and factories, farm, buildings, schools, and is much more desirable than industrialising. The countryside is very precious resource.

Mr David Martin **OBJECTS**

Date Received 08.06.2023

The applicant's need to upload 6x amended docs and 2x additional information docs highlights the lack of accuracy present within their initial application. In particular the credibility, reliability and accuracy of the

applicant's ALC is seriously undermined. The initial planning statement (05 Dec 22) dedicated just 5x paras (8.5-8.9) to this crucial topic and concluded "The majority of the site would comprise subgrade 3b and non-agricultural" (5% Grade 2, 36% Grade 3a). This was misleading, incorrect and would have affected the planning balance. Following comments raised, the applicant has now amended its analysis (Addendum to planning statement 15 Feb 23) and now concludes:

- 10% Grade 2
- 40% Grade 3a

The quantity of Grade 2 land has doubled, the quantity of Grade 3a land has increased 11% plus
The amount of BMV land overall has increased over 20%.

The application has lost the ability to state that the majority of the site would compromise non-BMV land. At least half of the site is BMV land, which weighs heavy in the planning balance against the application.

There is a shortage of BMV land within South Staffordshire (Natural England BMV-West Mids map ALC016 and the Council's own assessment). The NPPF protects BMV land from development. BMV land is not abundant in South Staffordshire and this application site consists of at least 50% BMV land. More appropriate sites exist (rooftops, non-BMV land).

Furthermore, the issue of the nation's food security and ensuring our ability as a nation to continue to feed ourselves (achieved by protecting our best crop-producing, agricultural land) has become more prominent this year, highlighted by:

- Recent fruit and vegetable shortages/rationing;
- Government's current campaign for supermarkets to agree to price caps on fruit and vegetables given the price rises caused by supply shortages.

Mr Robert and Judith Lawrence **OBJECTS**

Date Received 30.01.2023

The development;

1. contravenes the SSDC Core Strategy (local plan) which was adopted for 15 years, 2012-2028 and strives to retain the countryside of the locality;
2. contravenes the NPPF. The Government Policy is to retain and protect the most versatile agricultural land for food production - this seems to be especially relevant in current times. In recent years this land has been used to grow wheat, barley, rapeseed and strawberries;
3. is further industrialisation of the countryside with inappropriate fencing, more suited to an industrial estate, consequently scarring the area;
4. is not served by suitable infrastructure - already the narrow lanes are crumbling and heavy vehicles would cause more damage to verges and hedgerows. Proposals to widen the access route would damage the environment and be inappropriate in the area;
5. would create both noise and light pollution which would be detrimental to the environment and have an impact on surrounding residents;
6. will have a negative impact on the local countryside, especially for walkers and users of the public rights of way that cross the proposed development.

We recognise the country desperately needs more renewable energy generation but firmly believe that inland solar energy generation should not be positioned in places which will destroy good and productive agricultural land. Why not site solar panels on the roofs of buildings and, in particular, on the industrial buildings to be constructed on the 700 acre site of the West Midlands Strategic Rail Freight Interchange at Gailey which will also contribute to the loss of green belt land in the South Staffordshire District!. This Solar Farm brings no benefits to the hamlets and villages it damages surrounding the development and is further industrialisation of our precious and irreplaceable countryside.

Mr Gary Pliva **OBJECTS**

Date Received 26.01.2023

we would like to object to the proposed solar farm for the following reasons

1. We are concerned about the use of 170 acres of good agricultural land which we feel should be kept as farmland to grow crops and produce much needed food in these times, the import of food from overseas causes a large carbon footprint.
2. This site is in open countryside and hence should be protected, we need this farmland to help the country become more self-sufficient.
3. We are concerned about the flood risk associated with this type of development which has a detrimental effect on rainfall soak away, it will cause significant run off as we saw when the land was used to grow strawberries under polytunnels.
4. We are also worried that the land will get a permanent change of use and become an industrial site which will have a detrimental effect on our countryside.
5. We believe that there is a significant noise (Hum) from solar panels particularly at night or in bad weather. We also note that wind farms and solar farms are being fitted with stand by diesel and/or gas turbines so as to back up the national grid when there is no wind or daylight when possible demand is high, do we need this in our countryside?
6. We feel that these developments would be better placed on brown field sites .g. decommissioned power stations or poor agricultural land, there is also a case for installing solar panels on all new builds particularly large warehouse units.

Mr Martin Howes **OBJECTS**

Date Received 11.01.2023

- 1) It will be a misuse of good quality arable crop land approx. 70ha/100 acres of UK food production will be lost for 40 years in a time of turmoil and grain shortages due to the events in Ukraine, full crop production will no return for years in an area known as the bread basket of Europe.
- 2)It will be a detriment to the outlook of the local countryside an views across Butterhill for walkers and users of the public rights of way that cross the proposed development.
- 3) There will be an increase in road traffic during the construction phase on already crumbling lanes where approximately 80,000 panels will have to be transported to site, the proposed route for construction traffic will pass St Leonards school Dunston where the road is congested with no footpaths it would make it more dangerous for the attending children.

This Solar Farm brings no benefits to the hamlet of Little Heath or areas, properties surrounding the development and is futher industrialistion of the countryside.

Mr Paul Russell **OBJECTS**

Date Received 22.01.2023

Whilst the country desperately needs more renewable energy generation, we also need to be more self-sufficient in food production and this field is good agricultural land. All inland solar energy generation should be positioned in places which do not limit the use of the land for other purposes so positioning on, for example, the rooves of buildings. Electricity should be generated by more wind farms, which do not significantly impede the use of the land other than by the area of each pole.

Further, when the applicant had a public consultation in Hyde Lea & Coppenhall Village Hall, I asked how this development would benefit the local community and was told that the company sometimes made a one-off

grant to the local area. If this application is successful, it should include a s.106 (Town and Country Planning Act 1990) agreement requiring an annual grant to be paid to Dunston with Coppenhall Parish Council to provide for an ongoing benefit for the local community in perpetuity.

1.6 APPRAISAL

The application has been called in by Councillor Andrew Adams who considers that the proposal does not comply with the policies of the Core Strategy.

1.7. Key Issues

- Principle of development
- Contribution to Climate Change
- Site selection/loss of agricultural land
- Impact on the character and appearance of the Landscape including cumulative impact
- Impact on Heritage Assets
- Highways
- Neighbour Amenity
- Trees and Ecology
- Developer Contributions
- Human Rights

1.8. Principle of development

1.8.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

1.8.2. The site is situated within the Open Countryside where Policy OC1 applies, which states that the Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

1.8.3. In line with Policy OC1 there is a presumption against development subject to a number of exceptions. One of the exceptions listed under OC1 f) is *“the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt”*.

1.8.4. A solar farm of this scale and associated infrastructure (to include a sub-station, several inverters, CCTV cameras and perimeter fencing) would clearly have a material effect on the appearance and character of the Open Countryside, given that this is currently a large open green piece of agricultural land with views

available from several vantage points. The proposal would not, therefore, meet the exception listed under Policy OC1 f) and it would not meet with any of the other exceptions to the presumption against development. On that basis there is conflict with Core Strategy Policy OC1, and consideration should therefore be given to the impact of the development as to whether it would harm the intrinsic character of the Open Countryside. Other material planning considerations that weigh in the planning balance, including the proposal's potential contribution to climate change, will be discussed as follows.

1.9 Contribution to Climate Change

1.9.1 The applicant's Planning Design & Access Statement highlights the need to establish renewable energy generation and the proposals potential contribution towards national targets. The UK is required under the Climate Change Act (2008) to reduce carbon emissions and through Renewable Energy Directive 2009/28/EC to increase electricity consumption from renewable resources. Additionally, on 1 May 2019, the United Kingdom ('UK') Parliament declared a climate change emergency and on 27 June 2019 the UK became the first major economy in the world to legislate a legally binding target of net zero emissions by 2050. That year, Staffordshire County Council, South Staffordshire Council and many other Councils across the country declared a climate emergency, making a firm commitment to achieve the Government target of net zero carbon emissions by 2050.

1.9.2 In order to achieve net zero, National Grid (in its 'Future Energy Scenarios July 2021') has confirmed that in all scenarios, the demand for electricity increases; which is brought about by shifting away from high carbon fuels to hit the Government's net zero emissions target by 2050 and the predicted increase in electric vehicles ahead of the 2040 ban on petrol/diesel driven vehicles. Solar energy generation combined with 'smart charging' electric vehicles will be a key component of achieving the 2050 target.

1.9.3. NPPF paragraph 152 states that local planning authorities (LPA) should, through planning decisions, support the transition to a low carbon future in a changing climate by supporting renewable and low carbon energy and associated infrastructure. Paragraph 158 goes on to say that when determining planning applications for renewable and low carbon development, LPA's should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable

1.9.4. Core Policy 3 of the Core Strategy states that the Council will require development to be designed to cater for climate change and to enable opportunities for renewable energy. This is intended to be achieved by giving preference to development on brownfield land, provided it is not of high environmental value. The policy goes on to say that the District's natural and historic assets including the character and quality of the landscape should be protected and enhanced by mitigating against the worst effects of climate change and pursuing biodiversity enhancement schemes.

1.9.5. Policy EQ6 also requires that provision is made for renewable energy generation to maximise environmental and economic benefits whilst minimising any local adverse impacts. The policy does not specifically reference solar, however the Council's recent Sustainable Construction & Renewable Energy Topic Paper (November 2022) which was produced as part of the Local Plan Review, highlights the need for a sustained increase in solar developments to meet Government's net zero and energy strategies.

1.9.6. The application states that the solar farm would contribute to national and local targets, providing a generation capacity of approximately 40MW, which would generate enough power for approximately over

9,330 typical family homes and resulting in an approximate saving of 480,000 tonnes of CO² per annum. The solar panels would be secured to the ground via a static table and post system to minimise ground disruption and the amount of concrete and hardstanding required is minimal to ensure that ground conditions would remain relatively unchanged. The design of the equipment is therefore reversible, and the anticipated lifespan of the facility is 40 years after which time the site could be decommissioned and returned to agricultural use.

2.0 Site selection/loss of agricultural land

2.0.1. A number of local residents have objected to the proposal due to the loss of agricultural land, with the site having been recently marketed as good productive land. A number of objectors and the Parish Council note that the land within the site has been successfully laid to crop for many years. Concerns are also raised that the proposal contradicts the hierarchical approach within the Core Strategy (Core Policy 1) which sets out a strategy to direct development towards the larger villages and brownfield sites and away from the more sensitive rural areas such as here.

- **Site Selection**

2.0.2. The Planning Statement explains that the applicant initially carried out a site selection exercise with the district network operator (Western Power Distribution) to identify any suitable sites with a point of connection with capacity for additional generation. However due to the extent of land required, none of the non-agricultural, urban or brownfield sites looked at were deemed suitable. Areas of very high sensitivity, for example, within the Green Belt, AONB, SSSI's etc were also discounted, along with any sites containing heritage assets or earmarked for development within the emerging local plan.

2.0.3. The use of agricultural / greenfield land is necessary as there is an absence of previously developed land of an equivalent size with any fewer environmental and physical constraints than the application site; this is also true when considering commercial roof space. Furthermore, the majority of the District is covered in Green Belt and to find a site of this size that is previously developed land or in an urban area is at a premium. Therefore, such sites could be used more productively for regeneration purposes such as housing or employment use rather than a solar panel farm.

2.0.4. With regards to Core Policy 1 (Spatial Strategy) it is accepted that this area is outside of a service village and is not, therefore, intended for growth. However given the nature of the proposal and the extent of land needed, it is not likely that a proposal of this scale could be accommodated within or close to a village boundary due to existing built form and physical constraints, coupled with the need to be situated next to an existing pylon/connection point. In any case, the aim of the Spatial Strategy is to direct growth in a sustainable way to ensure that development has access to services and facilities. In this case, once operational the solar farm would be subject only to very minimal visits for the purpose of maintenance and would not be disadvantaged by the rural location.

- **Loss of Agricultural Land**

2.0.5. In 2013 The Rt Hon Gregory Barker made a speech to the solar PV industry wherein he outlined his support for a significant increase in solar installations but only where they are sensitively designed and are mindful of the wider environmental and visual impacts. He considered that for larger deployments, brownfield land should always be preferred, and where solar farms are not on brownfield land, low grade agricultural land ought to be prioritised, working with farmers to allow grazing in parallel with energy generation and incorporating well thought out visual screening and involving communities in developing projects.

2.0.6. Subsequently, in 2015 Government published a written ministerial statement on solar energy, which stated that where possible, solar energy should be focused on domestic and commercial roof space and previously developed land. Where a proposal involves agricultural land, it must be clear that this is necessary and poorer quality land is to be used in preference to higher quality land.

2.0.7. Paragraph 013 of the Planning Practice Guidance (PPG) acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it is also noted that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. The guidance recommends that proposals allow for continued agricultural use where possible and/or encourages biodiversity improvements around arrays. Planning conditions can also be used to ensure that installations are removed when no longer in use and the land is restored to its previous use. Impacts on glint and glare, the need for security measures, the conservation of heritage assets and the potential to mitigate landscape impacts must all be carefully considered.

2.0.8. Turning back to the wording of NPPF paragraph 174, it states that valued landscapes should be protected and that the economic and other benefits of the best and most versatile agricultural land should be recognised. The footnote further advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Best and Most Versatile (or BMV) land is defined within the NPPF as Land in grades 1, 2 and 3a of the Agricultural Land Classification.

2.0.9. An Agricultural Land Classification Assessment has been carried out which identifies the following:

Grade 2 land (very good quality): 10%
Grade 3a (good quality): 40%
Grade 3b (moderate quality): 46%
Not surveyed: 4%

2.1.0. On that basis, 50 to 54% of the BMV is sub-grade 3a which is good quality land capable of consistently producing moderate to high yields of a narrow range of arable crops. 10% is Grade 2 which is very good quality land capable of growing a wide range of agricultural and horticultural crops. Indeed during consideration of the planning application the site was planted with Rapeseed. The area not surveyed at the northern corner of the site adjoins an area of grade 2 and 3a land therefore it will be assumed this is also BMV. The total area of BMV would therefore equate to around 54%, with the remainder of the site providing moderate quality land.

2.1.1. There have been concerns raised by local residents that the BMV figures have changed through the life of the application and the full ALC report was not submitted initially. Although the extent of BMV set out in the ALC report is larger than originally stated, it is still the case that the site comprises mainly of grade 3a and 3b land with a smaller portion of grade 2 land.

2.1.2. The site layout plan has been amended to move the extent of panels away from the boundaries of The Toft (north-eastern corner of the site) in recognition of its historic interest. This has resulted in the addition of an area of panels in the northern tip of the site (the surveyed area) which is largely grade 3a land with a very small piece of grade 2 land. A wider landscaped buffer has also been incorporated along the eastern site boundary which has marginally reduced the impact on the grade 2 land.

2.1.3. Natural England are a statutory consultee on development that would result in the loss of over 20ha of 'best and most versatile' (BMV) agricultural land. They advocate that soils should be managed in a sustainable way and protected from contamination. The ALC has been carried out using a system of 134 hand

auger borings and 2 soil pits which is in line with their guidance. Natural England have reviewed the application and no objections are raised. They consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future. No permanent loss of agricultural land quality is likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

2.1.4. The ground around and beneath the arrays would be seeded with a species rich grass mix. This could be managed by occasional mowing, especially in early years when the solar farm and new planting is bedding-in. However, for the majority of the solar farm's operational life the ground cover would be managed by light sheep grazing as part of an ongoing pastoral operation in collaboration with the landowner. The application states that at no time would pesticide treatments be used as part of a grounds-keeping regime.

2.1.5. Reference to DEFRA's Agricultural Land Classification Maps confirms that the District benefits from a plethora of good quality agricultural land in the areas surrounding the site. On that basis, although it is accepted that the development would prevent any food production taking place on this site for the lifetime of the development, it is not anticipated that the temporary loss of this land from arable farming would compromise the District's overall farming ability.

2.2 Impact on the character and appearance of the Landscape and the Street-scene

2.2.1 As previously discussed, paragraph 174 of the NPPF sets out protection for valued landscapes and advocates the recognition of the intrinsic character and beauty of the countryside. The site is roughly 6 miles west of the Cannock Chase Area of Outstanding Natural Beauty (AONB). Policy EQ4 specifies that development within the AONB and its setting will be subject to special scrutiny in order to conserve and enhance the landscape, nature conservation and recreation interests in the area. Policy EQ11 states that proposals should respect local character and distinctiveness, including that of the surrounding landscape, by enhancing the positive aspects and mitigating the negative aspects.

2.2.2. A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies that the application site comprises of large open fields, lain to pasture and arable crops with occasional animal grazing including cattle. The site slopes gently north-east to south-west with some topographical variation across it. Overall, it is considered that the site is of good quality and typical of the landscape within the wider study area.

- **Cumulative Impact**

2.2.3. The LVIA has been amended to account for another proposed development within Penkridge (Preston Hill Solar Farm - planning application reference: 23/00009/FUL), still pending consideration, which is situated approximately 2.3km to the south/south-east of the application site. There is potential impact for a temporary period during the construction period, should both applications be approved and overlap, however given the separation distance between the two sites this is not considered to be significant. Taking into consideration the landscape structure and enhancements of the proposals, the two schemes would not be considered to have a significant adverse effect. Local road users would have glimpse views of the schemes however these would be transient and short lived-in nature.

- **Impact on the Landscape**

2.2.4 The Ramblers association have objected to the proposal, raising concerns that any pleasure obtained by horse riders or pedestrians using the bridleway No. 12 across the field from bridleway No. 11 up to Butterhill would be negated by a view of solar panels and the path bounded by security fencing and surveillance cameras.

2.2.5 The addition of the Littywood Solar Farm would introduce a new element into the landscape, however there is not anticipated to be any significant effects upon the character of the local landscape as a result of the proposed development. The majority of existing vegetation to the site boundaries would be retained and enhanced as part of the proposed development. Enhancement and new planting would be included at those parts of the site close to existing residential properties to the south (Toft House) and north-east (The Toft), with further areas set back from Levedale Road.

2.2.6 In respect of potential visual effects, it is anticipated that a low-lying development of this scale would inevitably cause some localised change to views available from the local landscape, particularly from the local public rights of way that pass through, or in close proximity to it. It is considered that the proposed development would give rise to a majorly adverse significant visual effect at winter year 1 only, from the lengths of PROW Dunston 11 (situated at the southern boundary of the site travelling east to west) and Dunston 13 which passes through the application site. With the establishment of mitigation planting, it is anticipated that these significant effects would reduce to 'moderate adverse' at summer year 15, however, it is likely that more open and therefore noticeable views towards the proposed development would remain where parts of the PROW network pass in close proximity to, or through it. These effects would remain for the lifetime of the development. Subsequently, the application has been amended to incorporate hedgerow planting along the PROW which would soften the appearance of the perimeter fencing and reduce its visual impact for PROW users.

2.2.7 Beyond the immediate vicinity of the proposed development and due to its low-lying nature, substantial layered vegetation and topographical variation would partly or entirely screen potential views to much of the proposed development from the surrounding landscape. The design of the scheme is of standard appearance for ground mounted solar panels and associated components and considering the existing and proposed screening around the site, extensive views from the street-scene would not be achieved. The layout of the scheme is in linear fashion which is typical of this type of development, and the panels would be mounted on metal frames and would not be bulky in appearance. An element of openness would be maintained, as opposed to if large amounts of buildings were to be constructed on the site. Parts of the proposed development would be a noticeable feature from higher ground within the local landscape (the area in the vicinity of Butterhill Windmill listed building). However overall, it is concluded that the quality and character of the landscape would be maintained and that the proposed development could be accommodated without significant effects beyond those identified at a local level.

- **Impact on the Cannock Chase AONB**

2.2.8 Natural England note that the proposed development is within 10km of Cannock Chase AONB, a nationally designated landscape, and advise that the Council's decision should be guided by paragraphs 176 and 177 of the NPPF which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs.

2.2.9 The AONB officer notes that the AONB falls just outside the 5km study area for the Landscape and Visual Impact Assessment (LVIA) however the AONB and its position in relation to the site is noted in the study. Whilst inspiring views are one of the special qualities of the AONB, evidence in the AONB Views and Setting Guide suggests that structures 3.7m high would be unlikely to detrimentally affect views from the AONB due to the distance and intervening landform and vegetation which filter views. The exception to this

may be the taller main substation proposed close to the connecting pylon. Spatial Guidance refers mainly to avoiding the introduction of bulky development or tall structures including those that might interrupt the skyline that might interrupt views to the Wrekin or disrupt the rural outlook from the AONB.

2.3.0. The officer goes on to say that although there is potential for disruption of views towards the AONB from rights of way crossing the site, overall, the potential for detrimental effects from the proposed development on the AONB is considered to be low. Possible effects of glare on views from elevated locations in the AONB such as Tar Hill or at Bednall Belt on the eastern boundary need to be considered to establish whether mitigation would be appropriate. The proposed Area for biodiversity on the eastern site boundary is noted and additional tree planting along the eastern flank of the buffer would have potential to enhance site screening from elevated viewpoints and reduce potential for glare on views from the AONB. New tree planting is proposed along the north-eastern to south-eastern site boundaries which would achieve this aim.

- **Glint and Glare Study**

2.3.1. A Glint and Glare Study has been carried out which considers impact on observer viewpoints, road safety and aviation safety.

2.3.2. In respect of airfields, some reflections are predicted towards Valley Farm (runway 29 approach) and Mitton Airfields (runway 10 approach) however there are mitigating factors that would reduce the impact, including the short duration of effects and low air traffic volumes. The impact is considered to be low and could be accommodated operationally. It is recommended within the report that the potential glare times are made available to the owners of these airfields so that it can be considered in the context of their operations and the occupiers of both airfields have been consulted on this application. No significant impact on aviation activity associated with Seighford Airfield and Otherton Airfield is expected with respect to glint and glare and no further technical assessment is recommended.

2.3.3. In terms of existing dwellings, for 11 of the 46 assessed, screening in the form of existing vegetation, buildings, and/or terrain would significantly obstruct views of the reflecting panels. For 3 of the dwellings, views of the reflecting panels are considered possible however a low impact is predicted, and no further mitigation is recommended because the duration would not be significant and the separation distance is sufficiently large.

2.3.4. Mitigation is recommended for two dwellings (Croft Barn and The Toft in the north-eastern part of the site) due to the duration of effects and predicted visibility of and proximity to the reflecting panels. Screening along their western site boundary is suggested in the form of an opaque fence or planting. Referring back to the Landscape Strategy it is noted that hedgerow reinforcement to be maintained to a height of 2m is proposed along here, along with new tree planting which should be sufficient to screen any glare.

2.3.5. No significant impacts upon road users are predicted and no mitigation is required.

2.4 Impact on Heritage Assets

2.4.0. The Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities, to have special regard to the desirability of preserving heritage assets and their settings including any features of special architectural or historic interest which they possess. Any development which affects a heritage asset, or its setting, should therefore be informed by a proportionate assessment of the significance of the asset which is likely to be affected by the proposals and the impact of a development upon the asset.

2.4.1. Paragraph 195 of the NPPF states that local planning authorities should take into account the significance of heritage assets and how they may be affected by proposals, together with the desirability of sustaining and enhancing their significance whilst making a positive contribution to local character and distinctiveness (paragraph 197). Paragraph 200 goes on to say that "any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification". Where a proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. This requirement is followed through within Policy EQ3 of the Core Strategy.

- **Impact on Listed Buildings**

2.4.2. The Toft, which is situated, adjacent to the north-east corner of the site, is a Grade II listed building and stands approximately 60m from the edge of the site. Butterhill Windmill Tower, a disused Grade II listed windmill is situated approximately 300m west of the northernmost tip of the site (on the other side of Butterhill Farm).

2.4.3. The Heritage Statement submitted flags the Historic England publication 'Commercial Renewable Energy Development and the Historic Environment', which gives advice on large scale renewable projects. Paragraph 70 of the guidance states that *"harmful visual impacts on the settings of heritage assets can be avoided or reduced through sensitive design and layout, and mitigation measures such as tree and hedge planting to screen the development. However, care needs to be taken that these measures do not themselves have an adverse impact on the heritage setting or landscape character"*.

2.4.4. The Heritage Statement identifies that the setting of The Toft (a Grade II Listed Building) includes the adjacent buildings, and in particular the older farm buildings directly to the north-west (now Croft Barn), along with the grounds of the property. Overall the current setting of The Toft is considered to make a reasonable contribution towards its significance.

2.4.5. The windmill tower is of probable 18th century origins and has good evidential and historical values linked to the potential for examination to reveal further details of the origin and use of the structure, along with aesthetic values derived from its design and appearance. The setting of the windmill tower takes in an extensive area within which it is visible with varying degrees of clarity. It is not located at the highest point on Butterhill, which is further to the west, consequently the setting does not extend very far in that direction, but in all other directions the setting extends for a considerable distance. Overall the setting of the Grade II listed windmill tower makes a strong contribution towards its significance.

2.4.6. The Church of St Lawrence in Coppenhall is listed at Grade II* and is approximately 700m north-east of the proposal site, however the assessment concludes that there is no intervisibility with any part of the proposal site due to the presence of intervening later buildings and mature hedgerows.

2.4.7. The Grade II listed Levedale House is located approximately 960m south of the proposal site, with the Grade II listed Field House Farmhouse a further 200m to the south. The proposed development would not be visible in any views from, towards or across either of these two Grade II listed buildings due to the presence of other built development and also mature vegetation around the property boundaries, therefore these designated heritage assets would not be affected by the proposed development. The study, in conjunction with the LVIA, also found that there would be no intervisibility towards Conservation Areas at Penkrige and Bradley and no visibility towards nearby villages to the east.

2.4.8. There is a greater level of visibility between the proposal site and the former farm buildings immediately north-west of The Toft, now known as Croft Barn, due to the limited planting along the north-west boundary of that property. Croft Barn should be regarded as a non-designated heritage asset as a

result of its age and its association with The Toft. Whilst much of the significance of Croft Barn lies in its fabric and its association with The Toft and any other remaining historic farm buildings within this complex, there is still some significance derived from its wider rural setting. However, the scheme design shows substantial biodiversity buffer zone in the land to the north-west of Croft Barn and hedgerow reinforcement to a height of 2m is proposed to thicken up the existing boundary along the north-west side of the property, along with new tree planting. The proposed development would represent a change with the wider rural setting of Croft Barn, but would not result in any harm to the significance of this non-designated heritage asset.

2.4.9. The report goes on to state that there is limited intervisibility between the proposed development and The Toft and that a bio-diversity buffer and planting/hedgerow thickening could be used to enhance the site boundary. However, setting is not just about visibility and the proposed development would represent a change within the wider rural setting of the former farmhouse, which is currently largely surrounded by farmland.

2.5.0. The Council's Conservation Officer originally objected to the scheme due to the significant change to the setting of the listed building with the addition of solar panels within close proximity to the designated heritage asset. The layout plan has subsequently been amended to provide a biodiversity buffer measuring approximately 60m to the south-west of The Toft and Croft Barn, with hedge reinforcement planting on the adjoining site boundary and a further planting screen adjacent to the fencing.

2.5.1. Although the amendments have reduced the impact on the Listed Building, the Conservation Officer remains of the view that the proposal causes less than substantial harm to the setting of the Listed Building. In line with paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

2.5.2. In conclusion, the setting of the designated and non-designated Heritage Assets is characterised by a rural agricultural landscape. Although the proposal would change that setting, the biodiversity screening proposed along with the separation distance to any fencing or panels would limit visibility towards the development, accordingly there would be less of an impact on the rural setting. The fencing detail shows that the perimeter would be formed of a fine mesh fence with timber posts which would not appear overly obtrusive within the landscape and the solar panels themselves would be low lying. The closest inverters would be around 150m away from the boundaries with the heritage assets and would also be low lying, extending to between 2.2m and 3m in height.

2.5.3. In terms of the sub-station, whilst this would be a taller structure at 5.5m, the extent of the compound would be relatively small in the context of the overall site and would be positioned over 400m away from The Toft and Croft Barn. The Listed windmill is positioned around 500m from the proposed sub-station and would be screened by a thick border of vegetation/screen planting.

2.5.4. Taking into account the amendments to the scheme it is considered, on balance, that the public benefits of the development in terms of renewable energy generation would outweigh the harm identified to the setting of the Heritage Assets, bearing in mind that the harm is considered to be 'less than substantial'. Although The Toft is a nationally significant building, there is clear advice within the NPPF that renewable energy schemes should be supported where the impacts can be made acceptable (paragraph 158) and a condition could be imposed on an approval to secure the implementation of the landscaping buffer shown on the submitted plans.

- **Impact on Archaeology**

2.5.6 As previously discussed, national and local policy sets out protection for heritage assets which includes historic landscapes and below ground archaeological evidence. The County Archaeologist has reviewed the application and considers that the Heritage Statement (HS) submitted has provided a useful understanding of the developmental history and archaeological potential of the application site.

2.5.7 From an archaeological point of view, the HS has concluded, that there is some, albeit low, archaeological potential/interest in the application site for all periods. This assessment is generally supported, however there has been a relative lack of previous archaeological works in the wider area and there are a number of significant archaeological sites relatively nearby, including a number of scheduled moated sites, the scheduled Iron Age Hillfort at Berry Hill (approx. 2km to the northwest of the site) and a multi-phase site, which includes a Roman villa, at Acton Trussell, approx. 3km to the southeast. This latter concern is supported by the South Staffs Historic Character Assessment (HECA), which states that 'earlier activity has been recorded in the character area in the form of the hillfort at Berry Ring and evidence for prehistoric to Roman settlement at Acton Trussell. Such sites suggest the potential for further unknown archaeological deposits to survive across the HECA'.

2.5.8 Whilst no objections are raised on archaeological grounds, a further stage of archaeological evaluation, in the form of a staged evaluation, initially comprising a geophysical survey, should be carried out across the site in advance of any groundworks to inform the need for any further works. The applicant has agreed to a pre-commencement condition to secure these works should the Council be minded to approve the application.

2.6. Highways

2.6.0 In line with paragraphs 110 and 111 of the NPPF, the impact of development proposals on the highway network should be considered. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2.6.1 The County Highways Officer initially requested further information regarding the condition of the roads surrounding the site, the routing of construction traffic through the road network and the means of implementing the Temporary Traffic Regulation Order (TTRO) proposed for the 16-week construction period.

2.6.2 A Transport Statement (TS) and Construction Traffic Management Plan (CTMP) have been submitted which identify that the site would be accessed via an existing access at the north of the site and egressed via the existing access on the south-eastern site boundary. A TTRO would be put in place on local roads to create a one-way system for construction HGVs and other vehicles using these local roads for the temporary construction period and all deliveries by goods vehicles would be undertaken outside of the school peaks of 08:00 to 09:00 and 15:00 to 16:00.

2.6.3 Construction HGV's would be subject to a booking system to ensure that vehicles would not be arriving or leaving at the same time and construction times would be limited to between 08:00 and 18:00 hours Monday to Friday with limited construction activities on Saturdays between 08:00-13:00. No construction activities would take place on a Sunday or Bank Holiday. Space would be available for all workers to park on site and the Transport Statement states that this would be strictly enforced to ensure no parking on the public highway.

2.6.4 Based on the revised information submitted the County Highways Officer has raised no objections on highway safety grounds subject to conditions to secure the measures set out in the application. Road

condition surveys would also need to be carried out prior to and post development to identify any new or significant defects on the local road network so that appropriate repairs could be undertaken.

2.7. Drainage/Flooding

2.7.0. Policy EQ7 of the Core Strategy sets out that development should not be permitted where it would have a direct or indirect impact on water quality or flooding.

2.7.1. The Drainage Strategy indicates that French drains would be installed around any structures with impermeable bases (such as the inverters). Vegetated ground should be provided under and around arrays and maintained to avoid bare earth but as long as this is followed through the solar farm would have no impact on runoff characteristics. In order to meet DEFRA Code of Practice, soil compaction would be limited through the construction phase by the use of light machinery. For any areas of soil compaction, the earth between the rows of panels would be tilled / scarified to an appropriate depth and re-seeded. The access tracks would also be formed of permeable materials.

2.7.2. The County Flood Risk Officer notes that the site is within Flood Zone 1, which is at low risk of flooding. The updated Flood Map for Surface Water shows a minor flow path in the eastern area of the site around the site boundary which flows south however this is unlikely to affect the solar arrays as they are situated off the ground. No objections are raised on flooding grounds subject to a condition to secure the measures set out in the Flood Risk Assessment and Drainage Strategy submitted.

2.8. Neighbour Amenity

2.8.0. Policy EQ9 seeks to protect the amenity of nearby residents and requires that developments likely to generate noise are directed to appropriate locations away from noise sensitive areas.

2.8.1. The Noise Impact Assessment submitted has been undertaken on the basis of 'worst-case scenario' assumptions and shows that in the current layout, the plant is unlikely to result in adverse noise impacts at nearby receptors at any time. A condition is suggested to ensure that the sound level is limited to acceptable levels, which could be achieved by limiting the sound power level of each inverter to 78 dB LWA. The Council's Environmental Protection team have raised no objections and it is considered that the proposal would not cause noise disturbance to nearby properties.

2.8.2. In terms of visual amenity, views of the solar farm from the dwellings adjacent to the north-eastern corner of the site would be screened by intervening vegetation and tree planting. The dwelling adjacent to the south of the site, Toft House, would be positioned approximately 28m from the closest panel and 1 No. CCTV camera, and approximately 20m from the perimeter fence. A further CCTV camera which was originally proposed to the rear boundary of this property has been omitted from the plans. The security fencing is proposed to be a light wire fence and would be screened from Toft House by new hedge planting either side of the Public Right of Way. The CCTV camera would be mounted at height for the purpose of overseeing the solar farm, as such it would not face towards or overlook this dwelling.

2.8.3. The Construction Traffic Management Plan submitted details the construction delivery times, working times, traffic signage and parking arrangements, and would form part of the approved documents to ensure that the development was carried out in an appropriate manner. In conclusion it is therefore considered that the proposal would not cause an adverse impact upon the amenity of neighbouring residential dwellings, thereby complying with Policy EQ9.

2.9 Trees and Ecology

Protected Species

2.9.0 The Wildlife and Countryside Act 1981 (as amended) covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation of Habitats and Species Regulations 2017 (as amended) implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Natural Environment and Rural Communities Act 2006 (as amended) places a duty on local planning authorities to conserve and enhance biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

2.9.1 Policy EQ1 of the Core Strategy sets out that permission will not be granted for development that causes significant harm to sites of nature conservation including trees and hedgerows, together with species that are protected or under threat.

2.9.2 A Preliminary Ecological Appraisal (PEA) of the site was carried out in September 2022. The document assessed the potential of the site to support a range of European and nationally protected species and searched for evidence of use by protected species. The protected species identified as having the potential to use the site were bats, nesting and over wintering birds and Great Crested Newts.

2.9.3 Given the findings of the PEA, a Wintering Bird Survey and Breeding Bird Survey, a Potential Bat Roost and a Barn Owl Assessment were submitted with the application. The reports demonstrate that the likelihood of a significant adverse effect to roosting bats, barn owls or birds is unlikely, as a result of the proposed development, with the buffer zones around retained trees providing sufficient offset to preclude any potential harm.

2.9.4 In order to secure habitat uplift for protected species through the development, a combined Landscape and Ecological Management Plan is recommended to be secured via condition, which would include species-specific enhancements across the site, including bat and bird boxes.

2.9.5 The development falls within the red Impact Risk Zone (IRZ) for Great Crested Newt (GCN) (as defined within the Council's District License), where there is highly suitable habitat and a high likelihood of GCN being present. There are 53 ponds within 500m of the development proposal, 5 of which are within the red line boundary. There are also great crested newt records within the red line boundary and there is direct connectivity between the development and surrounding features in the landscape. To address this matter, the applicant has begun to enter into the Council's District Licensing Scheme. Completion of this process is required prior to the issuing of a formal decision and therefore, it is requested that should members recommend the approval of this application that delegated authority be given to the Planning Manager to issue the decision once addressed. In addition, the conditions and informative notes included within the NatureSpace impact report must be adhered to, as detailed within the decision notice, should the application be approved.

2.9.6 Given the above assessment, subject to applicant completing the District Licensing process and adhering to the relevant conditions as recommended, the LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.

Biodiversity

2.9.7 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's enhanced biodiversity duty as defined under section 40 of the NERC Act 2006 (as amended), new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

2.9.8 Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant internal obligations and statutory requirements" (Paragraph 2 of NPPF) and the requirement, under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with the Environment Act); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 180 of the NPPF, requires that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

2.9.9 The current proposals do not result in significant loss of any habitats of principal importance, and result in a net gain for biodiversity equating to 61.26% in habitat units and 114.56% in hedgerow units. A condition to secure the delivery of this uplift is recommended for members, along with a management scheme to ensure on-going provision for a minimum of 30 years. Subject to the inclusion of this condition, appropriate material planning weight must be given to this uplift within the planning balance.

Impact on Special Areas of Conservation

2.9.10 Paragraph 182 of the NPPF advises that "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".

2.9.11 The Site is located approximately 3.6km to the east of Allimore Green Common SSSI and 6.4km to the south west of Cannock Chase Special Area of Conservation and SSSI. There are no Special Protection Areas (SPA) or Ramsar sites within the surrounding area.

2.9.12 The Government's advice as set out in the 'Habitats regulations assessments: protecting a European site' is that when checking whether a proposal could impact upon a protected site is "You only need to carry out an HRA if the proposal might affect a European site. The effect of your proposal may depend on its location. It could be:

- on the site
- near the site
- some distance away, for example by causing air, water or noise pollution or affecting a feeding area used by one of the site's designated species".

2.9.13 The advice continues to advise that "You can check if there's an impact risk zone (IRZ) around a protected site. This will help you assess if a proposal might affect a site". IRZ's are detailed on DEFRA's Magic Map dataset. It is acknowledged that IRZs within this dataset are specifically for Sites of Special Scientific Interest (SSSI), albeit they do include occasional data specific SACs etc, so they are a useful guide, but not absolute. However, given Government advice on this matter, as quoted above, they are a useful way to determine an initial Zone of Influence (Zoi), for which to undertake an assessment within, to consider a proposed development's impact upon a protected site. Beyond this broad-brush approach however, there is a more detailed consideration of Source, Pathway and Receptor for which regard must be had.

2.9.14 The Zols for the abovementioned SAC and SSSI, as shown on the Magic Maps dataset, both cover this site. In terms of the CCSAC, the Zol extends to 15km, due to recreational impact. Given this development does not involve the creation of any residential units, the LPA as the Competent Authority on this matter, can determine no harm will arise, through this consideration, prior to the screening process. In terms of other potential harm arising, as evidenced by paragraph 4.1.19 of the Ecological Impact Assessment “The installation of the solar arrays will result in the conversion of fields currently used for arable crop production and an area subject to high intensity cattle grazing into grassland/pasture subject to low intensity sheep grazing.”. The removal of fertiliser use and high-intensity cattle grazing on the site is likely to result in an overall reduction of ammonia and nitrogen pollutants. Subsequently, the proposed development does not need to be screened further for the purposes of Habitat Regulation Assessment and significant effects to SACs and RAMSAR sites are unlikely to occur as a result of the proposed development. Given this assessment no further consideration of impact from the scheme upon protected sites is required.

3.0 Developer Contributions

3.0.1. Local residents have raised the matter of a financial contribution by the applicant for the purpose of community benefit, which is understood to have been discussed at a consultation meeting. One local resident has commented that this should be secured by way of S.106 agreement with the Council.

3.0.2. In line with the provisions of the NPPF, contributions should only be sought where they are necessary to make the development acceptable in planning terms. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

3.0.3. In this case, a financial contribution for community benefit would not meet the tests outlined above, as such it could not be secured by way of S.106 agreement however the developer could make a voluntary contribution to the Parish should they wish to do so.

3.1. Human Rights

The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

4.0 CONCLUSION

4.0.1. The proposed solar farm would have a material impact on the character and appearance of the Open Countryside, a Landscape that is valued for its own sake. However, the development would make a significant contribution to the production of renewable energy which is a key target from national and local government as well as delivering a significant uplift in biodiversity, both matters are apportioned significant weight. The proposal would result in less than substantial harm to the setting of a Listed Building which, in this instance, is considered to be outweighed by the considerable public/environmental benefits of the scheme. Although the

site comprises of good quality agricultural land, the quality of the land would not be compromised as it could revert back to arable farming in future and the proposed development resulting in a different type of agricultural land use being provided. Further, it is considered there is ample good quality farming land remaining in the District. The proposal incorporates biodiversity zones and enhanced planting buffers, as such the development would not detrimentally impact upon the landscape of the area nor harm biodiversity, and there would be no undue harm to neighbouring amenity.

4.0.2. Therefore, taking all factors into consideration, the wider benefits of the development are considered to significantly and demonstrably outweigh the adverse impacts of the proposal. The balance is therefore considered to tip in favour of the application and the proposal is considered to comply with the overarching aims of the NPPF. Accordingly, approval is recommended subject to conditions.

5.0. RECOMMENDATION - APPROVE Subject to Conditions

DELEGATE APPROVAL TO THE DEVELOPMENT TEAM MANAGER TO ISSUE DECISION ON COMPLETION OF A NATURESPACE DISTRICT LICENSE.

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Notwithstanding the details shown on the approved plans, the access and egress improvements shown on drawing no. JNY11456/01 and drawing no. JNY11456/02 of the Construction Traffic Management Plan (version 02b dated 14 March 2023) shall be fully completed prior to commencement of the development.
4. The one-way system to be put in place via a Temporary Traffic Regulation Order (TTRO) as per details set out in the Construction Traffic Management Plan (version 02b dated 14 March 2023) shall be fully in place prior to the commencement of the development.
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 and submitted to the local planning authority;
 - Prior to commencement of development; and
 - Prior to first use of the development.Should any new or significant defects be identified, repairs shall be undertaken immediately and the road shall be made good in liaison with the County Highways Authority.
6. All site operations shall be undertaken strictly in accordance with the approved Construction Traffic Management Plan (version 02b dated 14 March 2023) for the duration of the construction programme.
7. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

8. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition 8.
9. The development hereby approved shall not be brought into use until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under conditions 8 and 9 and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
10. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a Further Licence) and with the proposals detailed on plan titled Land at Littywood Farm: Impact plan for great crested newt District Licensing (Version 1) dated 29th June 2023.
11. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.
12. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
13. The development hereby permitted shall not be brought into use until the approved measures set out within the Flood Risk Assessment and Drainage Strategy dated 1st December 2022 have been implemented in full and therefore retained for the lifetime of the development.
14. All tree protection measures within the approved RPS Tree Protection Plans (Ref. JSL4559, Dwg Nos. 710 - 717 incl. (Rev P03)) and the associated Arboricultural Impact Assessment (Ref. JSL4559_770), shall be implemented before any construction related activity commences on site. Once implemented all such measures shall be maintained throughout development unless agreed in writing with the Local Planning Authority. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.

15. Within three months of the development commencing, full details of tree / hedge / screen planting provision shall be submitted and approved in writing by the local planning authority. All measures within the approved landscaping / tree planting scheme shall be implemented within the first planting season (Oct - Mar) following completion of construction. Any trees that die or become unsuitable for retention within 5 years of the initial planting date will be replaced on a like for like basis.
16. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) A risk assessment of potentially damaging activities and the phases associated with them.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction.
 - d) The location and timing of sensitive works to avoid harm to ecological features.
 - e) The times during construction when an ecological clerk of works (ECoW) needs to be present (if appropriate).
 - f) Role and responsibilities of the ECoW if appropriate.
 - g) Responsible persons and lines of communication.The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.
17. Prior to commencement of development (excluding demolition or ground works), a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on the site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options to achieve aims and objectives.
 - e) Detailed management prescriptions and a work schedule with annual plan.
 - f) Detailed species-specific enhancements such as bat and bird boxes, and any associated management/monitoring requirements.
 - g) Responsibilities of bodies/organisations for implementation against actions.
 - h) Monitoring and remedial measures including monitoring of habitats to ensure the stated condition for biodiversity net gain is met, and species monitoring as appropriate to ensure management is iterative and delivers benefits for species as detailed within the submitted ecological impact assessment report.The LEMP shall also include details of the management body(s) responsible for delivery and future maintenance.

The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall cover the life of the proposed development and must be implemented in full accordance with the approved details prior to first use of the development hereby permitted.
18. Site working hours shall be in accordance with the Construction Traffic Management Plan version 02b dated 14 March 2023. All work will be conducted between 08:00 and 18:00 hours Monday to Friday with limited construction activities on Saturdays between 08:00-13:00. No construction activities will take place on a Sunday or Bank Holiday.

19. In accordance with the Construction Traffic Management Plan version 02b dated 14 March 2023, all deliveries by goods vehicles (>3.5 tonnes) shall be undertaken outside of the school peaks of 08:00 to 09:00 and 15:00 to 16:00.
20. In line with the Noise Impact Assessment prepared by RPS dated 24/11/2022, unless agreed otherwise in writing by the Local Planning Authority, the sound power level of each inverter shall be limited to a maximum of 78 dB LWA for the lifetime of the development.
21. The permission hereby granted does not grant or imply consent for the installation of any means of lighting on the site. No lighting shall be installed on site other than with the written approval of the Local Planning Authority.
22. The development hereby approved shall be removed in its entirety and the land restored to its former condition on or before the expiry of this permission, which for the avoidance of doubt is 19th September 2063, in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
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.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. To inform the need for further staged works and to inform the scale and extent of these further archaeological works in accordance with Policy EQ3 and paragraph 194 of the NPPF.
8. To secure an appropriate record of any archaeological remains that may be uncovered in accordance with Core Strategy Policy EQ3.
9. To secure an appropriate record of any archaeological remains that may be uncovered in accordance with Core Strategy Policy EQ3.
10. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WMLOR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

11. In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
12. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
13. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with the provisions of the NPPF.
14. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
15. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
16. To prevent harm to habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.
17. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
18. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
19. To prevent large delivery vehicles from passing the local school during peak times for the purpose of pedestrian safety.
20. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
21. To protect the character of area and the Cannock Chase AONB in accordance with Policies EQ1 and EQ11.
22. To allow the land to revert back to agricultural use.

INFORMATIVES

ECOLOGY

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance

or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

GREAT CRESTED NEWTS

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

PUBLIC RIGHTS OF WAY

Public Bridleway No. 11 Dunston Parish runs across the application site along the southern boundary. Public Bridleway No. 12 Dunston Parish runs through the centre of the site in a north - south east direction . As Public Bridleway No. 13 Dunston Parish need diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). It is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

Users of the bridleways must be able to exercise their public rights safely and at all times and the bridleway/s be reinstated if any damage to the surface occurs as a result of the proposed development. Any trees/shrubs/hedging planted within 3 metres of the public right of way are the responsibility of the Landowner not the Highways Authority (including maintenance and liability).

Where private rights exist that allow the use of vehicles along a bridleway, drivers of vehicles must give way to pedestrians, cyclists and horse riders. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence. NPPF 100. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

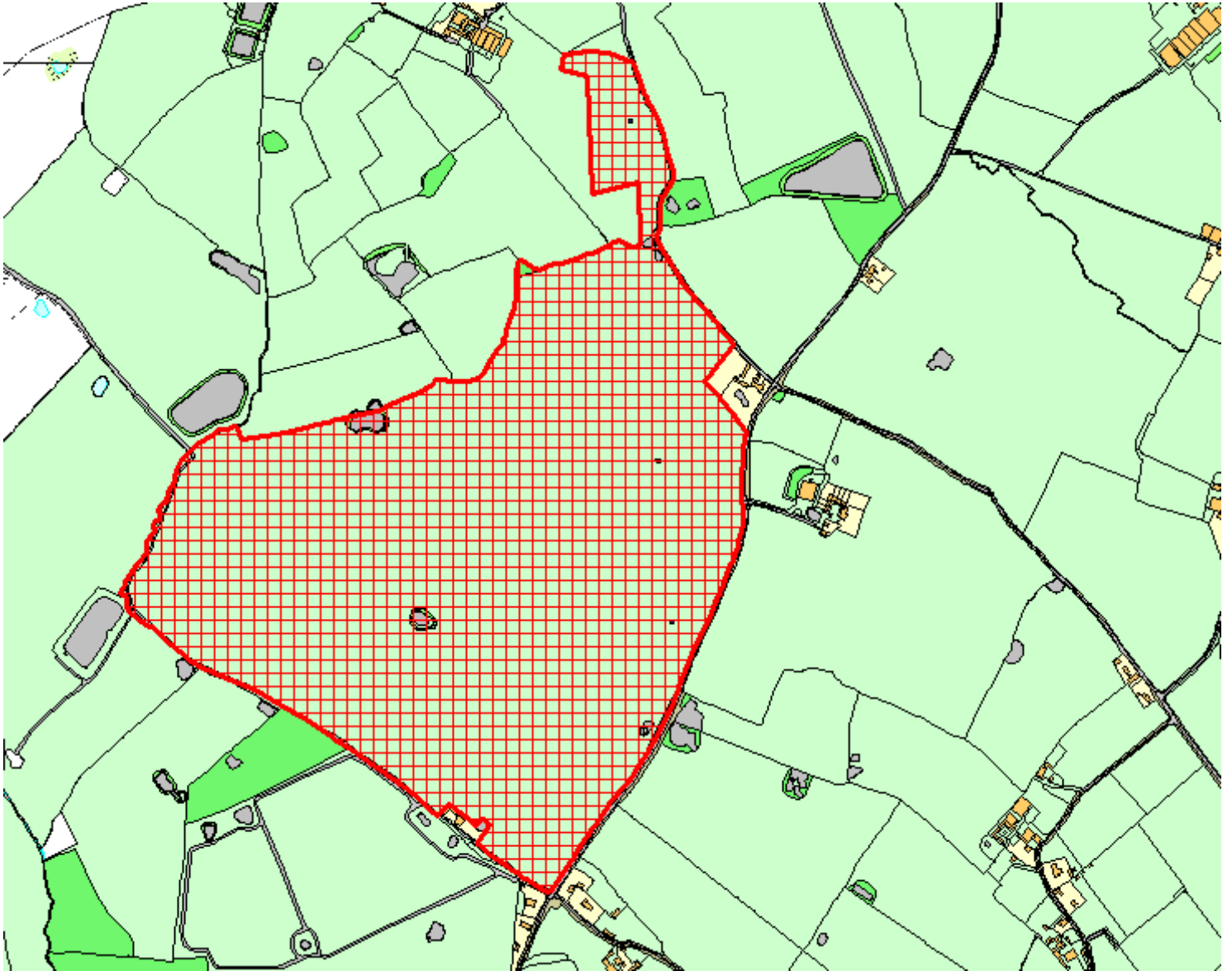
Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for guidance and an application form. It is advised the County Council Rights of Way Team are contacted at the earliest possible opportunity to informally discuss the proposals. Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. The possibility of the existence of a currently unrecognised public right of way, makes it

advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2021.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Other Plans	JNY11456-01		5 December 2022
Other Plans	JNY11456-02		5 December 2022
Proposed Plans and Elevations	ELGIN-132Kv T-CONNECT- 001		5 December 2022
Proposed Elevations	ELGIN-CCTV- 001	A	5 December 2022
Other Plans	ELGIN-FENCE -001	A	5 December 2022
Proposed Plans and Elevations	ELGIN-INVER TER-001	E	5 December 2022
Location Plan	1091-LITTYW OOD-003	Rev A	3 October 2022
Other Plans	1091-LITTYW OOD-002	Rev A	3 October 2022
Landscape Plan	JSL4548 100	C	12 May 2023
Planning Layout	1091-LITTYW OOD-001	I	22 June 2023



Land At Littywood Farm Toft Lane Coppenhall