

**23/00009/FUL  
MAJOR**

**Aura Power Developments  
Limited**

**PENKRIDGE**  
Councillor Andrew J Adams  
Councillor Samuel G Harper-Wallis

**Land Around Preston Hill Farm Preston Vale Penkridge Staffordshire ST19 5RA**

**Installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme.**

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes	Yes	22 December 2023

**1.0 SITE DESCRIPTION AND APPLICATION DETAILS**

**1.1 Site Description**

1.1.1. The application site is an irregularly shaped piece of arable farmland belonging to Preston Hill Farm which extends to approximately 73.35 hectares and is situated around Longridge, a small farming hamlet found approximately 1 mile west of the main service village of Penkridge. The farmhouse is a Grade II listed property and is accessed via a single lane farm track leading from Levedale Road. There are a number of residential properties north of the application situated to the north and south of Levedale Road. The Staffordshire Way lies due west of the site and follows the boundary of the site for a small section of its route. There are a number of ponds on site as well as some established but sporadic hedges cutting across the undulating fields.

1.1.2 The proposed solar panels are located at a distance away from the farmhouse mainly to the north but also to the west extending towards Preston Vale Farm and south towards Old Preston Hill Cottages. The solar panel development would be constructed and managed via an improved access point to the North off Levedale Road.

Date of site visit – 30<sup>th</sup> March 2023

**1.2 SITE HISTORY**

Planning Applications

03/01181/COU Change of use of agricultural buildings to form 2 dwellings with carports and garages

**Approve Subject to Conditions** 31st March 2004

SS/93/00286 Land Reclamation By Waste Infilling For Agricultural Purposes **Refuse** 28th July 1993

AGR/93/00009 Agricultural Building 1st April 1993

22/00198/EIASCR Solar farm 17th March 2022

23/00009/FUL Installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme.

23/00288/AGR 10 bay open fronted steel portal frame building with cantilever roof. Proposed use general agriculture in conjunction with existing farm business 2nd May 2023

#### Pre-apps

20/00080/PREAPP The installation of a solar farm, with substation, small battery site, inverters and associated equipment. 4th December 2020

### **1.3 APPLICATION DETAILS**

#### **The Proposal**

1.3.1. The application proposes the installation of a solar photovoltaic electricity generating station extending to approximately 62 hectares with a rated capacity up to 49.9MW generating enough power to potentially power approximately C14,000 homes . The main components of the facility are the solar panels and frames, inverters, transformers, cabling and a sub-station. The panels would be situated in a series of rows running east/west orientation in order for the panels to face the sun to the south with a maximum height of 3m with a minimum ground clearance of 0.8m. The rows are stationed within blocks of 26 panels with a minimum space of 2.15m between frames to ensure access for maintenance and prevent shading by adjacent panels.

1.3.2. The panels generate a direct current that needs to be converted into electricity which is then transferred to the local distribution network via distribution network cables to 19 transformer units located on site and then on to a larger substation. The applicants have secured a connection via an on-site overhead line which will be facilitated by a new substation to connect to the Local Electricity Distribution Network operated by Western Power Distribution. For clarification purposes, there is no link or connection proposed to the recently submitted application for a battery storage plant nearby reference application number 23/00145/FUL submitted by Anglo Renewables.

1.3.3 In total the application details the provision of the following:

- bi-facial ground mounted solar panels within an area of approximately 62ha;
- approximately 250 String inverter units;
- 19 No. Transformer Units;
- a substation compound containing protection equipment, isolation switches, metering equipment's, client and DNO buildings and palisade fence;
- a storage unit;
- access tracks made of crushed stone over a geotextile membrane;
- perimeter and stock fencing;
- a temporary construction compound; and,
- associated infrastructure

1.3.4 The applicants have an approved connection to the Grid and, if approved, the proposal is ready to be implemented.

#### **Agent Submission**

The application is accompanied by the following:

- Agricultural Land Classification Report plus update
- Arboricultural Report

- Assessment of cumulative effects plus update
- Bat activity survey report
- Biodiversity management plan
- Biodiversity net gain metric
- Breeding bird survey report
- Dormouse survey report
- EDNA pond reference table and results
- Estimated HGV Goods movements
- Public consultation
- FRA and Surface water strategy
- Geophysical survey report
- Glint and glare assessment
- Heritage Impact Update
- Landscape and Visual Impact assessment
- Landscape character and designations/visual receptors
- Levedale Road traffic data
- Noise Impact Assessment
- Planning Statement
- Winter bird survey

### **3. POLICY**

#### **3.1 Constraints**

##### **Constraints**

Flood Zone 2 - 1 in 1000 yr Name: Flood Zone 2 - 1 In 1000 Yr:

Flood Zone 3 - 1 in 100 yr Name: Flood Zone 3 - 1 In 100 Yr:

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:

Newt - Impact Risk Zone Green Name: GREEN ZONE:

Newt - Impact Risk Zone White Name: Impact Risk Zone White:

Open Countryside

Public Right of Way Name: Penkridge 41

PROW ID: 4844

Status: FOOTPATH

Parish: Penkridge

SAC Zone- 8km Buffer Buffer Zone: 8km

#### **3.2 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

Sustainable Development SPD 2018

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

Sustainable Construction & Renewable Energy Topic Paper November 2022

- National Policy and Guidance

National Planning Policy Framework (to be read as a whole)

National Planning Guidance

2015 Ministerial statement - *Solar energy: protecting the local and global environment*

Overarching National Policy Statement for Energy EN-1

National Policy Statement for Renewable Energy Infrastructure EN-3

#### 4. CONSULTATION RESPONSES

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

Site Notice Expires	Press Notice Expires
23/03/2023	21/03/2023

#### **Councillor Andrew Adams - Penkridge North & Acton Trussell**

Ongoing discussions have been had throughout the course of the application.

#### **Councillor Samuel Harper-Wallis-Penkridge North & A Trussell**

No Response Received

#### **Penkridge Parish Council**

22<sup>nd</sup> November 2023

Councillors thought the proposed application was industrialisation on good agricultural land and asked when it would be connected to the Grid.

#### **Local Plans**

7th March 2023

The proposed solar farm lies within the Open Countryside. Policy OC1 indicates the Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Policy OC1 also allows for the change of use of land within the Open

Countryside where this would "have no material effect on the appearance and character of the Open Countryside". Despite its temporary nature it is unlikely that the proposed scheme will have no material effect at all on the appearance and character of the area, creating a degree of conflict with the policy, albeit this conflict might be limited by appropriate mitigation. This conflict needs to be considered alongside other material considerations, including national policy and evidence which post date the adoption of Policy OC1 in 2012.

The National Planning Policy Framework 2021 is an important additional material consideration in considering this proposal. This indicates that decisions should recognise the intrinsic character and beauty of the countryside (para 174a) and that plans should maximise the potential for suitable renewable energy development while ensuring adverse impacts are addressed satisfactorily (para 155). Applications should also conform to local policy requirements regarding decentralised energy supply, unless it can be demonstrated by the applicant that this is not feasible or viable (para 157). On this point, Policy EQ6 of the 2012 Core Strategy indicates that provision should be made for renewable energy generation within South Staffordshire to maximise environmental and economic benefits whilst minimising any adverse local impacts. It will therefore be important for the scheme to maximise environmental and economic benefits and minimise any adverse local impacts, unless the applicant can show that this is not feasible or viable. In addition to the above, December 2020 Energy White Paper ("Powering our Net Zero Future") indicates that achieving net zero rests on a "decisive shift" away from fossil fuels to clean energy and describes onshore wind and solar as "key building blocks" of the future energy generation mix. Equally, the more recent British Energy Security Strategy 2022 anticipates the need for a five-fold increase of solar capacity in the UK from 14GW to 70GW by 2035.

At a local level, South Staffordshire District Council declared a climate emergency in 2019, with a similar declaration being made by Staffordshire County Council. Evidence prepared in 2020 suggest that the gap between electricity demand and renewable energy generation is even greater in Staffordshire than it is nationally. The Staffordshire Climate Change Adaptation & Mitigation Final Report indicated that at the time renewable energy generation in Staffordshire was only able to meet just under 10% of electricity demand, with solar and onshore wind being the two feasible technologies to provide this additional capacity. Whilst the study identified some authorities (Cannock and Tamworth) as being constrained in their ability to contribute towards solar or wind generation, it concluded that across the county as a whole there was land sufficient to bridge this gap with these technologies.

In summary, whilst Policy EQ6 lends support to the principle of the development there is also likely to be at least a limited degree of conflict with Policy OC1, as it is unlikely that any solar farm could be delivered in this Open Countryside location without at least some material effect on the area's character and appearance. However, the NPPF 2021 does not contain a similar test in countryside locations, instead simply requiring that the intrinsic character and beauty of the countryside is recognised in decisions. Equally, it requires plans to maximise the potential for suitable renewable energy development, whilst satisfactorily addressing adverse impacts. Given this and the strong support lent to the principle of significantly increasing solar energy in the government's Energy White Paper and Energy Security Strategy, there are significant material considerations in support of the principle of the scheme. This is subject to the maximisation of the scheme's benefits and minimisation of local impacts.

*Case officer comments – The NPPF was updated In December 2023, after the above comments were received. However, whilst the paragraph numbering noted is now out of date the wording of the relevant sections of the NPPF remain unchanged.*

Landscape comments

Policy EQ4 requires the intrinsic rural character and local distinctiveness of South Staffordshire to be maintained and enhanced where possible, including the protection of trees and hedgerows. Development is also required to not have a detrimental effect on the immediate environment and on any important medium and long distance views. It is noted in the LVIA that there were no applications for solar farms at the time that assessment was undertaken. However, there is now an application for a similar style of solar farm in the District's Open Countryside (application ref. 22/00936/FUL) around 2.5km to the north of the site. The two proposals' visual impact is largely localised and there is significant intervening vegetation and topography that may limit any significant intervisibility between the schemes for visual receptors associated, but this needs to be formally confirmed through an update to the LVIA to ensure cumulative impacts are fully addressed.

The site sits in the rural area to the west of the village of Penkridge, from which it is separated by the clear delineating feature of the A449. It is not within or near to or in close proximity to a protected landscape area or designation. The site itself is comprised of an assortment of arable agricultural fields, separated by boundary tree and hedge planting and interspersed with small wooded areas. The landform slopes gently uphill towards the site's centre from Preston Vale Lane to the south and Levedale Road to the north.

The proposal will introduce ground mounted solar panels surrounded by fencing throughout 62ha of the site, with these panels being enclosed by perimeter and stock fencing throughout. The site will also be interspersed with small transformer units and associated farm tracks, with a larger connection compound being located towards the site's western edge and new tree and hedgerow planting, alongside additional wildflower meadows, will be introduced in specific parts of the site.

The site sits within the Ancient Clay Farmlands landscape character type, an area which is often characterised by arable farming fields of varying scales enclosed by tree and hedgerow planting, set within an undulating landform. In this respect the site is considered to be broadly representative of this wider landscape character type. Within such areas, critical factors limiting landscape quality include the loss of hedgerows and hedgerow trees, the poor quality of remaining features of this type and the poor survival of characteristic semi-natural vegetation, such as ancient woodland.

The proposal will introduce primarily temporary structures into the landform for a time limited period (40 years), whilst retaining the existing tree and hedgerow planting that characterise the field pattern within the site and in some cases will extend/reinforce this pattern through additional planting. Existing pond and wooded areas throughout the site will also be retained. Whilst the temporary loss of arable land will alter the character of the site itself, the majority of structures on the site will read as temporary and will retain the key elements which define the field structure and semi-natural vegetation key to this landscape character area. Therefore, whilst there will be a temporary impact on the site's arable farming character, overall the proposal will maintain the features key to the rural character and local distinctiveness of this landscape, including retaining trees and hedgerows, taking account of the distinctive qualities of the local landscape. Therefore, it is considered overall to be acceptable under the landscape character provisions set out in Policy EQ4.

In terms of visual receptors, there is a promoted long distance walking route (the Staffordshire Way) which runs west to east in close proximity to the site, running adjacent to its southern boundary in part. The applicant's LVIA correctly identifies viewpoints along this route, alongside views from the wider PROW network and rural lanes surrounding the site and potential longer distance views from the Cannock Chase AONB as the most important visual receptors to assess for this scheme.

The LVIA identifies that the greatest residual visual effects after mitigation will largely arise from users of the Staffordshire Way adjacent to the site (viewpoint 1), and users of the Congreve bridleway to the south of the site (viewpoint 5). Users of the Congreve bridleway would have a clear view of large parts of the scheme due to the lower topography on intervening land. However, given the orientation and surrounding landform it is not considered that this will significantly alter users' perception of the wider rural setting or more important longer distance views along this route towards Cannock Chase AONB. Users of the Staffordshire Way would have occasional prominent views of the site alongside field entrances but the

height of the roadside hedges would, in most instances, be sufficient to screen the proposal from users of this long distance footpath. This assumes that any final landscaping scheme successfully removes existing gaps in the hedgerow, where more prominent viewpoints are currently available. Therefore, the LVIA rightly concludes that once landscaping mitigation is in place any impacts on users of these routes will be moderate, rather than major. This will cause some limited conflict with Policy EQ4 by having a limited and temporary detrimental impact on these viewpoints.

All other viewpoints within closer proximity of the site (2.5km) will have either minor or no adverse effects after the 10 year period has allowed mitigation planting to be fully established. Views from users of the footpath by Whiston Mill south-west of the site (viewpoint 3) would only be partial and would not significantly alter users' perception of the wider countryside setting along this route. Longer distance views to the site will mainly be negligible due to intervening screening. Whilst there may be some minor or moderate impacts on visual receptors at Huntington Mound and Shoal Hill Common (within the AONB), the site would still be partially screened by vegetation and would not read prominently in views from either of these locations, particularly when compared to more prominent and visible urbanising landscape elements which sit in close proximity to these views. Therefore, the proposed scheme will not have any meaningfully detrimental effect on these longer distance views.

In summary, the proposal will result in a temporary change to the landscape character of the site but will preserve and enhance key landscape elements important to this character area, preserving the existing field pattern, retaining areas of semi-natural planting and restoring tree and hedgerow planting within the site. The proposal will also enhance the site's biodiversity and through additional semi-natural planting. There will be some limited conflict with Policy EQ4 due to the impacts on users of the Staffordshire Way and Congreve bridleway. However, these visual effects are moderate and will be temporary in nature due to the time limited form of development. Given the positive landscape character elements that would be delivered by the proposal, these impacts are not considered to be sufficiently adverse to warrant refusal on landscape and visual grounds. However, the applicant will need to update the LVIA to consider cumulative landscape and visual effects with the planning application for a similar development south of Coppenhall (22/00936/FUL). Without this, cumulative landscape and visual impacts cannot be robustly assessed so this must be addressed prior to determination.

*Case officer comment – Following receipt of these comments an updated LVIA was undertaken and submitted by the planning agent. Assessment of this can be found in paragraph 5.5.9 of this report.*

**Senior Ecologist - South Staffordshire**

8<sup>th</sup> August

No further comments.

7th August 2023

Summary of Consultee Position: No objection subject to conditions.

**Introduction**

Thank you for consulting me on this application. I have reviewed the following planning application documentation for the above application:

- Ecological Assessment (Wychwood Biodiversity Ltd - Feb 2023)
- DEFRA Biodiversity Net Gain Metric (Wychwood Biodiversity Ltd)
- Bat activity survey (Calyx Environmental Ltd, June 2022)
- Biodiversity management plan (Wychwood Biodiversity, Feb 2023)
- Winter bird survey report ((Wychwood Biodiversity Ltd - Feb 2023))
- Breeding bird survey report (Wychwood Biodiversity Ltd - March 2022)
- Dormouse survey report (Thomson Environmental Consultants, May 2022)

- Module Array Layout (ib vogt GmbH, June 2022)
- Noise assessment for planning (Ion Acoustics, Dec 2022)

I have not visited the site but have viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

#### Assessment of Submitted Documents and Plans

#### Impacts to Designated Wildlife Sites

Several designated European wildlife sites such as Motte Meadows SAC and Cannock Chase SAC are currently being negatively affected by increased nitrogen deposition, particularly nitrogen oxides and ammonia.

Increasing livestock numbers or introducing new livestock to an area may result in an increase in ammonia deposition to designated wildlife sites, either alone or in combination with other schemes.

After correspondence with the agent, it is understood that grazing animals are already present at the site, and that the proposed development will result in a decrease in stocking density. No new animals will be introduced for grazing purposes. It is also noted that fertiliser use on site will cease upon implementation of the low-density grazing regime. On this basis, it is unlikely that likely significant effects to designated wildlife sites will occur because of the proposed development, and that no further assessment in relation to Habitat Regulations Assessment (HRA) is necessary.

Furthermore, based on the results of ecological surveys undertaken at the site and taking the nature of potential impacts of the proposed development into consideration, I do not consider it likely that the proposed development will result in significant effects to other designated wildlife sites.

#### Protected Species

##### Bats

I note that both the ecological and arboricultural reports identify multiple trees on site with varying degrees of suitability to support bat roosts. Whilst no further detailed surveys of the trees have been progressed in this respect, I have taken the existing land use and habitats into consideration in relation to the low suitability of foraging habitat at the site which is broadly reflected in the results of the bat activity survey data. The proposed development includes substantial buffers from retained mature trees and will increase connectivity between trees in the long-term through the creation of hedgerows.

Based on the data presented, I am satisfied the impacts to foraging and commuting bats because of construction are likely to be short-term and minimal, and that the proposed landscaping and change of land use will result in a positive effect to foraging and commuting bats in the long-term.

##### Breeding and Wintering Birds

I am satisfied that the habitat created within the site and within Field 9 is likely to be sufficient to mitigate and compensate for adverse effects to breeding and wintering birds; subject to appropriate management being secured.

##### Hazel Dormouse

The site falls within proximity to a historical hazel dormouse record, and I welcome the increased ecological connectivity and provision of hazel dormouse boxes proposed by the applicant. I am satisfied with the assessment in relation to potential impacts to hazel dormouse and am satisfied that the likelihood of significant negative effects is negligible.

I acknowledge the avoidance, mitigation, compensation and enhancement measures detailed within the ecological reports, and providing these are fully implemented, I am satisfied that the proposed development will not result in significant adverse effects to protected species.

##### Great Crested Newt

I am satisfied that the risk to GCN because of the proposed development is negligible, based on the negative results of eDNA surveys of ponds within the appropriate distance from the site. I have included an informative note to be applied to the decision notice in relation to protected species in the unlikely event that GCN are subsequently found during construction.

Other Mammals (badger, brown hare, hedgehog, etc.)



I am satisfied with the approach to minimising risks to other mammal species as detailed within the biodiversity management plan, including to badger for which update surveys prior to commencement have been recommended.

I have proposed that a Construction and Ecological Management Plan (CEMP) with concise actions for the reference of site operatives be submitted and secured by condition. This will ensure that the approach to minimising impacts to ecological features as well as detail on who is responsible for ensuring appropriate actions are undertaken (i.e., toolbox talks, installation and location of protective fencing etc.) are clear prior to commencement of works on site.

Habitats and Biodiversity Net Gain (BNG)

The proposed red and white tape to denote biodiversity protection areas (i.e., ponds) as specified in the biodiversity management plan is not sufficient to preclude damage to these areas from construction traffic etc. The tape is fragile and will not withstand damage from machinery, it therefore cannot be relied upon to prevent damage as is intended. As such, the proposed CEMP must identify biodiversity protection zones and suitable fencing around

these areas to ensure that impacts will be avoided whilst maintaining connectivity for terrestrial species.

In relation to BNG, the Nature Recovery Network mapping identifies that the site falls within the following habitat connectivity opportunity areas:

- Woodland (partially at the northern extent of the site)
- Wetland (partially along the southern extent of the site)
- Arable and pastures (partially at the centre of the site)

Following liaison with Wychwood Biodiversity I proposed amendments to the submitted DEFRA metric which have been mutually agreed with Wychwood Biodiversity. I am therefore satisfied that the biodiversity net gain assessment is appropriate and acceptable.

I have reviewed the biodiversity management plan and am broadly satisfied with the management detail provided in the document. I have proposed a condition to implement the habitat monitoring as detailed within Table 2 on page 34 of the biodiversity management plan.

Whilst the management plan details the actions to be taken on site, I consider it necessary to provide a standalone management schedule (as recommended within BS42020) which can be kept on site for site management and operatives to refer to for ongoing habitat management measures. I have therefore also proposed a condition for submission of a concise management schedule which summarises the yearly management activities to be undertaken on site for the lifetime of the proposed development, ensuring management detail will deliver the stated conditions within the submitted DEFRA biodiversity metric as well as responsible bodies for undertaking those actions. This can subsequently be referred to by site management as a concise prescription of management actions as they arise on a yearly basis.

Recommendations

Should you be minded to approve the proposed development, I recommend that the following conditions and informative notes are added to any decision notice:

Condition - Compliance with submitted documents

1. All ecological measures and works, including monitoring works (as specified within Table 2 of the document), shall be carried out in accordance with the details contained in the Biodiversity Management Plan by Wychwood Biodiversity Ltd dated February 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, unless otherwise agreed in writing by the Local Planning Authority. Monitoring reports will be submitted to the Local Planning Authority within 3 months of their completion.

Reason: To prevent harm to, and to secure enhancements for habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity 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.

Condition - Construction and Ecological Management Plan (CEMP)

2. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a construction and ecological 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 (i.e., ponds, trees and hedgerows) on appropriately scaled plans.
- 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.

Reason: To prevent harm to habitats of conservation value and protected species in accordance with Policy EQ1 of the adopted Core Strategy.

Condition - Biodiversity Enhancements

3. All ecological enhancement measures as detailed in the 'Biodiversity Enhancements' section on Pages 32 and 33 of the Ecological Assessment report by Wychwood Biodiversity dated 2nd February 2023 will be implemented in full. A statement of conformity, confirming that all enhancement measures have been implemented, with photographs, must be submitted to the Local Planning Authority within 6 months of the site being operational to evidence the installation of all features at the site.

Reason: To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.

Condition - Mammal Access

4. All perimeter fencing will have mammal gates installed at 100m intervals, and fencing around ponds will have no less than five gates installed. These gates must be open to allow uninhibited passage of smaller mammals such as hedgehog and brown hare. The gates will be maintained and retained for the lifetime of the development.

Reason: To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.

Condition - Biodiversity Monitoring and Management Schedule

5. Prior to commencement a Biodiversity Monitoring and Management Schedule will be submitted to the Local Planning Authority for written approval. The Biodiversity Monitoring and Management Schedule must contain:

- Description and location plan of features/habitats to be managed.
- Aims and objectives of management, including (where appropriate) descriptions of target conditions as detailed within the approved DEFRA biodiversity metric.
- Detailed management prescriptions and a work schedule with annual plan of actions to be taken.
- Responsible bodies/organisations for the implementation of actions within the work schedule including delivery, future maintenance and monitoring.

Reason: To secure enhancements for habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity 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.

Informative Notes:

Any vegetation that is suitable for nesting birds (i.e. hedgerow) must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or it must be checked by an

ecologist no more than 24 hours prior to removal. Should nesting birds be found the nests must be left until chicks have fledged and the nest is no longer in-use.

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.

Policy and Legislative context in relation to this application

The National Planning Policy Framework (2021) s.174 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

NPPF s.180 states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."

South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies. Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission.

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

- Deliberate capture or killing or injuring of an EPS
- Deliberate taking or destroying of EPS eggs
- Deliberate disturbance of a EPS including in particular any disturbance which is likely to:

I. impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or

II. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

III. to affect significantly the local distribution or abundance of the species to which they belong.

- Actions resulting in damage to, destruction of, or obstruction of an EPS breeding site or resting place.

Ecological survey results indicate that European Protected Species are unlikely to be affected by the proposed development. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

**Arboricultural Officer**

27<sup>th</sup> November 2023

The revised Module Array Layout plan (ref. GBR.0009.DEV.M4.001.0.B.j) does not appear to be substantively different from previous versions in allowing extra space around retained trees on site. There

are still several locations where access routes and solar arrays are placed in very close proximity to nominal Root Protection Areas (RPAs).

Whilst I accept that there are no significant incursions into the RPAs, with those that do exist being compensated for with only minor offsets, it still creates potential issues around tree protection fencing being placed under pressure from construction activity.

I would have preferred to see greater efforts made to address the issue by reducing the footprint of the arrays etc. but, in the absence of greater space for trees, potential conflicts can be managed with a robust tree protection specification detailed in an appropriate method statement and tree protection plan.

Therefore, I am prepared to withdraw my holding objection to the development on the understanding that the following condition is attached to any consent issued:

#### Arboricultural Method Statement and Tree Protection

Prior to the commencement of any construction related activity on site an Arboricultural Method Statement, providing comprehensive details of all tree protection measures including a dedicated tree protection plan, protective fencing specification and construction methods within 5 metres of all Root Protection Areas, shall be submitted to the Local Planning Authority for approval. Subsequently, all measures within the approved method statement and associated tree protection plan shall be adhered to until all construction related activity has been completed.

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.

#### **Environmental Health Protection**

8th March 2023

The application seeks the Installation of a solar farm around Land Around Preston Hill Farm . The applicant has submitted a noise impact assessment of the site in relation to residential noise sensitive receptors by ion Acoustics. The contributor to the background noise is low frequency noise which can travel a considerable distance and potentially have a detrimental impact on residential amenity. I note the applicant has assessed the level of noise against the standard given by BS4142: 2014 and concludes that siting the inverter away from any noise sensitive receptor will obviate any significant noise on residents within proximity to the farm. It would have been pragmatic to carry a frequency analysis of the noise from the inverters proposed. However, given the site location and the distance of the site from a residential properties, I will accepted the methodology used subject to the following condition:

#### Plant Noise condition

The combined rating levels of sound emitted from all fixed plants and/or machinery associated with the development at the use hereby approved shall be less than or equal to the background sound levels between the hours of 07.00 - 23.00 (Taken as a 1 Hour LA90 at the site boundary) and 23.00 - 07.00 (taken as a 15 minutes LA90 at the site boundary) All measurements should be made in accordance with the methodology of BS4141:2014 (Method for rating and assessing industrial and commercial sound) and / or its subsequent amendments.

Any deviation from the LA90 time interval stipulated shall be agreed in writing with the local planning Authority.

Condition - Construction Management Plan

Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise, vibrations and other environmental impacts of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

### **County Highways**

1st September 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 31-Aug-2023

1. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been reconstructed in a suitable stable material for a minimum distance of 20.0m.
2. The development hereby permitted shall not be commenced until the visibility splays identified on the submitted proposed site entrance plan have been provided and maintained.

Reasons.

1 & 2. In the interest of highway safety.

To comply with the principles set out in the National Planning Policy Framework.

Notes to Planning Officer.

- i). The proposed development is located in a rural area with an existing field access off a road subject to a speed limit of 40 mph. There are no recorded vehicular accidents within the visibility splay of the existing access in the last 5 years.
- ii). The information submitted by KMR is noted but the standards contained within this document from the various design guides are more appropriate for the construction of new roads. The majority of the vehicular movements associated with this development are for the construction period only which is a relatively short period of 4 to 6 months.
- iii). The contents of the e-mail dated 27th March with regards to an incident with an HGV, horse and rider has been noted. Unfortunately this can not be included as a statistic as it has not come from an official source. Accident data can only be used from an official Police report.
- iv). The additional information provided does not alter previous highways response and the swept path analysis is acceptable on the presumption of the lorries used for deliveries.
- v). This Form X supercedes previous dated 28th April 2023.

### **Staffordshire County Council Flood Risk Management Team**

24<sup>th</sup> August 2023

Staffordshire County Council Flood Risk Management position

We are now satisfied with the submitted proposals and have no objection to the granting of full planning permission.

The LLFA would however like it to be noted that any works on or around any of the Ordinary Watercourses on or in proximity to the development site may require Ordinary Watercourse Consent from the LLFA. This is a separate matter to planning permission.

**Conservation Officer**

21<sup>st</sup> November 2023

Amended plans have been submitted following on from previous comments. There have been some amendments made to the scheme following on from discussions and panels have been removed from the field closest to Preston Hill Farm and Preston Hill Cottages. The proposed tree planting which would have potentially been damaging to the potential archaeology has been omitted.

There is more space in the immediate vicinity of the listed buildings. Whilst these changes have been made and the scheme has been improved, it is still felt that there is a level harm caused to the setting of the designated heritage assets. Having assessed this it is felt that this harm is less than substantial and will need to be considered in the planning balance.

**Historic England**

15<sup>th</sup> November 2023

We refer you to our advice and concerns as set out in the previous letter of 09/03/23.

9th March 2023

Thank you for your letter of 21 February 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Historic England Advice**

We note that the proposed development lies in particularly close proximity to three listed buildings:-

ListEntry 1188122  
Name PRESTON HILL FARMHOUSE  
Grade II <https://historicengland.org.uk/listing/the-list/list-entry/1188122>

ListEntry 1039194  
Name PRESTON VALE FARMHOUSE  
Grade II <https://historicengland.org.uk/listing/the-list/list-entry/1039194>

ListEntry 1188124  
Name BARN AND ATTACHED ENGINE HOUSE APPROXIMATELY 30 YARDS NORTH OF PRESTON VALE FARMHOUSE  
Grade II <https://historicengland.org.uk/listing/the-list/list-entry/1188124>

Surviving ridge and furrow earthworks comprising the remains of medieval and later arable cultivation (long ago it appears laid to grass) can be seen lying in Field 7.

In following the methodology for the robust assessment of setting impacts set out in our GPA3 Setting of Heritage Assets, <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/> these earthworks, which comprise historic landscape setting to the listed buildings form part of the context in which the assets are experienced moving around in that historic landscape (kinetic views). The setting impact of installing a solar array in field 7 and thereby transforming the experience of those ridge and furrow earthworks as historic landscape setting to the listed buildings appears under-addressed in the application. The significance of the listed buildings is rooted in their farmed landscape and agricultural community context and as such the obscuring of the earthworks in Field 7 and the transformation of that historically structured space between the listed buildings should be regarded as harm (at a considerable - less than substantial level) to their significance.

These are matters of the setting of grade ii listed buildings where we would generally refer you to the advice of your Conservation Officer, our concerns are therefore focused on the strategic need that matters are well assessed further to NPPF paragraphs 194 and 195 and for your authority to seek to resolve areas of conflict between conservation and development. Refinement of the scheme submission is needed so that your authority can address the requirements in NPPF paragraphs 199, 200 & 202 for all harm to designated heritage assets to be clearly and convincingly justified and afforded great weight in balancing against public benefits. NPPF para 158 addresses the overall need for renewable energy and that schemes whose impacts are (or can be made acceptable) should be consented. In this instance we note the scheme is drawn to 49.9MW capacity, the upper end of the range for an LPA application, we urge you to look at the justification for field 7's inclusion critically and seek to address the significance of the listed buildings in their shared setting through revision to the scheme in that area (and thereby potentially make the impacts of the scheme acceptable) in line with statute and local and national policy and guidance in which context our GPA2 <https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/> will be of assistance.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 158, 194, 195, 199, 200, 202 of the NPPF, in which contexts we refer you to the expertise of your conservation officer and your archaeological advisors (also in relation to paragraph 205).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

#### **Historic Environment Officer Archaeology**

13th March 2023

Thank you for your consultation request regarding the planning application for installation of a solar farm comprising: ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme at the above site. This letter outlines the response of Staffordshire County Council's Historic Environment Team regarding the historic environment implications of the proposals.

We had detailed conversations with the applicant's archaeological consultant (AC) at the pre-application stage and had an opportunity to review and comment on the submitted Historic Environment Desk Based Assessment (HEDBA) and Geophysical Survey (GS) reports at that point. In terms of the archaeological potential of the application site, we are generally supportive of the conclusions of the HEDBA, and have advised the AC that further evaluation, in the form of archaeological trial trenching will be required as a condition of planning consent.

With regards to the potential impact of the proposals on the historic environment, I am happy to defer to your Conservation Officer colleague and Historic England in relation to the impact on listed buildings and other designated heritage assets.

#### 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 an archaeological evaluation, 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 excavation, watching brief etc.), and indeed assist the applicant in developing alternative design or installation options, should the results deem it necessary.

In addition, given the presence of earthworks relating to medieval ridge and furrow within the application site (as identified in the HEDBA and GS), it is recommended that a Level 2 earthwork survey (as outlined in Historic England's Understanding the Archaeology of Landscapes: A Guide to Good Recording Practice (Second Edition), 2007) should be carried out in order to record these and any less visible associated features such as plough headlands or trackways) in advance of the proposed development.

#### Policy and Standard and Guidance

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.

#### Suggested Condition

The above works\* could be most satisfactorily secured via a condition attached to any planning permission for the scheme. This condition should read:

"A) The archaeological site work shall be implemented in full in accordance with the approved written scheme of archaeological investigation submitted in support of the application

B) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the approved written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

#### **Ramblers Association**

31st August 2023

Thank you for your letter of 15th August 2023 and the accompanying plan.

I write to inform you that the amended plans for the above mentioned proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane.

Therefore The Ramblers Association has no objections to it.

#### **AONB Officer**

25<sup>th</sup> September 2023

Thank you for consulting the AONB on the above application. I wish to make the following comments on behalf of the Cannock Chase Area of Outstanding Natural Beauty (AONB) Joint Committee. The status of the AONB in relation to the national legislation and guidance and the local planning and decision-making context is set out in the annexe.



## AONB Conclusion: No Objection

The following comments include:

- Planning Context;
- A review of the Existing Site;
- An Appraisal of Proposed Development; and
- AONB Review

### Planning Context

- National Planning Policy Framework (NPPF) 2019

The need for well-designed places is covered in Section 12 'Achieving well-designed places' which states:

"The creation of high-quality buildings & places is fundamental to what the planning & development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live & work and helps make development acceptable to communities..." (para. 124).

Also: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area & the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents..." (para. 130).

Section 15 covers 'Conserving and enhancing the natural environment' with paragraph 172 giving AONB's the highest status of protection:

"Great weight should be given to conserving & enhancing landscape & scenic beauty in National Parks, the Broads & Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation & enhancement of wildlife & cultural heritage are also important considerations in these areas, & should be given great weight in National Parks & the Broads.

The scale & extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, & where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, & the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, & the extent to which that could be moderated." (para. 172)

- The National Design Guide 2019

The National Design Guide forms part of the Government's planning practice guidance & sets out the characteristics of well-designed places through ten identified characteristics. These characteristics reflect the Government's priorities & provide a common overarching framework. The ten characteristics of well-designed places are:

- Context: enhances the surroundings
- Identity: attractive and distinctive
- Built form: a coherent pattern of development
- Movement: accessible and easy to move around

- Nature: enhanced and optimised
- Public spaces: safe, social and inclusive
- Uses: mixed and integrated
- Homes & buildings: functional, healthy and sustainable
- Resources: efficient and resilient
- Lifespan: made to last

- Local Policy: South Staffordshire District Council (SSDC)

The importance of Cannock Chase AONB is highlighted within the South Staffordshire Core Strategy (2012) which acknowledges its statutory obligation to protect and manage this landscape.

Core Policy 2: 'Protecting and Enhancing the Natural & Historic Environment' notes that the LPA will "support development & initiatives which protect, conserve & enhance the District's natural & heritage assets", including the AONB. The strategy underlines the importance of partnership work to implement this policy with regard to the AONB.

Policy EQ4: 'Protecting & Enhancing the Character & Appearance of the Landscape' notes that design of "new development will need to take full account of the nature & distinctive qualities of the local landscape" retaining & strengthening local distinctiveness, & that thorough scrutiny will be particularly vital for development within the AONB "in order to conserve and enhance the landscape, nature conservation & recreational interests of the area".

#### Existing Site

- At its nearest point the development site is 5.4km west of the Cannock Chase AONB boundary, at Buxtons, adjacent to the A34;
- The development site is sufficiently far away from the AONB that 'Cannock Chase AONB Design Guide' does not identify its Landscape Character Area;
- The development site is sufficiently far away from the AONB that the 'Cannock Chase AONB Views and Setting Guide' does not identify its Setting Zone;
- The site is not in the Green Belt;
- The site is not in a Conservation Area;
- The 62ha site (red line boundary) is accessed from Levedale Road, Penkridge.

The attached 'Landscape Designations & Visual Receptors' produced & submitted as part of the application by 'Viento Environment' clearly identifies the spatial relationship between the proposed 'Preston Hill Solar Farm' development site (red line boundary) & Cannock Chase AONB (yellow boundary). It also identifies the proposed 'Littywood Solar Farm' (blue line boundary):

#### Appraisal of Proposed Development

The application to SSDC (Ref: 23/00009/FUL) has been made by Aura Power Developments Limited.

The proposed development is for a solar farm that would be located on farmland 1km northwest of Penkridge between Levedale Road & Preston Vale Lane in Staffordshire. The proposed site is within a rural setting, with isolated dwellings to the southwest, Stafford Road & the Stafford to Wolverhampton railway to the east. Small settlements set within an agricultural context extend westwards along the Whiston Brook valley.

The development proposal consists of a solar farm to include the following:

- Bi-facial ground mounted solar panels within an area of approximately 62ha;

- Approximately 250 String Inverter Units;
- 19 No. Transformer Units;
- A substation compound containing protection equipment, isolation switches, metering equipment, client & DNO buildings, & palisade fence;
- A storage unit;
- An access tracks made of crushed stone over a geotextile membrane;
- Perimeter & stock fencing;
- A temporary compound;
- Associated infrastructure; and
- A planting scheme.

It is anticipated that the proposed development would be generating electricity for a period of thirty-five (35) years. The proposed solar farm would have a rated capacity of up to 49.9MW. The panels would be ground-mounted to a maximum height above ground of up to 3.0m angled at around 10-15 degrees facing south.

#### Cumulative Effect

In addition to the Preston Hill Solar Farm application (23/00009/FUL) there are additional planning applications that have been validated by SSDC but are yet to be determined, including:

- Levedale Road Battery Energy Storage System (BESS), planning reference 23/00145/FUL, validated by the Council in March 2023 & located c.0.4km at its closest point to the northwest of Preston Hill Solar Farm; and
- Littywood Solar Farm, planning reference 22/00936/FUL, validated by the Council in December 2022 & located c.2.2km to the northwest of Preston Hill Solar Farm.

There is the potential that the combined visual impact of two or three of the potential developments could be great than the sum of two or three of the proposed development when assessed individually.

As a result, the Council's Landscape and Planning Officers have requested that a cumulative reviews of these two proposals (Preston Hill Solar Farm and Levedale BESS) & have identified in the case of Preston Hill Solar Farm, three development scenarios:

- Development Scenario One (DS1) is set out within the main LVIA report for Preston Hill Solar Farm & assesses the effects of the proposed Preston Hill development on the existing baseline containing no solar farms & no battery storage developments;
- Development Scenario Two (DS2) assesses the combined effects of the two proposed solar farms on the existing baseline, & its findings are described in the March 2023 report 'Assessment of Cumulative Effects with Littywood Solar Farm'.
- Development Scenario Three (DS3) assesses the combined effects of the Preston Hill Solar Farm proposal & the Levedale Road BESS proposal on the existing baseline, & its findings are described in the July 2023 report 'Assessment of Cumulative Effects with Levedale Road BESS'.

The complex inter-relationship of the various aforementioned applications, assessments & development scenarios associated with assessing the impact & cumulative effect of potential developments near to Preston Hill Solar Farm are outlined in the image below:

#### AONB Review

The AONB considers the submitted design proposals provide adequate information & detail in order to make a comment regarding the application.

'Cannock Chase AONB Views and Setting Guide' identifies Viewpoint Locations 15, 16 & 18 as being significant & relevant viewpoints from within or near the AONB towards the proposed Preston Hill Solar Farm, Littywood Solar Farm & Levedale Road BESS sites:

- Viewpoint 15: 158m AOD, inside AONB, looking northwest from Bridleway Hatherton.
- Viewpoint 16: 180m AOD, adjacent to AONB, looking northwest from Huntington Mound, Huntington; and
- Viewpoint 18: 173m AOD, inside AONB, looking west from the Staffordshire Way, west of Camp Road.

#### DS1: Landscape & Visual Impact Assessment

'Landscape & Visual Impact Assessment (Nov 2022)' identifies 14 viewpoints for consideration, including the AONB's 'Viewpoint Locations 15, 16 & 18' as 'Viewpoints 13, 12 & 14' respectively, & describes the 'Effects on Landscape Character & Visual Amenity' within 'Appendix LV2 - Viewpoint Analysis' with further detail provided in 'Table B3' of the same document. The highlights of the relevant analysis includes the following:

LVIA Viewpoint 12: Huntington Mound (AONB Important View 16)  
Assessment of Effects on Landscape Character: Moderate / Minor Adverse  
Assessment of Effects on Views: Minor +

LVIA Viewpoint 13: Bridleway across Shoal Hill (AONB Important View 15)  
Assessment of Effects on Landscape Character: Moderate / Minor Adverse  
Assessment of Effects on Views: Minor +

LVIA Viewpoint 14: Staffordshire Way west of Camp Road (AONB Important View 18)  
Assessment of Effects on Landscape Character: No effects  
Assessment of Effects on Views: No effects

#### DS2: Assessment of Cumulative Effect of Preston Hill and Littywood Solar Farms

'Assessment of Cumulative Effects with Littywood Solar Farm (March 2023)' assesses 8 viewpoints, including the AONB's 'Viewpoint Locations 15, 16 & 18' as 'Viewpoints 13, 12 & 14' respectively, & describes the 'Effects on Landscape Character & Visual Amenity'. The highlights of the relevant analysis includes the following:

LVIA Viewpoint 12: Huntington Mound (AONB Important View 16)  
Assessment of Effects on Landscape Character: Minor + Adverse  
Assessment of Effects on Views: Moderate / Minor

LVIA Viewpoint 13: Bridleway across Shoal Hill (AONB Important View 15)  
Assessment of Effects on Landscape Character: Moderate / Minor Adverse  
Assessment of Effects on Views: Minor +

LVIA Viewpoint 14: Staffordshire Way west of Camp Road (AONB Important View 18)  
Assessment of Effects on Landscape Character: No effects  
Assessment of Effects on Views: No effects

Cumulative Effects on Landscape Fabric

Given the separation distance of 2.3km between the proposed Preston Hill & Littywood solar farms, there is no potential for individual landscape elements to be directly affected by both proposals, such as an individual woodland or length of hedgerow.

#### Cumulative Effects on Landscape Character

The existing mature field boundaries that characteristically surround both sites, & the further mitigation planting measures proposed at both sites means that any significant effects on landscape character as a result of each proposal would be extremely limited & contained.

#### Combined Effects on Visual Amenity

From the AONB views to the west are regularly limited & interrupted by vegetation, with the result that both proposals are generally not visible from the same locations.

#### Summary of Cumulative Effects

In summary, the addition of both the Preston Hill & Littywood Solar Farm proposals into the study area would result in no significant cumulative effects to landscape character or visual amenity. The distance between the two proposed sites & the good levels of existing vegetation both surrounding each site as well as in the local landscape means that any significant effects arising from each proposal would be contained within the locality of each site. As a result, the possibility for significant cumulative effects to arise from the combined experience of both proposals either sequentially or at the same time is avoided.

#### DS3: Assessment of Cumulative Effect of Preston Hill and Levedale Road BESS

The 'Assessment of Cumulative Effects with Levedale Road BESS (July 2023)' does not include an assessment of the AONB's 'Viewpoint Locations 15, 16 & 18'.

#### Cumulative Effects on Landscape Fabric

The separation distance of approximately 0.4km between the proposed Preston Hill & Levedale Road sites means that there is no potential for individual landscape elements to be directly affected by both proposals, such as an individual woodland or length of hedgerow.

#### Cumulative Effects on Landscape Character

Given the limited extent of potential significant adverse effects on landscape character identified within the LVIA as a result of the Preston Hill proposal, no significant adverse cumulative effects are expected on Landscape Character Types as a result of the two proposals.

#### Combined Effects on Visual Amenity

Within the AONB the landform does tend to become more elevated, but at greater distances from both of the proposed developments where the layering of vegetation across the intervening landscape serves as an effective tool to screening at least one, if not both of the proposals. Cumulative fieldwork has found that the Levedale Road BESS proposal would not be discernible from VPs 9 - 14 due to the screening effects of vegetation.

#### Summary of Cumulative Effects

In summary, the addition of both the Preston Hill and Levedale Road proposals into the study area would result in no significant cumulative effects to landscape character or visual amenity. Each proposal is expected to result in limited & contained effects on landscape character and visual amenity.

The separation between the two proposed sites & the good levels of existing vegetation both surrounding each site as well as in the local landscape means that any significant effects arising from each proposal would be contained within the locality of each site. As a result, the possibility for significant cumulative

effects to arise from the combined experience of both proposals either sequentially or at the same time is avoided.

#### External Lighting

There are no external lighting proposals indicated within the proposals. Dark skies are intrinsic to the relative wildness & tranquillity of the AONB & important for its wildlife, so the AONB encourages all development to minimise & reduce light spillage. The AONB would welcome clarity as to whether external lighting is proposed & that appropriate controls are used to minimise light spillage.

#### Summary

The AONB considers the proposals & the cumulative effect of the proposals assessed in DS1, DS2 & DS3 will not adversely affect the landscape & natural beauty of the AONB.

I trust you can take the above comments into consideration.

#### **Severn Trent Water Ltd**

16th March 2023

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

#### **County Planning**

22nd February 2023

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 Countryside And Rights Of Way Officer**

21st February 2023

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way running adjacent to the application site.

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

Public Footpath No. 41 Penkridge Parish runs adjacent to the south west corner of the proposed site.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or 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.

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.

Users of the footpath must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

If the footpath needs 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.

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.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

Any trees and shrubs planted within 3 metres of the public right of way are the responsibility of the landowner not the Highways Authority (including maintenance and liability).

Any works that affect the surface of the footpath will require consultation with the County Council Rights of Way Team.

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.

It should be noted that a nationally promoted route, The Staffordshire Way, also runs immediately adjacent to the southern boundary of the proposed site.

### **Natural England**

28th February 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.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

### **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 27 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 of agricultural land.

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.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on



Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

#### Protected Landscapes - Cannock Chase AONB

The proposed development is for a site within or close to 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. The policy and statutory framework to guide your decision and the role of local advice are explained below.

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.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

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.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

#### **NatureSpace Partnership Newt Officer (Staffordshire)**

17th March 2023

This planning application is for the Installation of a solar farm comprising of ground mounted fixed tilt bifacial solar panels; access tracks; string inverters; transformers; electrical connection compound; storage containers; underground cables and conduits; perimeter fence; stock fences; temporary construction compound; and associated infrastructure and planting scheme at Land Around Preston Hill Farm Preston Vale Penkridge Staffordshire ST19 5RA.

Summary

- 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 Forty Four ponds within 500m of the development proposal. Fourteen are within the proposed red line boundary.
- There is direct connectivity between the development and surrounding features in the landscape.

#### Ecological Information

The applicant has provided an ecological report, Ecological Assessment, Preston Hill; Wychwood Biodiversity Limited, February 2023. Within this report it states that:

- 'The biodiversity data search returned records of two protected or notable amphibian species within 2km of the site boundary, these include common toad *Bufo bufo*, and great crested newt (GCN) *Triturus cristatus*. GCN habitat suitability assessment, and GCN environmental DNA Results indicated that GCN were not present in any ponds on site or within a 500m radius. No amphibians were recorded on site during the walkover surveys, however a significantly large hatching of toadlets (common toad) were observed during GCN habitat suitability surveys leaving a large pond 390m from the west boundary. The terrestrial habitat, particularly hedgerows, scrub, and wetter portions of modified grassland were considered suitable commuting, foraging, or hibernating habitat for GCN and other amphibian species.'
- 'The construction and operation of the solar farm is not expected to negatively impact amphibians, for the reasons outlined for reptiles above and the implementation of 10m buffers around ponds. Instead, the cessation of agricultural inputs will improve the water quality of the ponds, increasing their potential as breeding ponds for amphibians such as great crested newts and toads. Furthermore, the assembling of compost heaps and log piles throughout the site will provide hibernation sites, and the planting of new hedgerows and the native wildflower and grassland enhancements throughout the site will significantly boost the foraging and commuting opportunities.'

The ecological information provided has confirmed through further survey effort that great crested newts are likely to be absent from the site. However, as there were suitable terrestrial features within the site that could be used during the terrestrial life phases, reasonable avoidance measures have been suggested.

#### Conclusion and recommendation for conditions:

We are satisfied with this ecological report and are in agreement with the use of reasonable avoidance measure. Therefore we recommend a compliance condition is used to secure the measures and ensure they are complied with should planning permission be granted:

"The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 'Requirements and Recommendations 4a' and of the supporting document: Ecological Assessment, Preston Hill; Wychwood Biodiversity Limited, February 2023. Reason: To minimise the impacts of development on biodiversity, in accordance with Policy EQ1 of the South Staffordshire Council Core Strategy, Section 15 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."

As the application site lies within a red impact zone for district licencing, we also recommend the use of the following informative:

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Additional:

If the applicant wishes to completely avoid any risks relating to Great crested newts, they have the option to enquire for South Staffordshire's Council's District Licence, which provides full legal cover for any impacts to Great crested newts and therefore removes the risk of having to stop works if Great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com). There is an option available for covering temporary works for solar farm developments under the license.

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local Planning Authorities have a statutory duty in exercising of all their functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

### **Stafford Borough Council**

31st August 2023

Due to the distance between the application site and the boundary of Stafford Borough Council's administrative Area, Stafford Borough Council raises no objection provided that the proposed development is compliant with the local policy context (South Staffordshire development plan) and the National Planning Policy Framework.

### **Staffordshire Fire And Rescue Service**

18th August 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).

**Environment Agency**

No Response Received

**Severn Trent Water Ltd**

No Response Received

**Staffordshire Wildlife Trust**

No Response Received

**National Grid Transco**

No Response Received

**Arboricultural Officer Consultation**

No Response Received

**Western Power Distribution - Formerly Central Networks**

No Response Received

**Open Spaces Society**

No Response Received

**Public Comments**

82 letters were received.

11 offered support.

70 offered objections detailing:

- Determinantal impact on highway network
- Danger to highway users
- Loss of agricultural land
- Loss of views
- Detrimental impact on wildlife
- Danger to public health
- Impact on amenity from glare, noise and increased highway movements
- Impact on heritage assets
- Access to land issues
- Ownership issues
- Loss of countryside
- Cumulative impact on landscape
- Brownfield sites should be considered
- Inaccuracies of applicants reports

- Devaluation of house prices
- Conflict with human rights

## 5. APPRAISAL

5.1 The application has been refereed to Planning Committee for determination as it is contrary to local plan policy OC1.

### 5.2 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

### 5.3 Principle of development

5.3.1 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.

5.3.2 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 180 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.

5.3.3 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”*.

5.3.4 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.

#### 5.4 Policy approach to climate change and renewable energy provision

5.4.1 In June 2019, the UK became the first major economy to legislate for a 2050 net zero Greenhouse Gases ('GHG') emissions target through the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

5.4.2 The Department for Energy Security and Net Zero have revised the National Policy Statements (November 2023) which sets out national policy for the energy infrastructure including renewable electricity generation. These policy documents detail the Energy White Paper, published in December 2020, outlined a strategy to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This was built on by the Net Zero Strategy, published in October 2021, which set out a long-term plan for the economy-wide transition to net zero that will take place over the next three decades. The British Energy Security Strategy, published in April 2022, and the Growth Plan of September 2022 further reinforced ambitions and the importance of addressing the Country's underlying vulnerability to international oil and gas prices and reducing our dependence on imported oil and gas. Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.

5.4.3 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.

5.4.4 The policy documents are wholly supportive of renewables. For the first time they introduce the notion that nationally significant low carbon infrastructure, now including all onshore and offshore electricity generation that does not involve fossil fuels, and grid infrastructure, are identified as a "critical national priority" (CNP). CNP infrastructure benefits from a policy presumption that its urgent need should generally outweigh its residual adverse impacts. Noting again that the publication and contents of these documents is a material consideration in the determination of TCPA solar applications, such as this.

5.4.5 In this regard, there is now a new direction on how CNP infrastructure should be treated in the planning balance, with the need case for CNP outweighing the residual effects **"in all but the most exceptional cases"**. Although the policy makes clear that this presumption will not apply where residual impacts present "an unacceptable risk" to human health and public safety, defence, irreplaceable habitats or the achievement of net zero. This is beyond the support previously given to NSIPs and should be seen as a tilted planning balance in favour of delivering solar development.

5.4.6 NPPF paragraph 157 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 163 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

5.4.7 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.

5.4.8 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.

## **5.5 Site selection/loss of agricultural land**

5.5.1 Draft NPS EN-3 states that while land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of "Best and Most Versatile" agricultural land where possible).

- **Site Selection**

5.5.1 In selecting sites the applicants are first required to undertake an assessment of whether there is spare capacity within the network to facilitate a solar connection. According to the applicants, any such sites that economically viable are becoming increasingly rare. Sites are then screened with the following criteria in mind;

- Predominately flat,
- Physical separation from settlements;
- Whether any potential visual impact from immediate dwellings can be mitigated;
- Preponderance of existing visual screening;
- Field size and shading;
- Agricultural land quality, and whether the land could continue to be used for food production;
- Access suitability;
- Avoidance of landscape designations;
- Absence of flood risk;
- Opportunities for biodiversity enhancements.
- Proximity of heritage assets;
- Environmental designations;
- Landscape designations;
- Proximity to sensitive receptors;
- Local Plan designations;
- Land availability.

5.5.2 Based on the above, it was considered that the site was suitable for solar development. In addition to the above and in response to concerns raised by the LPA, the scheme has been amended to remove the area of the land to the south of the solar site that was allocated for bird nesting mitigation. This area of land was Grade 2 land and with its removal has resulted a decrease of this land being used to facilitate the proposal.

5.5.3 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 80% Green Belt and to find a site of this size that is previously developed land is challenging. It could be suggested that such sites should be used more productively for regeneration purposes such as housing or employment use rather than a solar panel farm which may reduce the need for the release of further Green Belt land in the future. Whilst not a determining factor to which any weight is to be applied, it is a fact that the site here is not within the Green Belt but is within the Open Countryside where the character of the land should be protected for its own sake, but does not have such a high level of protection.

5.5.4 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**

5.5.5 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.

5.5.6 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. In a recent appeal decision (Leeming Substation APP/G2713/G/23/3315877) the inspector noted the NPPF has been updated on several occasions since 2015, makes no such requirement and only indicates where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality and makes reference to the draft National Policy Statements NPS EN-1 and EN-3.

5.5.7 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.

5.5.8 Turning back to the wording of NPPF paragraph 180, 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.

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

Grade 2 land (very good quality): 10.98 ha or 16%

Grade 3a (good quality): 14ha or 20%

Grade 3b (moderate quality): 44 ha or 64%

5.5.10 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 and have recognised that the proposed development, if temporary, 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.

5.5.11 The consultee has also noted that the development would see the loss of land available for the provision of food production which should be considered by the LPA. In this instance, the land has been used for the grazing of sheep and if this scheme is not approved there is no mechanism for the Council to ensure that the farmers use the land for the production of food. It was acknowledged in DEFRA's Food Security Report (2021) that 'the biggest medium to long term risk to the UK's domestic production comes from climate change and other environmental pressures like soil degradation, water quality and biodiversity. Wheat yields dropped by 40% in 2020 due to heavy rainfall and droughts at bad times in the growing season. Although they bounced back in 2021, this is an indicator of the effect that increasingly unreliable weather patterns may have on future production'. Scientists have confirmed that stopping the use of the fossil fuels and the use of more sustainable forms of energy such as solar panels will reduce the production of harmful greenhouse gas emissions. Generating renewable energy creates far lower emissions than burning fossil fuels. Transitioning from fossil fuels, which currently account for the lion's share of emissions, to renewable energy is key to addressing the climate crisis.

5.5.12 The area on which the solar panels are to be sited would continue to be used by sheep for grazing and without the growing of crops along with the use of associated fertilizers and pest controls, the quality of the land can actually improve in time. It is noted that the use of the land for solar panels would be for a significant period of time (35-40 years) and the 'temporary' nature could be brought into question. A more pertinent way to describe the stationing of solar panels may be as reversible and without harm and is undoubtably a consideration that weighs into the balance. The method of installation is straightforward and involves limited interference from construction methods and can be removed via a decommissioning programme agreed by the LPA. It is a matter of fact and a determining factor that the loss of the land is not on a permanent basis and will still be able for future generations.

5.5.13 The amount of land used within the District for solar panels, either those with panels in situ, those with extant permissions or those awaiting decision (including appeals) amounts to 0.35% of all land within the district of South Staffordshire and only 0.49% of all agricultural land.

5.5.14 Overall therefore, as the proposal only sees the loss of 24.98 hectares of BMV land, of which 7ha are to provide ecology mitigation combined with there being no policy restricting the use of BMV land outright for the installation of solar panels as well as the provision of a sustainable method of generating electricity, on balance, and in this instance, the loss of a small amount of BMV considered acceptable.

## **5.6 Impact on the character and appearance of the Landscape and Cannock Chase AONB**

5.6.1 As previously discussed, paragraph 180 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.

5.6.2 A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies that the Solar development would be situated within an irregular shaped series of arable fields bordered by field boundaries and roadside hedgerows. There is an electricity pylon crossing site along with a number of ponds with deciduous tree copses associated with them. The land slopes south towards Preston vale Lane with the highest parts of the site to the north which is bounded by Levedale Road beyond. The surrounding land is undulating varying in height generally from 80m to 110m AOD. There are a number of watercourses located within a 5Km radius area with the Staffordshire and Worcestershire Canal is located east of the application site. There are a number of visual receptors (residential dwellings) located predominately to the north and east of the application site, with dwellings historically associated with the farm, being found to the south. A number of public rights of way are found within the area which may afford glimpses of the site to recreational users.

5.5.4 The study and comments from the Senior Landscape Officer both conclude that there would not be any significant effects on landscape fabric, national or local landscape designations, or any of the other LCTs located within 5.0km of the application site. There would be no significant effects on the visual amenity of the vast majority of residential dwellings, on any public rights of way users or on the visual amenity of visitors to any of the visitor attractions, long distance recreational routes, or rail passengers. Furthermore, over time the proposed mitigation measures within the site would establish and begin to provide increased filtering and screening of views of the proposal within the area local to the site, strengthening the local landscape fabric in the locality. It is worthy to note that the scheme does not include any security lighting for times of darkness and security fencing is post and mesh fencing (akin to deer fencing found on private estates).

5.5.5 Having viewed the application site from a number of the key advantage points provided in the LVA, no reasons to dispute the findings of the study were found. A number of mitigating measures are proposed as part of the application, and whilst it is acknowledged that these will take a number of years to establish, they will over time provide suitable screening for the panels therefore limiting any long-term harm to the character of the landscape in accordance with local and national landscape planning policy.

- **Impact on the Cannock Chase AONB**

5.5.6 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.

5.5.7 The AONB officer notes the site lies 5.4km from the AONB boundary. The AONB concludes that the proposal would not give rise to detrimental impacts on the special qualities or the landscape and natural beauty of the AONB. This is based on the evidence in the LVIA and bearing in mind the height of the proposed structures, the distance of view, existing and proposed site vegetation, and the effect of layering of intervening vegetation. Additionally, orientation of the solar panels relative to the AONB is unlikely to result in potential for glare to affect the AONB.

- **Glint and Glare Study**

5.5.8 A Glint and Glare Study has been carried out which considers impact on observer viewpoints, road safety and aviation safety. The report study area was based on a 1Km study area which found eighty-six residential receptors, thirty-eight road receptors and six rail receptors, however, thirty-one residential receptors and seventeen road receptors were dismissed due to them being within the no reflection zones. Overall, the study concluded that there would be some medium impact from glare until the mitigation measures are introduced and established, this impact reduces to low and no impact, with no significant effects overall.

- **Cumulative Impact**

5.5.9 At the request of the Council, the LVIA has been updated to account for other proposed developments within the locale, an application for another solar farm at Littywood Farm (planning application reference: 22/00936/FUL) which is situated approximately 2.3km to the North/North-west of the application site as well as a proposed battery storage facility located off Levedale Road, 0.4Km from the application site (application reference 23/00145/FUL) to the north west at their closest point. It is worth noting that the Littywood Farm solar application and the battery storage facility applications were both refused by Members at Planning Committee on the 19<sup>th</sup> September and 21<sup>st</sup> November respectively. The submitted updated LVIA concluded that there was sufficient separation distance between Preston Hill Farm and Littywood Farm. In relation to the battery storage site, the separation between the Preston Hill and Levedale Road sites along with the belt of mature vegetation around the northwestern boundaries of Preston Hill Farm, and the presence of an existing waterbody and proposed tree belt planting, adverse effects on the character of the landscape are anticipated to be contained within the locality of each site.

## **5.6 Impact on Heritage Assets**

5.6.1 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.

5.6.2 Paragraph 201 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 203). Paragraph 206 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 (paragraph 208). This requirement is followed through within Policy EQ3 of the Core Strategy.

5.6.3 Preston Hill Farmhouse is a three storey farmhouse owned by one of the landowners for this application. At its closest point this property is approximately 140m from the proposed solar panels, with the main views from the property in a northeast direction and rear views to the southwest. The property has windows on side facades and a two storey extension to the rear. Essentially the property has many views in many directions. The main visibility of the proposal will be from rear windows to the west and northwest, with some more distant visibility of the proposal also available to the north and northeast. The open visibility of the proposal to the northwest and west with more limited visibility of the proposal from some other parts of the house as well would result in a substantial magnitude of change and a major effect on the visual amenity of these residents, which would be a significant, long term but reversible effect. Mitigation measures proposed at the site will add some screening to some parts of the view, such as in some parts of the view to the northeast, but as this is a landowner property, the focus has not been on mitigating visibility from this property and overall the visibility of the proposal would remain relatively unchanged through the lifetime of the development.

5.6.4 Concerns have been submitted by Historic England have been very carefully considered and were put to the applicants for consideration. In response to these objections, the applicants removed half of the solar panels that were proposed in field number 10 and would be visible to the rear of the farmhouse, as well as views to the farmhouse from Preston Vale Road. Further mitigation has also been proposed to the rear boundary of the property. However, Historic England maintain their concerns particularly in relation to the inclusion of field 7 and how it's ridge and furrows form part of the setting of the listed properties. They specifically request that the LPA consider the proposal in accordance with the requirements of the NPPF whilst giving regard to any comments submitted by the Council's Conservation Officer and County Archaeologist.

5.6.5 The Conservation Officer notes that although the scheme has been amended in lights of comments and has been improved, it is still felt that there is less than substantial harm to the setting of the heritage assets. It is also noted that English Heritage recognises that the solar panels represent less than substantial harm, indeed that the less than substantial is at a considerably less than substantial level.

5.6.6 Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

5.6.7 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

5.6.8 In this case the public benefit is clear; there are benefits from renewable energy generation and ecology and biodiversity benefits. The proposed development will have a generating capacity of 49.9 MW.

This is equivalent to providing enough energy to power c.14,000 homes, whilst compared to generating electricity from natural gas, the development will save approximately 12,400 tonnes of CO<sub>2</sub> annually. This is set against the legally binding requirement for the UK to reach net zero by 2050 and to de-carbonise the electricity grid by 2035. In addition to South Staffordshire Council's declaration of a climate emergency.

5.6.9 The proposed development will have a biodiversity net gain of:

Habitat gain: 97.30%

Hedgerow gain: 87.28%

Watercourse gain: 100.77%

Other benefits include but are not limited to job creation (both direct and indirect, during construction and operation), payments of business rates to the Council and supporting wider economic prosperity in respect of domestic energy security.

5.6.10 It is considered that in this case, there is clear public benefit from the erection of solar panels which clearly outweighs the less than substantial harm to the setting on the heritage assets.

## **5.7 Impact on Archaeology**

5.7.1 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.

5.7.2 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. In addition, given the presence of earthworks relating to medieval ridge and furrow within the application site (as identified in the HEDBA and GS), it is recommended that a Level 2 earthwork survey should be carried out in order to record these and any less visible associated features such as plough headlands or trackways) in advance of the proposed development. The applicants have confirmed the acceptance of a pre-commencement condition reflecting the comments.

## **5.8 Highways**

5.8.1 The NPPF requires LPAs to consider and promote sustainable forms of transport, whilst addressing community needs and creating places that are safe, secure and attractive; which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Local Plan policy CP11 and EV11 echo these themes.

5.8.2 In line with paragraphs 114 and 115 of the NPPF, the impact of development proposals on the highway network should be considered. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.8.3 Based on the revised information submitted as well as full consideration of the independent highways report submitted by the local objectors, 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 can 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. Whilst the comments of the Fire

Service have been noted, the County Highways Team are a statutory consultee whose comments hold weight, and they do not have any objections to the one access point.

5.8.4 In light of the above, I consider the proposal in accordance with the aims of the NPPF and the relevant policies in the Core Strategy.

### **5.9 Drainage/Flooding**

5.9.1 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.

5.9.2 A Flood risk assessment and Surface water strategy have been submitted in support of the application which reports the southern boundary of the site is partially located at the edge of Flood Zone 2, however, the majority of the site is identified as being in Flood Zone 1, the lowest risk category. Whilst the scheme would introduce a large impermeable area to the site it will comprise of large numbers of smaller panels with separation between individual panels that allow for rainwater to fall between. Any vulnerable structures will be located outside of any flood risk areas. Ongoing discussions were had after initial concerns were raised from the Lead Local Flood team with further information requested and received. A condition has been suggested which can be added to the permission if Members approved the application.

5.9.3 The scheme is considered in accordance with local and national policy.

### **5.10 Neighbour Amenities**

5.10.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. A number of objections have been received against the siting of panels in this location. These have been carefully considered.

5.10.2 The submitted LVA found a number of residential properties and farmsteads local to the application site and who may be able to see the proposal. However, a number of these will be screened by the existing land formation and existing screening vegetation.

5.10.3 A number of properties located within 1Km of the site particularly: Old Preston Hill Cottages, Preston Hill Farmhouse, Preston Hill Cottages, Riverside View, Preston Vale Cottage, Rose Cottage and an adjoining property, Preston Vale Farm, Whiston Mill and a few local farmsteads, Preston Fields Farm and Windy Ridge Farm will be able to view the proposed solar farm. The view of the development would however predominantly be from first floor windows, and only from those who face in that direction. It is well established in case law that the planning system is not here to protect individual views, nor can it attach any weight to the devaluation of properties (not that any evidence has been presented to confirm there would be). Notwithstanding this, the applicants have made every effort to ensure that mitigating planting is put in place to reduce the visibility from these properties. Over a period of time, this planting will establish and provide effective screening to the development.

5.10.4 A noise survey was submitted in support of the application and has been reviewed by the Environmental Health Officer. Baseline surveys were carried out in January 2022. It concludes that although it may be audible at certain times to some residential properties it will be low in absolute terms and not expected to have a negative impact on amenity. After submitting comments, the EH officer entered into discussions with the applicants to establish this level of harm and is now satisfied with the findings of the report and has requested an amended condition limiting the noise output from scheme (see formal conditions not comments as detailed earlier in the report).

5.10.5 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.

### **5.11 Trees and Ecology**

5.11.1 Core Policy 2 of the Core Strategy states the Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets. EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan. These principles are echoed and supported through the Sustainable Developments SPD 2018. Section 15 of the NPPF states that planning policies and 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);
- 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, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

5.11.2 Concerns were raised by the Senior Arboricultural Officer (SAO) in relation to potential harm to existing trees at the site access from Levedale Road. Amendments were made and reviewed by the SAO who has suggested a mitigating condition.

5.12.2 Overall the scheme proposes the replacement of 54.09 ha of 'cropland' and 14.67 ha of 'modified grassland', with 54.65 ha of 'modified grassland' (traditional grazing grassland); 12.03 ha of 'other neutral grassland' (ground nesting bird mitigation land, wild flower meadows, tussock grassland and wild flower margins, and foraging bird wildflower margins); and 0.64 ha of 'other woodland broadleaved' (tree belts). In addition, 5m wide foraging bird wildflower margins along the field edges will provide an accessible food resource for seed eating birds during the winter period. Existing hedgerows are to be 'infilled' with native hedgerow shrub species with an overall net gain of 0.58Km or 87.28% with an additional 0.49Km/0.64 ha of new tree planting. In relation to the need to provide compensation habitat for nesting birds, the Ecologist has clarified that if the fields were to be used for crops, particularly those over 60cm, this would significantly limit the suitability of the land for ground-nesting birds (such as skylark) due to reducing visibility from the nest site and increasing predation risk. The Council would be unable to secure any suitable form of compensation if the land were intensively farmed, and this would result in a residual negative effect to declining farmland bird species.

5.11.13 The Senior Ecologist has reviewed the submission and had further correspondence with the applications. They acknowledge the avoidance, mitigation, compensation and enhancement measures

detailed within the ecological reports, and is satisfied that the proposed development will not result in significant adverse effects to protected species provided these are fully implemented. A number of conditions are proposed. In addition to the avoidance of any impact, the scheme is also providing biodiversity net gain as detailed earlier in this report. It is therefore considered that the proposal will not cause a material harm to sites of nature conservation or protected species and is providing bio diversity net gain therefore complying with Policy EQ1.

## **5.12 Representations**

5.12.1 A number of comments have been received both in support and against the scheme. The strength of objection from nearby neighbours is recognised and has been seriously considered during the determination of this application. The key issues raised by the objectors have generally been addressed in the report.

5.12.2 The issues raised around land ownership were highlighted and brought to the applicant's attention. Although this was disputed, the applicants modelled up the junction in greater detail and amended the access slightly to ensure that this does not necessitate the use of the third-party land.

## **6. Human Rights**

6.1 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.

## **7. CONCLUSION**

7.1 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. The proposal would result in less than substantial harm to the setting of a small number of Listed Buildings which, in this instance, is considered to be outweighed by the considerable public/environmental benefits of the scheme.

7.2 Although the site comprises a small amount of good quality agricultural land, the quality of the land would not be compromised in the long term, meaning it could revert back to arable farming in future and 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 material harm to neighbouring amenity.

7.3 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**

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 permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date). Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within six months of the First Export Date. Following the completion of the development, the site shall be decommissioned and all buildings, structures and infrastructure works hereby approved shall be removed and the land restored, in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.
3. 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.
4. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been reconstructed in a suitable stable material, to be submitted to and agreed in writing by the Local Planning Authority for a minimum distance of 20.0m.
5. Prior to the commencement of all on site construction works, the approved means of vehicular access and visibility splays on Levedale Road as detailed on Visibility Splay drawing (ref. 218808-CCL-XX-00-DR-C-5001 rev. P03) and Vehicle Swept Path Analysis drawing (ref. 218808-CCL-XX-00-DR-C-5000 rev. P03) shall be provided and maintained hereafter.
6. Prior to commencement of the development a road condition survey and inspections of roads bordering the site to the north (Levedale Road) of the site shall be carried and submitted to the local planning authority;
  - Prior to commencement of development; and
  - Prior to completion of the development.Should any new or significant defects be identified, repairs shall be undertaken within 1 month and the road shall be made good in liaison with the County Highways Authority.
7. Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise, vibrations and other environmental impacts of the development during construction. Thereafter the construction of the development shall be carried out in accordance with the approved Construction Management Plan.
8. 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.
9. The programme of archaeological works shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition 8.
10. The development hereby approved shall not be brought into use until the programme of archaeological works and post-excavation assessment has been completed in accordance with the

written scheme of archaeological investigation approved under conditions 8 and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

11. All ecological measures and works, including monitoring works (as specified within Table 2 of the Biodiversity Management Plan), shall be carried out in accordance with the details contained in the Biodiversity Management Plan by Wychwood Biodiversity Ltd dated February 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, unless otherwise agreed in writing by the Local Planning Authority. Monitoring reports will be submitted to the Local Planning Authority within 3 months of their completion.
12. No development shall commence, including demolition, groundworks or any necessary vegetation clearance until a construction and ecological 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 (i.e., ponds, trees and hedgerows) on appropriately scaled plans.
  - 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 available 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.

13. All ecological enhancement measures as detailed in the 'Biodiversity Enhancements' section on Pages 32 and 33 of the Ecological Assessment report by Wychwood Biodiversity dated February 2023 will be implemented in full. A statement of conformity, confirming that all enhancement measures have been implemented, with photographs, must be submitted to the Local Planning Authority within 6 months of the date when electricity is first exported to the electricity grid, evidencing the installation of all detailed features at the site. The enhancements shall be maintained throughout the lifetime of the development.
14. All perimeter fencing will have mammal gates installed at 100m intervals, and fencing around ponds will have no less than five gates installed. These gates must be open to allow uninhibited passage of smaller mammals such as hedgehog and brown hare. The gates will be maintained and retained for the lifetime of the development.
15. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 'Requirements and Recommendations 4a' and of the supporting document: Ecological Assessment, Preston Hill; Wychwood Biodiversity Limited, February 2023.

16. Prior to commencement of development a Biodiversity Monitoring and Management Schedule will be submitted to the Local Planning Authority for written approval. The Biodiversity Monitoring and Management Schedule must contain:
- Description and location plan of features/habitats to be managed.
  - Aims and objectives of management, including (where appropriate) descriptions of target conditions as detailed within the approved DEFRA biodiversity metric.
  - Detailed management prescriptions and a work schedule with annual plan of actions to be taken.
  - Responsible bodies/organisations for the implementation of actions within the work schedule including delivery, future maintenance and monitoring. Thereafter the development shall be carried out in accordance with the approved Biodiversity Monitoring and Management Schedule.
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy documents (listed below), and the following mitigation measures detailed within:
- Surface water drainage system(s) design in full accordance with the Non-Statutory Technical Standards for sustainable drainage systems (SuDS), DEFRA, March 2015.
  - Sustainable Drainage Systems designed in full accordance with the Staffordshire County Council SuDs Handbook.
  - Limiting the surface water run-off generated by all event scenarios up to and including the 1 in 100 year plus 40% Climate Change return period critical duration storms so that it will not exceed the preexisting (baseline), greenfield rate from the site and not increase risk of flooding off-site.
  - Provision for adequate and satisfactory surface water quality management and pollution mitigation. Methods such as CIRIA C753 The Simple Index Approach to surface water management, may be appropriately implemented to demonstrate and evidence this.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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18. Prior to the commencement of any construction related activity on site an Arboricultural Method Statement, providing comprehensive details of all tree protection measures including a dedicated tree protection plan, protective fencing specification and construction methods within 5 metres of all Root Protection Areas, shall be submitted to the Local Planning Authority for approval. Subsequently, all measures within the approved method statement and associated tree protection plan shall be adhered to fully in accordance with the Arboricultural Method Statement until all construction related activity has been completed. Any trees that are damaged or lost during a two year period, starting from the date of commencement of construction, 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.
19. 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.

20. No development shall commence, (including demolition, groundworks or necessary vegetation clearance), until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CVMP shall be adhered to throughout the construction period. The statement shall include:
  - Arrangements for the parking of site operatives and visitors.
  - Loading and unloading of plant and materials.
  - Storage of plant and materials used in constructing the development
  - Construction hours
  - Delivery routeing and hours
  - Recorded daily inspections of the highway adjacent to the site access
  - Measures to remove mud or debris carried onto the highway
21. The combined rating levels of sound emitted from all fixed plants and/or machinery associated with the development at the use hereby approved shall be less than or equal to 5 dB above the typical background sound levels at any receptor between the hours of 05.00 - 23.00 (Taken as a 1 Hour LA90 07:00-23:00, and as 15 minutes LA90 05:00 - 07:00) and equal to or less than the background sound levels between 23.00 and 05.00 at any sensitive receiver (taken as a 15 minutes LA90). All measurements should be made in accordance with the methodology of BS 4141:2014 (Method for rating and assessing industrial and commercial sound) and / or its subsequent amendments).
22. 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 unless agreed in writing with the Local Planning Authority prior to installation.

#### 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. To allow the land to revert back to part agricultural use.
3. In order to define the permission and to avoid doubt.
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.
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, to ensure that the local road users are not unnecessarily adversely affected by construction activities.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

8. 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.
9. To secure an appropriate record of any archaeological remains that may be uncovered in accordance with Core Strategy Policy EQ3.
10. To secure an appropriate record of any archaeological remains that may be uncovered in accordance with Core Strategy Policy EQ3.
11. To prevent harm to, and to secure enhancements for habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity 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.
12. To prevent harm to habitats of conservation value and protected species in accordance with Policy EQ1 of the adopted Core Strategy.
13. To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.
14. To provide enhancements for protected species and species of principal importance in accordance with Policies EQ1 and EQ11 of the adopted Core Strategy.
15. To secure enhancements for habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity 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.
16. To secure enhancements for habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy, and to secure a net gain in biodiversity 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.
17. To ensure that the development is provided with a satisfactory means of drainage in accordance with policy EQ7 of the adopted Core Strategy.
18. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy.
19. 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.
20. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy and 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 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.

22. To protect the character of area and the Cannock Chase AONB in accordance with Policies EQ1 and EQ11.

## INFORMATIVES

### ECOLOGY

Any vegetation that is suitable for nesting birds (i.e. hedgerow) must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or it must be checked by an ecologist no more than 24 hours prior to removal. Should nesting birds be found the nests must be left until chicks have fledged and the nest is no longer in-use.

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. Policy and Legislative context in relation to this application

The National Planning Policy Framework (2021) s.174 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

NPPF s.180 states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..." South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.

Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission. European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

- Deliberate capture or killing or injuring of an EPS
- Deliberate taking or destroying of EPS eggs
- Deliberate disturbance of a EPS including in particular any disturbance which is likely to:
  - I. impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
  - II. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - III. to affect significantly the local distribution or abundance of the species to which they belong.
- Actions resulting in damage to, destruction of, or obstruction of an EPS breeding site or resting place.

Ecological survey results indicate that European Protected Species are unlikely to be affected by the proposed development. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

### GREAT CRESTED NEWTS

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Additional:

If the applicant wishes to completely avoid any risks relating to Great crested newts, they have the option to enquire for South Staffordshire's Council's District Licence, which provides full legal cover for any impacts to Great crested newts and therefore removes the risk of having to stop works if Great crested newts are found on site. More details on the District Licensing Scheme operated by the council can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com). There is an option available for covering temporary works for solar farm developments under the license.

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary

measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."

#### Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local Planning Authorities have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

#### PUBLIC RIGHTS OF WAY

Public Footpath No. 41 Penkridge Parish runs adjacent to the south west corner of the proposed site.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or 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.

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.

Users of the footpath must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development. If the footpath needs 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.

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.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

Any trees and shrubs planted within 3 metres of the public right of way are the responsibility of the landowner not the Highways Authority (including maintenance and liability).

Any works that affect the surface of the footpath will require consultation with the County Council Rights of Way Team.

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

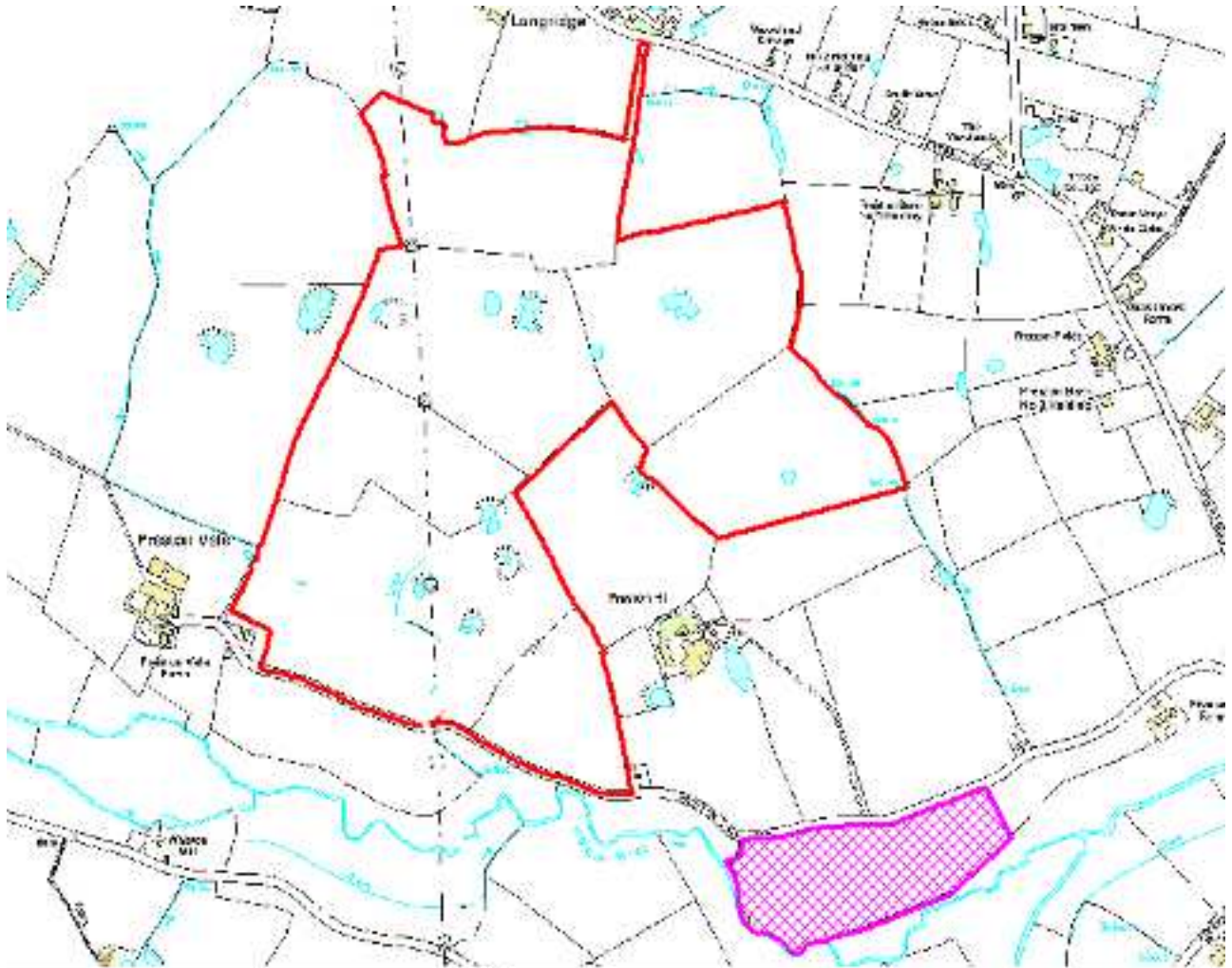


unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

It should be noted that a nationally promoted route, The Staffordshire Way, also runs immediately adjacent to the southern boundary of the proposed site.

#### Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Other Plans	FIGURE 3		9 January 2023
Other Plans	FIGURE 4		9 January 2023
Other Plans	FIGURE 5		9 January 2023
Other Plans	FIGURE 6		9 January 2023
Other Plans	FIGURE 7		9 January 2023
Other Plans	FIGURE 8		9 January 2023
Other Plans	FIGURE 9		9 January 2023
Other Plans	FIGURE 10		9 January 2023
Other Plans	FIGURE 11		9 January 2023
Other Plans	FIGURE 12		9 January 2023
Other Plans	FIGURE 14		9 January 2023
Other Plans	FIGURE 15		9 January 2023
Other Plans	FIGURE 16		9 January 2023
Other Plans	FIGURE 17		9 January 2023
Other Plans	218808-CCL-XX-00-DR-C-5000 P03		14 August 2023
Visibility Splays Plan	218808-CCL-XX-00-DR-C-5001 P03		14 August 2023
Planning Layout	GBR.0009.M4.001.0.	B.j (RPA)	10 November 2023
Planning Layout	GBR.0009.M4.001.0.	B.j (No RPA)	10 November 2023
Flood Risk Assessment			9 February 2023
Ecology Survey			9 February 2023



**Land Around Preston Hill Farm Preston Vale Penkridge Staffordshire ST19 5RA  
(Red and Pink area)**