

Dear Members

**Special Planning Committee (Large Scale Major Application)**

A special meeting of the Planning Committee will be held in the **Oak Room, County Buildings, Stafford** on **Wednesday 12 June 2024, which will convene directly after the Planning Committee meeting** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Governance

**SPECIAL PLANNING COMMITTEE  
(LARGE SCALE MAJOR APPLICATION)  
12 JUNE 2024**

**Chairman - Councillor B McKeown  
Vice-Chairman - Councillor A Nixon**

**AGENDA**

<b>1</b>	<b>Apologies</b>	
<b>2</b>	<b>Declaration of Member's Interests/Lobbying</b>	
<b>3</b>	<b>Planning Applications</b>	<b>Page Nos</b> 3 - 51

**MEMBERSHIP**

**Chairman - Councillor B McKeown**

B M Cross	A R McNaughton
I D Fordham	A Nixon
A D Hobbs	M Phillips
E G R Jones	A J Sandiford
P W Jones	S N Spencer
B McKeown	

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SPECIAL PLANNING COMMITTEE - 12 JUNE 2024

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**Ward Interest - Nil**

**Planning Applications**

*Report of Head of Economic Development and Planning*

**Purpose of Report**

To consider the following planning applications, the reports for which are set out in the attached **APPENDIX**:-

		<b>Page Nos</b>
<b>23/37621/FUL</b>	<b>Land North of Lower Hanyards Farm, Hanyards Lane</b>	4 - 51
	This application has been referred to the Planning Committee because the development is a large scale major application	
	<b>Officer Contact</b> - Richard Wood, Development Lead Telephone 01785 619324	

**Previous Consideration**

Nil

**Background Papers**

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

**Application:** 23/37621/FUL

**Case Officer:** Vanessa Blake

**Date Registered:** 1 June 2023

**Target Decision Date:** 31 August 2023  
**Extended To:** 14 June 2024

**Address:** Land North of Lower Hanyards Farm, Hanyards Lane, Tixall, Stafford, Staffordshire ST18 0YA

**Ward:** Milwich

**Parish:** Tixall

**Proposal:** Installation of a 49.5MW Solar Energy Scheme consisting of non-reflective photovoltaic (PV) solar panels and associated infrastructure including sub-station, containers for transformers and inverters, CCTV, access tracks, landscape & ecological enhancements and means of access.

**Applicant:** Mr Brian Henton

**Recommendation:** Approve, subject to conditions

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## REASON FOR REFERRAL TO COMMITTEE

This application is for a large-scale major development which is exempt from the council's scheme of delegation, and has also been called-in by Councillor Beatty (Ward Member for Milwich) for the following reason(s):

*"Proposed solar farm for members to consider: location, impact on the local topography, size, visual impact in the landscape; planning concerns of the local community, traffic movements. Whether (i) the proposed use of the agricultural land has been shown to be necessary and confirm that poorer quality land has been used in preference to higher quality land; and (ii) that the proposal allows for continued agricultural use and encourages biodiversity improvements around arrays".*

This application was reported to Special Planning Committee on 27/02/24 and deferred for clarification regarding:

- 1) flood mitigation and
- 2) screening to the west of the site.

This report will only focus on these matters, please refer to the original committee report for all other matters.

## FURTHER INFORMATION RECEIVED

The following documents have been received following the previous committee meeting:

- Summary Cover Sheet
- Precis of information previously submitted to Stafford Borough Council as part of the above the planning information - Further information regarding screening to the West of the site (20.03.2024)
- Precis of information previously submitted to Stafford Borough Council as part of the above the planning information - Further information regarding flood mitigation (20.03.2024)

### 1. Flooding mitigation

- 1.1 Expanding upon page 18 of the original report.
- 1.2 TPSB Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 requires developments to provide sustainable drainage systems.
- 1.3 The site is located within Flood Zone 1, which is land which has a low probability of flooding from rivers.
- 1.4 The submission includes a Flood Risk Assessment (Final Report RevG January 2024), which was assessed by the Lead Local Flood Authority (LLFA) and comments provided on 23<sup>rd</sup> January 2024. The LLFA accepted the findings and conclusions of the FRA and had no objections subject to the recommended conditions.
- 1.5 Whilst trial pits were excavated to establish the soil characteristics further testing will be required post determination to fully assess the underlying sandstone. The Flood Risk Assessment (FRA) provides two potential drainage strategies which the LLFA have accepted. Both strategies would reduce the surface water flow rate from the site by approx. 50% on the western part of the site and approx. 75% on eastern part of the site. The strategies both utilise linear filter drains and linear swales.
- 1.6 The first drainage strategy is an infiltration design. Linear filter drains, which are 1m wide and 1m deep, would be installed across the site between the groups of solar panels. These drains would be below a drainage ditch measuring 0.15m in depth and 1.2m in top width. These would provide storage and direct rainfall towards the linear swales located within the site boundary adjacent to the receiving watercourses. The two linear swales would 0.6m deep with a top width of 4.1m and would total 970m in length. The linear swales would intercept any overland flows from the site and provide storage. This drainage strategy is shown in Appendix B (page 23) of the FRA.

- 1.7 It is noted that there is a discrepancy between the explanatory text and the drainage plan with regards to the swale top width. However, the Agent has advised that the plan is correct. Notwithstanding this, the exact details of the drainage scheme would be secured via condition. The LLFA have advised that this discrepancy does not alter their comments and that the final swale dimensions would be secured via condition.
- 1.8 The second drainage strategy proposes secondary swales within the site to provide storage and direct rainfall towards the primary linear swales. The secondary swales would be 0.15m deep with a top width of 1.2m. The scheme proposes larger primary linear swales at the site boundary. The two swales would be 0.6m deep with a top width of 4.1m and would total 970m in length. These swales would then discharge into existing water courses at controlled rates. This drainage strategy is shown in Appendix B (page 24) of the FRA.
- 1.9 Both strategies would provide control structures and headwalls at the site boundary to the receiving watercourse to restrict the flow to the watercourses. The proposed drainage would significantly reduce the risk of flooding from onsite runoff. In both instances the linear swales act as attenuation areas and the layout has been designed to accommodate these. Other attenuation ponds would not be required on site.
- 1.10 The recommended conditions would secure a final detailed drainage design in accordance with the principles outlined in the FRA which would be informed by further infiltration testing. A detailed drainage management plan would also be secured via condition.
- 1.11 The FRA also contains a construction phase surface water management plan (Appendix D) which the LLFA are satisfied with. The LLFA have recommended a condition to ensure that this complied with.
- 1.12 It is considered that the submission demonstrates that a suitable drainage scheme could be provided for the scheme, and the recommended conditions would secure the final details. Subject to adhering to conditions the proposal is considered to be acceptable with regards to flooding and drainage and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-  
National Planning Policy Framework  
Section 14

The Plan for Stafford Borough  
SP1 Presumption in Favour of Sustainable Development  
N1 Design  
N2 Climate Change

## **2. Screening to the west of the site**

- 2.1 Expanding upon pages 7-11 of the original report.
- 2.2 The submitted Landscape Visual Impact Assessment (LVIA) included a 'bald earth' zone of theoretical visibility (ZTV). This uses terrain modelling to demonstrate visibility based on topography only, with no trees or buildings. As the proposal includes the planting of a hedgerow which would grow to 3m high along the western boundary of the site, the modelling has been amended to include this. The updated ZTV demonstrates that there would be limited visibility of the scheme from the west.
- 2.3 Long section plans from four points to the west have been provided to demonstrate visibility of the proposal if there was no woodland present. M002 is at Blackheath Lane adjacent to the university campus. The long section plan shows that the proposal would be visible at a distance of 675m for 118m. M003 is at the roundabout junction of Weston Road and Blackheath Lane. The long section plan shows that the proposal would be visible at a distance of 508m for 109m. There would no visibility of the scheme from M001 at The Bungalow, Blackheath Lane and M004 at Weston Road.
- 2.4 The submitted information demonstrates that the development when viewed from the west would largely be screened by the topography and new hedgerow, should the woodland be cut down in its entirety.

Policies and Guidance:-

National Planning Policy Framework  
Sections 12, 15

The Plan for Stafford Borough  
SP1 Presumption in Favour of Sustainable Development  
N1 Design  
N7 Cannock Chase AONB  
N8 Landscape Character

BRE Planning guidance for the development of large scale ground mounted solar PV systems

## **3. Conclusion**

- 3.1 In conclusion, it is considered that drainage and visual impact have been adequately assessed. The conclusions of the original report are unchanged by the submission of the clarification information. The application is recommended for approval subject to the conditions listed within the original committee report.

## Consultations

### SCC Lead Local Flood Authority (LLFA)

The final drainage details will be on the plan. Usually the FRA is approved in principle and the details are most up to date on the drawing. As the recommended condition relates to swales it may be the case that the swale dimensions change again at condition stage.  
(15.05.24)

## Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings/documents, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

#### Drawings:

P01 Rev.C (Proposed Block Plan)

P02 Rev.B (Proposed access and solar panel details)

P03 Rev.C (proposed Location Plan)

P04 Rev.A (Proposed 132kw NGED substation, proposed container housing for transformers, switchgear and inverters, fencing, gates and CCTV)

P05 (Existing Block Plan)

P06 (Existing Location Plan)

P07 Rev.A (Existing trees and woodland, proposed woodland route protection, existing and proposed hedges, existing and proposed trees)

P08 ((Existing Land Drain Protection, during construction and access for maintenance during the lifetime of the solar farm)

EWE/3015/01 Rev.C (Drainage Strategy Infiltration Option 1)

EWE/3015/02 Rev.O (Drainage Strategy Discharge to watercourses)

257-HAN-DRW-TSA Rev.01 (Shading Analysis)

257-HAN-DRW-AIP Rev.01 (Overview)

2302703 (Swept Path Analysis)

Viewpoint Map with Site Boundary

Viewpoint Map (AONB)

ZTV (Zone of Theoretical Visualisation) drawing Nos; P08 (AONB, Local Nature Reserves and SSSI); P09 (Scheduled Monuments and Listed Buildings); P10 (Registered Battlefields, Parks and Gardens); P11 (Conservation Areas); P12 (Sections 1 to 6) and

P13 (Sections 7 to 9).

Viewpoint 1 (Existing & proposed)

VP-1 A518. Weston Rd to Marker 1

Viewpoint 2 (Existing & proposed)

VP-2 Trent Walk to Marker 1 (Bearing 191 deg)

Viewpoint 3 (Existing & proposed)

VP-3 Trent Walk to Marker 1 (Bearing 150 deg)

Viewpoint 4 (Existing & proposed)

VP-4 Hanyards lane to Marker 1  
 Viewpoint 5 (Existing & 3D representation)  
 VP-5. PROW. Upper Hanyards to Marker  
 VP-6 Tow Path, Tixall Wide to Marker 1  
 Viewpoint 7: Open Parkland. Shugborough Park.  
 VP-7 Shugborough Hall to Marker 1  
 VP-8 Satnall Hills to Marker 1  
 VP-9 Shugborough Hall to Marker 1 (Bearing 297 deg)  
 VP-10 PRoW, Canal Path. Trent & Mersey Canal to Marker 1  
 VP-11 Ingestre CA to Marker 1  
 VP-12 St Thomas Priory to Marker 1  
 Viewpoint 13: Wireframe & Landscape Profile: Springhill Monument to Marker 1  
 Viewpoint 14: Wireframe & Landscape Profile: Hadrians Arch to Marker 1  
 VP15 Sundial Brocton NHeights  
 Viewpoint 15. Sundial. Brocton Heights (photo and wireline)  
 Agricultural Land Classification Plan (Produced on 26th June 2023)

#### Documents:

Glint & Glare Assessment: Lower Hanyards Farm (Rev.3.0, Dated 25 April 2023)  
 Additional Planning Statement - Economic, Social & Environmental Benefits (Dated 16th December 2023)  
 Additional Tree & Hedge Planting Views from PROW and Hanyards Lane (Dated 16th December 2023)  
 Additional Planning Statement - implications of recent HS2 Announcement (31st October 2023)  
 Archaeological Desk-Based Assessment (Dated May 2023)  
 Archaeological geophysical survey May - June and September 2023 (Report No.23/086)  
 Ecological Impact Assessment (Dated May 2023)  
 Flood Risk Assessment (Final Report) (Rev.G dated January 2024)  
 Noise Impact Assessment (Dated 11th May 2023) Phase 1 Desk study Report (Dated April 2023)  
 Planning Statement (Dated 26th May 2023)  
 Built Heritage Statement produced by RPS (Ref: JAC28844.02 v.3, dated October 2023)  
 Heritage Addendum Report produced by RPS (Ref: JAC28844, dated 29th November 2023)  
 Arboricultural Impact Assessment  
 BS5837: 2012 Tree Survey  
 Continued Agricultural Use Support Statement (Dated 14th September 2023)  
 Landscape & Visual impact assessment Part 1 Rev.A (Dated 19th September 2023)  
 Landscape & Visual impact assessment Part 2 Rev.A (Dated 19th September 2023)  
 Transport Statement (Dated May 2023)  
 Agricultural Land Classification Report (produced on 26th June 2023)  
 Geophysical Survey Report (Dated 9th November 2023)

3. Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event.
4. Within 3 months of the date of the Local Planning Authority receiving written notification of the cessation of electricity generation and storage pursuant to condition 3 of this permission, a Decommissioning Scheme shall be submitted to the local planning authority for approval in writing. The Decommissioning Scheme shall include, but not be limited to, the provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities, hard-surfacing and fencing, together with a scheme for the restoration of the land to its former condition and timetable for implantation and completion. The decommissioning shall thereafter be carried out strictly in accordance with the approved scheme.
5. In the event of the development ceasing to generate electricity for supply to the electricity grid network for a period in excess of 12 months, a Decommissioning Scheme shall be submitted to the local planning authority for approval in writing, no later than 3 months from the end of the 12-month period. The Decommissioning Scheme shall include and be subject the same provisions referred to in Condition 4 of this permission.
6. No demolition or construction works, together with any associated deliveries to the site shall take place outside the hours of 08.00 to 18.00 Mondays to Fridays and 08.00 to 14.00 on Saturdays or at any time on Sundays or Public/Bank Holidays.
7. The development shall comply with the operational noise level limits set out in the submitted 'Noise Impact Assessment' prepared by 'Environmental Noise Solutions Limited' (dated 11th May 2023) at all times.
8. If, during installation / construction works, contamination not previously identified is found to be present at the site, then no further development (unless otherwise first agreed in writing by the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, barriers, gates, bollards or other means of enclosure, however temporary, shall be erected within the site following the practical completion of the development.
10. No external lighting or illumination shall be installed within the site or on the boundary of the site unless details have first been submitted to and approved in writing, by application, by the Local Planning Authority.

11. The development shall be implemented and operated in accordance with the measures listed in the Flood Risk Assessment, Final Report Rev G, EWE Associates Ltd, January 2024 to prevent soil erosion under the proposed solar panels. The measures shall include:
- Vegetation shall be left to grow longer underneath panels extending approximately 0.45m into each aisle.
  - grass along the leading edge of the panels shall be left long and even when this is 'top-cut' during the summer it will not be cut any shorter than 300mm."
  - Regular inspections shall be carried out of the ground conditions underneath panels and if any areas are identified where vegetation is thinning, this will be treated and pre-planted to prevent any erosion occurring.

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.

12. Construction phase surface water management plan (Appendix D of Flood Risk Assessment, Final Report Rev G, EWE Associates Ltd, January 2024) shall be followed to allow the management of surface water and water quality until the time that the proposals are complete.

This shall include:

- Linear swales shall be constructed prior to any works commencing on the site.
  - A 6m wide buffer zone shall be maintained around the existing land drains on site to ensure protection during the construction phase.
  - Vegetation required for erosion protection shall be established prior to the construction phase.
13. The development shall not be commenced unless and until a scheme in accordance with Staffordshire SuDS Handbook has been submitted to, and approved in writing by, the local planning authority. The scheme shall be in compliance with the principles outlined in Flood Risk Assessment, Final Report Rev G, EWE Associates Ltd, January 2024 and include the following mitigation measures:
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change return periods.
  - Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).

- Evidence of infiltration testing in accordance with BRE365 shall be provided to prove the viability of the proposed infiltration-based drainage strategy on site:
  - Should infiltration rates be acceptable, the site shall employ an infiltration-based solution for surface water drainage containing the 1 in 100yr + 40% event within the drainage network as per Drainage Strategy Infiltration Option 1, EWE/3015/01, Rev C, EWE Associates Ltd, 04.01.24. Storage volumes to be calculated on the basis of the infiltration rates obtained in the BRE365 testing.
  - If infiltration does not prove viable following BRE365 testing, the applicant shall develop a drainage strategy based on the principles outlined in Drainage Strategy Discharge to Watercourses, EWE/3015/02, Rev O, EWE Associates Ltd, 04.01.24 to a 1 in 100yr + 40% CC standard with the following parameters:
    - Maximum discharge rate of 16.4l/s for Catchment 1 discharging to the unnamed watercourse to the south of the site with a minimum storage volume of 333m<sup>3</sup>
    - Maximum discharge rate of 10l/s for Catchment 2 discharging to the unnamed watercourse to the west of the site with a minimum storage volume of 645m<sup>3</sup>
  - Access and maintenance roads shall be constructed using permeable materials to mimic the natural ground conditions.
  - Swales shall be incorporated for storage and conveyance.
  - Provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
  - Runoff from the substation compound shall be managed using filter drains.
  - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system shall be provided.
  - A 6m wide continuous buffer strip shall be maintained around all land drains on site for access, inspection, and maintenance. This is identified in orange on Proposed Block Plan P01, Rev C, T J Coates Ltd, 05.03.23
  - Provision of a detailed management plan for all surface water drainage elements including information about erosion protection including the name and contact details of the party or parties responsible for each action.
14. Prior to commencement of development, details of the colour finishes to be used in the construction of the solar arrays, all fencing, substation(s), transformers, inverters, circuit breakers, spares container store, surfacing materials and CCTV poles hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved materials.

15. No development shall not be commenced, including demolition works, ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, has been submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement for the development shall be implemented and maintained until the completion of all construction related activity, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.
16.
  - (a) Prior to the commencement of the development 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.
  - (b) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (a).
  - (c) The development shall not be brought into use until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under (a) above.
17. No development shall commence until such time as a soil management plan which provides measures to improve soil quality and ensure that there will be no loss of soil quality within the operational lifetime of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The soil management plan should contain a methodology for soil stripping during site development. Topsoil and subsoil should be stripped, stored and replaced separately to minimise soil damage and to provide optimum conditions for site restoration. The soil management plan shall be implemented as approved throughout the life of the development.
18. Prior to the commencement of any construction works, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by the Local Planning Authority. The approved management plan shall include details relating to construction access hours of construction, routing of HGV's, delivery times and the location of the contractors' compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

19. No development shall commence until a detailed Landscape Scheme and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority which provides details of the following:
- (a) Demonstrates how the Landscape Scheme follows the principles contained within the submitted document titled 'Additional Tree & Hedge Planting Views from PROW and Henyards Lane (Dated 16th December 2023)' and drawing no. P01 Rev.C.
  - (b) Details of soft landscaping to include the plant type, size, planting numbers and distances, and a programme detailing the timing of the landscaping works in relation to the phasing of construction together with express confirmation that any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with plants of the same size and species.
  - (c) Details of a long-term landscape management plan which includes details for the watering of the new hedgerow plants and trees which will be managed and maintained when established and confirmation of the maintenance regime to ensure that all the identified landscaping on the site is continually managed for the lifetime of the development; to the objective of ensuring that the visual impact of the development is minimised from both close range views and those available from the wider surrounding landscape. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with the approved details.

Development shall only commence in strict accordance with the Landscape Scheme and Landscape Management Scheme, which shall subsequently be implemented only in accordance with the approved details for the lifetime of the use hereby approved.

The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure that the development has a timeframe for its operation and decommissioning.
4. To ensure restoration of the site following cessation of energy production in accordance with policy N3 of the Plan for Stafford Borough.
5. To ensure restoration of the site following cessation of energy production in accordance with policy N3 of the Plan for Stafford Borough.
6. To protect the amenities of residents in the locality (Policy N1 of The Plan for Stafford Borough).

7. To ensure that the development does not create excessive noise that may cause harm to the amenities of neighbouring residential properties or the wider environment (Policy N1 of The Plan for Stafford Borough).
8. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
9. To control future development in the interest of the character, appearance and quality of the development in accordance with policies N1 and N8 of the Plan for Stafford Borough.
10. To protect the appearance of the development and residential amenities of neighbouring properties in accordance with policies N1 and N8 of the Plan for Stafford Borough.
11. To ensure the long-term management and maintenance of the SuDS infrastructure (Policy N2 of The Plan for Stafford Borough).
12. To ensure lifetime maintenance of the system to prevent flooding issues (Policy N2 of The Plan for Stafford Borough).
13. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site (Policy N2 of The Plan for Stafford Borough).
14. To ensure the satisfactory appearance of the development. (Policy N1 of The Plan for Stafford Borough).
15. To ensure professionally recognised Arboricultural practice is carried out within the site subject of this permission (Policy N4 of The Plan for Stafford Borough).
16. To comply with policy N9 of the Plan for Stafford Borough.
17. To ensure restoration of the site is supported in accordance with policies E2 and N3 of the Plan for Stafford Borough.
18. In the interests of the safety of users of the highway. (Policy T2 of The Plan for Stafford Borough).
19. To provide a net gain in biodiversity. Paragraph 180 of the National Planning Policy Framework.

#### Informatives

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

- 2 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; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
  
- 3 Staffordshire County Council has received an application under Section 53 of the Wildlife and Countryside Act 1981 to add to the Definitive Map of Public Rights of Way in this vicinity, along the site access/southern boundary (Application reference 020562, for the addition of a bridleway, Tixall (SJ95742375 to SJ96682433)). You will need to make further enquiries regarding the status of this definitive map modification order with: [legalrowallocations@staffordshire.gov.uk](mailto:legalrowallocations@staffordshire.gov.uk)

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.
  
- 4 All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that any tree/shrub works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition - this may include timing of work, pre-work checks, avoiding nesting areas etc.

### Previous report from 27 February 2024 Special Committee

<b>Application:</b>	23/37621/FUL
<b>Case Officer:</b>	Steven Hoang
<b>Date Registered:</b>	1 June 2023
<b>Target Decision Date:</b>	31 August 2023
<b>Extended To:</b>	30 November 2023
<b>Address:</b>	Land North of Lower Hanyards Farm, Hanyards Lane, Tixall
<b>Ward:</b>	Milwich
<b>Proposal:</b>	Installation of a 49.5MW Solar Energy Scheme consisting of non-reflective photovoltaic (PV) solar panels and associated infrastructure including sub-station, containers for transformers and inverters, CCTV, access tracks, landscape and ecological enhancements and means of access.
<b>Applicant:</b>	Mr Brian Henton
<b>Recommendation:</b>	Approve subject to conditions.

### REASON FOR REFERRAL TO COMMITTEE

This application is for a large-scale major development which is exempt from the council's scheme of delegation, and has also been called-in by Councillor Beatty (Ward Member for Milwich) for the following reason(s):

*"Proposed solar farm for members to consider: location, impact on the local topography, size, visual impact in the landscape; planning concerns of the local community, traffic movements. Whether (i) the proposed use of the agricultural land has been shown to be necessary and confirm that poorer quality land has been used in preference to higher quality land; and (ii) that the proposal allows for continued agricultural use and encourages biodiversity improvements around arrays".*

### SITE CONTEXT AND SURROUNDINGS

The application site (the site) is agricultural land extending approximately 62 hectares in area, with areas of woodland coppice to the west, north and east with small coppices to the south, the site is currently used for grazing and arable. The site is mainly contained on the northern side of Hanyards Lane and lies immediately to the north of Lower Hanyards Farm. Upper Hanyards Farm lies further to the east of the site. Characteristics within the site include two access tracks from Hanyards Lane which lead northwards to the centre of the field and also a single hedgerow which runs approximately 640m north to south. An existing National Grid Electricity Distribution (NGED) overhead cable intersects the southeastern part of the site, there is an existing electrical substation on site, this

provides connection between an existing 71m high (measured to the blade) Wind Turbine located centrally within site and the grid. The Wind Turbine is known to have been erected during 2014.

The site gently slopes upwards to the north whilst there is a steeper rise in ground levels towards Upper Hanyards Farm to the east, “examination of the landform topography indicates that the site sits in a shallow bowl, generally falling away downslope to the south, southeast” (3DVS Landscape and Visual Impact Report). The site is partly bounded by ancient woodland immediately to the north, Staffordshire County Showground lies slightly further north from the woods. The west of the site is bounded by a dense woodland, creating a buffer between the Staffordshire University Centre and other developments further westwards. There is another dense area of woodland which lies further northeast from the site. Further agricultural fields lie immediately to the south of Hanyards Lane.

The site includes a large section of Hanyards Lane (the site access), which is a private road running off a junction at Tixall Road approximately 800m to the southwest of the site. Further away is the Western Road (A518), the site is located approximately 400m southeast of the A518. There is an existing ProW (Public Right of Way) (Tixall.1628) which intersects Hanyards Lane, to the east of the site, as well as a Bridleway/ProW that runs along Upper Hanyards Farm.

The Site is outside any defined settlement boundary or developmental limits of any designated industrial estate as shown on the Inset Plans to The Plan for Stafford Borough 2011-2031. The site is not designated within a conservation area and does not contain designated heritage assets, however Lower Hanyards Farm and Upper Hanyards Farm are both late 18<sup>th</sup> century Farmsteads which are non-designated heritage assets, the site is also part of the Staffordshire Historic Environment Record (HER). The site is designated by the Environment Agency as being within Flood Zone 1, an area of low flood risk.

The boundary of Ingestre Conservation Area lies approximately 400m to the east of the site, Tixall Conservation Area is of a further distance from the site (approximately 1.8km), but towards the southeast. Shugborough Hall Historic House and Garden are located further beyond the Tixall Conservation Area within the Cannock Chase AONB. The site does not fall within a SSSI (Site of Special Scientific Interest) or Local Nature Reserve (LNR), the nearest SSSI is Baswick Meadows and Kingston Pool Convert LNR, both sites are some distance towards the southwest of the site (beyond 2km).

During the period the application has been under consideration (October 2023), the Government announced the cancellation of the High-Speed Rail Link (HS2) which was originally proposed to pass through Stafford, immediately to the east of the site. Upper Hanyards Farm was intended to be demolished and a new public footpath/bridle way was expected to be re-routed further to the east, these works are no longer expected to commence.

## **EIA**

Request for an EIA screening opinion was submitted to Stafford Borough Council on 20th Jan 2023. Following the appraisal, a decision letter 23/37024/ESS was

issued stating that “on the basis of the information submitted the council concludes that the proposal is not likely to have significant environmental effects and is not EIA development”.

## **PROPOSAL**

Planning permission is sought for a period of up to 40 years for the installation of a ground mounted photovoltaic (PV) solar farm development, expected to generate up to 49.5MW of electricity, together with associated works consisting of the following;

- Erection of frames, stanchions and tables to fix the solar panels
- Perimeter fencing (Deer fencing)
- NGED Substation
- Containers for housing spare transformers and inverters
- Pole mounted CCTV
- Extension of existing access routes
- Ecological enhancements and landscaping, including meadow planting and mitigation

The solar panels are designed on tables, typically consisting of 24no. individual panels (two rows of twelve panels finished with an anti-reflective coating to minimise glare. The tables will be fixed to the ground by galvanised steel stanchions, driven into the ground at a depth of 1.2m-1.5m. The panels are static (non-moving) and will be tilted at an angle of between 20-25 degrees facing south to maximise solar gain, thus the height of the lower edge of the tables are raised approximately 0.8m from ground level and rise to a maximum height of approximately 2.9m.

The proposed perimeter fencing surrounds the site boundary from the northern side of Hanyards Lane, a 2.2m high ‘deer fence’ with wire mesh supported on timber posts.

The NGED substation is proposed to be located adjacent to an existing access. The substation will be mostly enveloped by 2.4m high Palisade fencing along with associated electrical apparatus such as transformers, circuit breakers etc. Container housing will also be located immediately to the north of the proposed NGED substation, further containers are also located further to the north, west and east of the NGED substation.

An existing hedgerow is to be removed from the site. However, ecological enhancements are proposed to enrich existing hedges, such as wild meadow planting, tree and hedge planting. Also farm diversification has been proposed including continued production of animal feed and grazing.

## OFFICER ASSESSMENT

### Planning policy framework and material considerations

The Climate Change Act 2008 (as amended) sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100% by 2050, this is known as the 'net zero target'. During 2023 the Government made a commitment to reduce emissions by 78% compared with 1990 levels by 2035.

Section 70 of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan is influenced at national government level by:

- National Planning Policy Framework (NPPF) 2023
- Planning Practice Guidance (PPG) 2021
- National Design Guide (NDG) 2019

The Development Plan consists of parts 1 and 2 of The Plan for Stafford Borough 2011-2031 (the PSB) adopted in 2014 and 2017 respectively. Other material considerations include the Borough's Supplementary Planning Document on Design (2018) (the SPD). Other guidance relevant to the proposal include the following:

- BRE Planning guidance for the development of large scale ground mounted solar PV systems
- BRE Agricultural Good Practice Guidance for Solar Farms
- BRE National Solar Centre Biodiversity Guidance for Solar Developments
- House of Commons Library: Planning and Solar Farms (July 2023)

The key planning considerations are:

- Principle of Development
- Impact on Character and Surroundings
- Impact on Heritage Assets
- Residential Amenity
- Highway Safety
- Biodiversity and Trees
- Flooding and Drainage

## **Principle of Development**

The government in its Energy White Paper (December 2020) has set the aim of a fully decarbonised, reliable and low-cost power system by 2035. The government noted that a net-zero consistent electricity system is most likely to be composed predominantly of wind and solar power, although these renewable sources would need to be supplemented with other technologies such as nuclear, gas with carbon capture usage and storage and batteries.

According to the House of Commons Library: Planning and solar farms (July 2023), “The British Energy Security Strategy (April 2022) provided further detail on the government’s proposals for reducing its reliance on imported fossil fuels and

accelerating its deployment of domestic sources of energy. One of its aims set out in the Strategy was to “ramp up” the deployment of both rooftop and ground-mounted solar systems. The government said it intended to achieve a fivefold increase in solar power by 2035 (from a capacity of 14GW to 70GW)”.

Paragraph 157 of the NPPF explains that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

The PSB contains overarching policies and principles, all of which are set under the umbrella of the purpose of the planning system being able to contribute to the achievement of sustainable development as set within Strategic Principle 1 (SP1) and section 2 of the NPPF. Spatial Principle 6 (SP6) (v) of the PSB gives support to rural sustainability through protecting and enhancing the environmental assets and character of the Borough whilst sustaining the social and economic fabric of its communities that can be achieved by promoting use of sources for renewable energy. Furthermore, policy E2 (ix) of the PSB explains that support will be given to rural sustainability by encouraging provision for renewable energy generation in rural areas outside of settlements identified in Spatial principle SP3 and outside the Green Belt, in accordance with policy N3 of the PSB. However, policy E2 seeks protection of the best and most versatile agricultural land (BMVAL) by using areas of poorer quality land in preference to higher quality land for new development as stipulated under clause (xi).

### *Land use*

The NPPF defines BMVAL as being in grades 1, 2 and 3a. Poorer agricultural land is defined within grades 3b, 4 or 5. The site consists of a mixture of 3a Grade (35.55%), Grade 3b (56.03%), Grade 4 (8.31%) and a small amount of non-agricultural land (0.11%) according to the submitted Agricultural Land Certificate (ALC). According to the applicant, the land proposed to be used for the solar farm is not of sufficient quality to be used for human food production and is used for grazing and cultivating animal feed and other grade 3 land in the district is capable of producing food crops and is therefore judged to be of a slightly better quality.

The application is accompanied by a 'Continued Agricultural use Support Statement' which explains that animal feeding will be carried out on site, negating the need for feed to be brought in externally. According to the Planning Statement (para 3.5.2) "the design of the scheme allows land underneath and in between the solar arrays to be grazed by sheep, thus continuing an agricultural connection". BRE guidance states that "hardy livestock breeds are better suited to such autumn and winter grazing, when the forage is less nutritious and the principal aim is to prevent vegetation from overshadowing the leading (lower) edges of the PV modules (typically about 800-900mm high)". The lowest edges of the panels are 0.83m above ground which will potentially allow animal grazing according to BRE guidance. It is also acknowledged the proposed operation of the solar farm is intended to last no longer than 40 years and after that period the land is expected to be returned to full agricultural use. In light of this, the proposal is judged to be generally consistent with the aims and objectives of policy E2(xi) of the PSB.

Policy N3 of the PSB explains the development of schemes for the generation of renewable energy will be supported where there is no harm on residential amenity, limited adverse impacts on townscape, landscape and heritage assets, no harmful environmental impacts such as emissions, noise, water environment and has been accompanied by decommissioning conditions to allow the site to be restored following cessation of energy production. The application is supported with a 'Decommissioning Statement', however the use condition(s) should be imposed to require the development to be appropriately decommissioned in the future. Impacts on residential amenity, townscape, landscape, heritage and environmental impacts are examined in further sections of this report.

Policy N3 of the PSB also states that "in areas where other renewable energy schemes are in operation, the cumulative effect of additional developments will be an important factor that will be taken into consideration. Large scale renewable energy proposals should deliver economic, social and environmental benefits that are directly related to the proposed development". An additional Planning Statement outlining economic, social and environmental benefits was submitted during the determination of the application, it is noted there are potential job opportunities to be created locally to support socio-economic development, as well as the environmental benefits of renewable energy, farm diversity and biodiversity. Officers approached the applicant to consider securing employment and training opportunities locally by way of planning obligations, however it is understood that Borough's planning framework cannot demand employment, skills and training contributions to be secured locally within the borough, this can only be secured voluntarily by the applicant.

For the reasons outlined above, it is considered that the principle of the development accords with the overarching policies and principles of the PSB and the Framework, subject to the impact of the proposed development upon the character of the site and surrounding area, heritage assets, residential amenity, highway safety and natural environmental factors (biodiversity, flooding and drainage) being acceptable.

National Planning Policy Framework: Sections 2, 11, 14

The Plan for Stafford Borough

SP1 Presumption in Favour of Sustainable development

SP6 Achieving Rural Sustainability

E2 Sustainable Rural Development

N3 Low Carbon Sources and Renewable Energy

BRE Agricultural Good Practice Guidance for Solar Farms

### **Impact on Character and Surroundings**

Section 12 of the NPPF seeks to achieve well-designed and beautiful places. The principles of the NPPF are also supported by the National Design Guide (NDG). Policies N1 and N8 of the PSB seek to secure enhancements in design quality by meeting principles concerning 'use', 'form', 'space' and 'movement', as well as expectations for new developments to reinforce and respect the character of the settlement and the landscape setting, through the design and layout that includes use of sustainable building materials and techniques that are sympathetic to the landscape.

#### *Cancellation of HS2*

It is acknowledged the Planning Statement (para 3.4.1) mentions "the routing of HS2 east of Stafford has annexed an area of farmland and created an opportunity for a renewable energy development with an economically viable connection to the electricity grid". An announcement was made by the Prime Minister, 'Rishi Sunak' during the consideration of the application confirming the Government's cancellation of the HS2 route connecting London with Manchester, instead the high-speed rail link will terminate at Birmingham.

The applicant submitted an 'Additional Planning Statement: Implications of Recent HS2 Announcement' shortly after the cancellation of HS2 was confirmed. The additional statement explains that the main drivers of the site selection process still remain, which include a viable grid connection, a site with natural screening where overall environmental impacts are low and where planning impacts can be satisfied and also land availability. The design strategy of the scheme has not significantly changed as a result of the HS2 cancellation, however in response to the cancellation, mitigation/screening is proposed to the eastern part of the site.

Officers acknowledge due to the cancellation of HS2, Upper Hanyards Farm will no longer be demolished and also the existing footpath/bridleway would no longer require re-routing further to the east of Upper Hanyards Farm. However, it should be noted the proposed HS2 woodland will no longer be created, thus reducing screening to the east/northeast of the proposed solar farm site. Nevertheless, the design of the scheme shall be assessed in light of the implications of the HS2 cancellation.

### *Figure 3: Originally Proposed HS2 Works*

#### *Immediate Surroundings*

There is existing 'Deer fencing' beside the roadside along the north of Hanyards Lane. The proposed perimeter fencing is considered to reflect the rural and prevailing character of Hanyards Lane. However, due to the large-scale nature of the solar farm development, the proposal would significantly change the character of Hanyards Lane. Design Midlands (Landscape Officer) stated 'the solar farm forms a dominant view in the landscape and will be clearly seen from users on the southern boundary from Lower Hanyards Farm and along lengths of Hanyards Lane including the exit/stile where from PRow emerges from the south. Hanyard Lane is a private road which appears little used'.

The PRow emerging from the south of Hanyards Lane is elevated from the site, although there are some existing hedges which partially screen the site, there will be a clear distant view of the solar arrays. There will also be clear distant elevated views of the solar arrays from the bridleway/PRow to the east of the site which runs northwards past Upper Hanyards Farm, however the views would not be facing the direction of travel.

In the amendments submitted, the proposed NGED substation has been rotated and set slightly further from Hanyards Lane, allowing some screening when viewed from Hanyards Lane. It is noted that the NGED substation will be mostly surrounded by 'Palisade' fencing, whilst this type of fencing is not sympathetic to the rural character of Hanyards Lane, it is understood the design is required to comply with safety regulations. The proposed storage containers will be located along the existing and extended access routes, their height of 3m would marginally exceed the height of the solar arrays and thereby mostly screened by the solar panels. The extended access tracks would have a negligible visual impact. The proposed CCTV will use infra-red technology and does not require perimeter lighting, there is no lighting proposed under this application.

#### *Views*

The application is supported with a Landscape Visual Impact Assessment (LVIA) produced by '3DVS' which is supplemented by ZTV (Zone of Theoretical Visualisation) layers and wireline images. The LVIA includes the following viewpoints (VPs):

- VP1 (A518, Weston Bank)
- VP2 (Nr Trent Walk)
- VP3 (Nr Trent Walk)
- VP4 (Hanyards Lane)
- VP5 (PRow, off Hanyards Lane)
- VP6 (Canal Tow Path, Staffordshire and Worcestershire Canal)

- VP7 (Open Parkland Shugborough Hall)
- VP8 (Footpath, Satnall Hills)
- VP9 (Satnall Hall)
- VP10 (Tow Path, Trent and Mersey canal)
- VP11 (Ingestre Village and Conservation Area)
- VP12 (St Thomas Priory)
- VP13 (Springhill Monument)
- VP14 (Hadrians Arch. Shugborough Park)

VP1 is taken from Weston Road (A518) facing south towards the site. The LVIA considers the impact from VP1 to be 'low, negligible or no impact'. VP2 and VP3 are taken from different locations by Trent Walk facing towards the site. The LVIA considers the impact from VP2 and VP3 to be 'very little or no impact'.

VP4 is taken from close to the site, facing north towards Staffordshire Showground to the north. The LVIA considers the magnitude of change to be 'very large' and in terms of assessed significance of visual impact to be medium. It is noted the LVIA factors the cumulative impact of the HS2 development, however updated information provided in an 'Additional Planning Statement' concerning the implications of the cancellation of the HS2 project confirms the assessed significance of visual impact would continue to be medium.

VP5 is taken from the PRoW by Hanyards Lane, facing southwest towards the site, an elevated view towards a gently downwards slope. The LVIA considers the magnitude of change to be 'very large' and in terms of assessed significance of visual impact to be medium. It is noted the LVIA factors the cumulative impact of the HS2 development, however updated information provided in an 'Additional Planning Statement' concerning the implications of the cancellation of the HS2 project confirms the assessed magnitude of change to remain 'very large' and also the significance of visual impact would continue to be medium.

VP6 has been taken from Canal Tow Path, Tixall Wide facing northwest towards the site. The LVIA explains the purpose of this viewpoint is to assess views from within the AONB, particularly impacts on the setting of Tixall Gatehouse. The LVIA considers the magnitude of change and significance to be negligible/zero.

With regards to VP7 (Open Parkland, Shugborough Hall), VP9 (Shugborough Hall), VP10 (Tow Path, Trent and Mersey Canal) and VP14 (Hadrians Arch, Shugborough Park), the LVIA determined the magnitude of change to all be 'negligible' and the significance of visual impact to be 'low/no impact/zero'.

Further south, VP8 (Footpath, Satnall Hills) and VP13 (Springhill Monument) were assessed by the LVIA and were both considered to be 'negligible' in terms of their magnitude of change and also their significance of impact to be 'zero'

VP12 (St Thomas Priory) taken from southwest of the site was assessed by the LVIA, the magnitude of change is considered 'negligible' and significance of visual impact to be 'zero'.

Officers acknowledge no VPs have been provided from the west of the site where there is a greater urban concentration. Given the dense woodland adjacent to the site, as well as the surrounding topography, officers consider there is adequate screening provided by the woodland to prevent the development from being visible from the west of the site.

### *AONB*

A further viewpoint map was submitted during the determination of the application to confirm the location of VP15 (Millenium Sundial, Brocton Heights). The LVIA assessed the magnitude of change to be 'low' as only part of the proposal would be seen as a thin strip between areas of woodland. The significance of visual impact is considered as 'slight'.

The AONB were reconsulted following further details being submitted as their initial comments was an objection due to insufficient information provided within the LVIA. The AONB appreciate the technicalities of the LVIA has now been clarified. The AONB suggest that the existing hedgerow should be retained and additional tree-planting mitigation to the southwest of Hanyards Lane. The applicant has submitted revised drawings to provide additional tree planting along Hanyards Lane in response to the AONB comments, alongside visualisations to demonstrate the mitigation being proposed.

### *Reversibility of development*

BRE guidance explains that "solar PV installations which are developed on agricultural ground should be 'reversible', allowing the site to be easily restored to a more intensive agricultural use. Intrusive development, such as trenching and foundations, should therefore be minimised and the use of mass concrete should be avoided. Where possible Solar PV arrays should be installed using 'pile' driven or screw foundations, or pre-moulded concrete blocks (shoes), and capable of easy removal".

Slim profile galvanised steel stanchions will be used and driven into the ground to support the solar arrays, no concrete base is required. The proposed perimeter fencing and CCTV pole would also be driven into the ground without requiring a concrete base. However, the proposed storage containers will stand on a concrete slab and hardcore base. The proposed NGED substation, together with transformers, switchgear room, circuit breakers and safety fencing will also require concrete support.

The use of concrete is considered to be minimal for a development of this scale. The minimal use of concrete, together with continued agricultural use and ecological enhancements, as well as appropriate management of the land, would potentially allow the land to be restored back to full agricultural use after the expected 40 year operational phase of the development.

### *Concluding remarks*

The proposal would have a significant impact on the character of Hanyards Lane and there would be a clear distant view of development from the public footpaths/bridle way, however most of the distant views will not be within the direction of travel. The proposal, in terms of longer distant views, is not considered to create a significant magnitude of change or a high visual impact. Whilst the retention of the existing hedgerow would be preferred, the ecological enhancements and mitigation measures, including additional tree planting in response to AONB comments are welcomed. The construction methodology comprising minimal use of concrete would support site restoration and decommissioning of the temporary solar farm development. The impacts on Hanyards Lane is not considered to be avoidable despite mitigation because of the large scale nature of the development, however the most significant impact would be mainly contained within this quiet private road and would be reversible in the future.

#### Policies and Guidance:-

National Planning Policy Framework: Section 12, 15

The Plan for Stafford Borough

SP1 Presumption in Favour of Sustainable Development

N1 Design

N7 Cannock Chase AONB

N8 Landscape Character

BRE Planning guidance for the development of large scale ground mounted solar PV systems

#### **Impact on Heritage Assets**

Paragraph 205 of the NPPF states ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’ Furthermore paragraph 208 of the NPPF states that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

Policy N9 of the PSB expects development proposals to sustain and, where appropriate enhance the significance of heritage assets and their setting by understanding the heritage interest, encouraging sustainable re-use and promoting high design quality. Furthermore policy N9 states “where harm to significance is unavoidable, appropriate mitigation measures will be put into place, including archaeological investigation (including a written report) or recording. This information should be deposited at the County Record Office and be available to the general public”.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In relation to listed buildings and structures on-site and nearby, Section 66 of the Act states that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### *Designated Heritage Assets*

Ingestre Conservation Area is located approximately 400m to the east of the site. The Grade II listed Ingestre Hall and also Ingestre Wood forms part of the

Conservation Area. The Conservation Area wraps around Ingestre Wood, this allows the dense woods to act as a screen between the proposed development and listed buildings within the Conservation Area. It should also be noted the woods are situated on private land and are not publicly accessible, thus the proposed development would not be visible from public vantage points within Ingestre Conservation Area. The Conservation Officer advises that due to the scale of the proposed development, there would be some impacts to the setting of Ingestre Conservation Area, however it is considered there would be less than substantial harm to the setting of the above designated heritage asset.

Tixall Conservation Area is located approximately 1.8km to the southeast of the site. The Heritage Statement submitted in support of the application considers due to existing intervening boundaries of Hanyards Lane, the farmstead of Lower Hanyards Farm and the woodland Ford belts, the visibility of the proposed solar farm will be limited from a distance. The Conservation Officer has advised the proposal would have less than substantial harm to Tixall Conservation Area.

It is acknowledged the Conservation Officer has expressed some concern about the submitted Heritage Statement due to it not assessing potential impacts on the Shugborough Estate. The Conservation Officer requests that additional information is required in the Heritage Statement to assess the impacts on Shugborough Estate.

Officers acknowledge the Planning Inspectorate regarding appeal decision (Ref: APP/Y3425/A/12/2186912) allowed the erection of 2no. wind turbines with a 55m hub height and 71m tip height (one within application site and one outside). Paragraph 7 of the appeal decision stated:

*“The registered historic parks and gardens at Shugborough and Sandon are some 4km from the proposed turbines and the buildings stand amongst mature trees in the surrounding parkland. Any impact would, therefore, be very limited. The impact on the unregistered historic designed landscapes and conservation area at Tixall would be similarly limited. In views of the Tixall Gatehouse from the road, the turbines would be behind the trees to the left of the building. At Ingestre, the conservation area is screened by Ingestre Wood and The Mount and Mill Lane leading to Ingestre is bound by mature trees. There would be little impact on St Mary’s Church or the wider conservation area. Great Haywood and Shugborough conservation area is a significant distance from the proposal and views from it would be screened by intervening woodlands. Due to screening there would be little impact on the Triumphal arch at Shugborough.”*

The LVIA included an assessment of VP7 (Open Parkland, Shugborough Hall), VP9 (Shugborough Hall), VP10 (Tow Path, Trent and Mersey Canal) and VP14 (Hadrians Arch, Shugborough Park), which considered the magnitude of change to all the above VPs as ‘negligible’ and also the significance of visual impact to be ‘low/no impact/zero’. In light of the above appeal decision, and also the information provided in the LVIA, it would be difficult to sustain a refusal in the event of an appeal due to insufficient information regarding impacts on Shugborough Estate. The impacts on Shugborough Estate are considered acceptable for the above reasons.

#### *Non-designated Heritage Assets*

There are two historic farmsteads within the immediate surroundings, Upper Hanyards Farm located to the north of Hanyards Lane and Lower Hanyards Farm abutting the south of the site. Both farmsteads are of historic and architectural interest locally, they are non-designated heritage assets for their contribution to the character and appearance of the historic landscape and for their role in understanding the farming practices of the historic Tixall and Ingestre Estates during the 18th and 19th centuries.

The Council’s Conservation Officer considers the large scale development proposed would result in significant harm to the non-designated heritage assets, however, the Conservation Officer also considers the public benefits of the proposed solar farm would outweigh the harm to the setting of the non-designated heritage assets. Mitigation was advised by the Conservation Officer; relocation of the proposed substation to the southwest corner of the site, reinstating historic boundaries and re-alignment of panels and refining details of proposed deer fencing.

The applicant has provided amendments to provide some mitigation. Officers acknowledge the existing NGED overhead cables do not intersect the southwestern section of the site and thereby understand the difficulties with relocating the substation. However, the substation has been relocated slightly further from Lower Hanyards Farm and also rotated to allow further planting along the southern boundary of the site to screen the proposed substation. Whilst it is noted the removal of the existing hedgerow continues to be proposed, additional trees (screening) and biodiversity enhancements have been incorporated into the amendments, thus officers consider the loss of the hedgerow would be

compensated by additional landscaping features. It is also acknowledged the cancellation of HS2 has prevented the demolition of Upper Hanyards Farm, preserving this non-designated heritage assets.

### *Archaeology*

The site forms part of a Historic Environment Character Zone: St Thomas Priory and Tixall Heath. Pre-application advice from the County Archaeologist was sought on 28.04.2023. It was advised that a geophysical survey should be carried out pre-determination to inform the Archaeological Desk-based Assessment (ADBA).

A geophysical survey was submitted during the determination of the application to inform the ADBA which identified the site to have archaeological potential. The County Archaeologist has advised there are no objections subject to a further stage of archaeological evaluation such as trial trenching, which should be undertaken by an archaeologist/historic environment professional with suitable experience to prepare an appropriate brief or approved Written Scheme of Investigation (WSI). It is considered that a further stage of archaeological evaluation can be secured by way of condition(s).

Overall, the public benefits associated with the proposal would out-weigh the harm to the non-designated heritage assets at Lower Hanyards Farm and Upper Hanyards Farm, and also would not harm the setting of surrounding designated heritage assets. Subject to conditions, the proposal would preserve archaeological remains and potential, in accordance with policy N9 of the PSB and section 16 of the NPPF.

Policies and Guidance:-

National Planning Policy Framework: Section 16

The Plan for Stafford Borough

SP1 Presumption in Favour of Sustainable Development

N1 Design

N8 Landscape Character

N9 Historic Environment

### **Residential Amenity**

Policy N1 of the PSB and the Design Supplementary Planning Document (SPD) seek to ensure that new development should not detract from residents' amenity, such as overlooking, privacy, daylight/sunlight and noise impacts.

The proposed solar tables will be tilted at an angle facing southwards, with a height of below 1m rising to a maximum height of under 3m. The nearest property is situated to the south at Lower Hanyards Farm, on the other side of Hanyards Lane. The separation distance between the proposed tables/solar panels would not cause any material loss of residential amenity with regards to loss of daylight/sunlight,

overshadowing or loss of outlook. The height of the proposed NGED substation would not exceed 5m at the ridge (eaves height 3.69m). The substation will be mostly enveloped by 2.4m high Palisade fencing along with associated electrical apparatus such as transformers, circuit breakers etc. Container housing with a height of 3m will also be located immediately to the north of the proposed NGED substation, further containers are also located further to the north, west and east of the NGED substation. The siting (including separation distance) of the above structures and associated apparatus would also not compromise the amenity of neighbours with regards to loss of daylight/sunlight, overshadowing or loss of outlook.

It is noted concerns were expressed by neighbours with regards to loss of privacy due the proposed CCTV. The proposed block plan (Drawing no.P01 Rev.C) indicates one perimeter CCTV on pole to be located at the eastern corner of the site, adjacent to Hanyards Lane. The siting of the CCTV is not within close proximity to neighbouring properties and thereby is not considered to cause a material loss of privacy.

A Noise Impact Assessment has been accompanied in support of the application, consisting of a survey carried out during February 2023. There were three Noise Sensitive Receptors (NSR) (residential dwellings) identified within the vicinity of the site; Lower Hanyards Farm, Upper Hanyards Farm and Berry Barn- 5 Park Farm Barns. The Assessment concluded the noise associated with the proposed solar farm is predicted to have a negligible impact to the nearest NSR.

It is noted an objection was raised with regards to the cumulative impact of noise being generated by the existing wind turbine. Officers do not consider the existing noise from the wind turbine to be amplified due to the proposed solar farm development. The Council's Environmental Health Officer has examined the Noise Impact Assessment and is satisfied the residential amenity of neighbours would not be compromised in terms of noise impacts. The Environmental Health Officer also examined the submitted Glint and Glare Assessment and confirmed no objections to the findings which concluded the impact on dwellings to be of a low significance.

In light of the above, the proposal is not considered to cause a detrimental impact upon the residential amenities enjoyed by neighbouring properties.

Policies and Guidance:-

National Planning Policy Framework: Section 12

The Plan for Stafford Borough

N1 Design

### **Highway Safety**

Paragraph 115 of the NPPF stipulates that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The proposed solar farm development would mainly rely on an existing

vehicular access along Hanyards Lane, which forms a priority junction with Tixall Road approximately 800m to the southwest of the site as shown on the submitted swept path analysis.

The application is supported by a Transport Statement, dated May 2023. It should be noted Hanyards Lane was to be used for the HS2 development and to generate approximately 16 HGV movements a day. However, due to the cancellation of the HS2 project being announced, the number of HGV movements would consequently be reduced. The Highways Authority advised that the existing number of HGV vehicles using Hanyards Lane and the Tixall Lane junction are associated with the farms where a regular milk tanker collects 3 times per week.

There is expected to be a total of 1,000 vehicle trips associated with the construction of the solar farm which will incorporate a range of vehicle sizes up to the maximum legal length articulated HGVs, and over a 6-month period. This equates to a maximum of 5 HGV vehicles a day for a standard 5-day week. Vehicle arrival and departure times will be spread out across the day to allow deliveries to be managed efficiently on site.

The Highways Authority have confirmed that the impacts on the safety and efficiency of the highway would be acceptable, however a Construction Environmental Management Plan (CEMP) is required prior to the construction phase. The CEMP shall control the number of HGVs entering the compound at one time to avoid stacking, as well as to control delivery times and appropriate intervals are scheduled, alongside other construction activities.

In terms of the operational phase of the proposed solar farm, the traffic impacts are not considered to be significant due to the nature of the sites proposed use. Details of decommissioning have been submitted, however given that the lifetime of the development may last up to 40 years, circumstances may significantly change and thereby details of decommissioning regarding deconstruction traffic shall be requested by way of condition closer towards the end of the operational phase.

In conclusion, the proposal would generate significantly less construction traffic/HGV movements than the cancelled HS2 development. The construction phase is anticipated to last for 6 months, a significantly shorter construction period than the cancelled HS2 development. Subject to a condition to require a CEMP, the proposal is considered acceptable on highway grounds.

Policies and Guidance:-

National Planning Policy Framework: Section 9

The Plan for Stafford Borough

T1 Transport

T2 Parking and Manoeuvring Facilities

## **Biodiversity and Trees**

Policy N4 of the PSB requires developments to ensure the Borough's natural environment will be protected, enhanced and improved. The enhancement and protection of biodiversity is also echoed by policy N8 of the PSB. The site does not fall within a SSSI (Site of Special Scientific Interest) or Local Nature Reserve (LNR), the nearest SSSI is Baswick Meadows and Kingston Pool Convert LNR, both sites are some distance towards the southwest of the site. The AONB is located further from the site towards the southeast. Given the significant distances between the site and the above designated sites, there will be no material impacts caused by the development upon the mentioned site designations.

According to the 'BRE National Solar Centre Biodiversity Guidance for Solar Developments', "recent studies of agri-environment schemes indicate that appropriate land management can bring about significant increases in wildlife populations on agricultural land. In the same way, with appropriate land management, solar farms have the potential to support wildlife and contribute to national biodiversity targets. Indeed, solar farms may have several additional advantages in that they are secure sites with little disturbance from humans and machinery once construction is complete. Recent research suggests biodiversity gains on solar farms can be significant". The application is accompanied by an Ecological Impact Assessment undertaken by 'RDF Ecology' which includes surveys taken during May/June 2022. The Borough's Biodiversity Officer has advised the surveys found no significant issues concerning protected species.

The proposal seeks to remove an existing hedgerow along the centre of the site which is considered to be 'species poor' according to the above survey. However, enhancements are proposed to include new hedgerow planting and enhancing hedgerow, alongside new wildflower grassland (30ha) with managed and grazed grass-land, the proposal seeks to deliver a total biodiversity net gain of 121% for habitat and above 15% for hedgerow. The Borough's Biodiversity Officer has advised that details of proposed habitat creation should be included in a detailed Biodiversity Enhancement and Management Plan (BEMP), it is considered appropriate to request details of BEMP by way of condition.

There are a few trees on the site and numerous woodland areas on adjacent land. The applicant has submitted a detailed Arboricultural Impact Assessment (AIA), including a clear schedule of the trees on and adjacent to the site, an Arboricultural Implications Plan and also a Shading Assessment (plan based).

The Borough's Tree Officer has advised that the AIA has adequately evaluated the trees and has shown the potential conflicts between the trees, however the overall impact is relatively low. The arboricultural information has not been accompanied with an Arboricultural Method Statement (AMS) for installation, however these details can be requested by way of condition.

In light of the above, subject to conditions, the proposal would provide a significant biodiversity net gain as advised in the BRE guidance and retain the health of adjacent trees and woodland in accordance with policies N4 and N8 of the PSB.

Policies and Guidance:-

National Planning Policy Framework: Section 15

The Plan for Stafford Borough

SP1 Presumption in Favour of Sustainable Development

N4 The Natural Environment and Green Infrastructure

N8 Landscape Character

BRE National Solar Centre Biodiversity Guidance for Solar Developments

### **Flooding and Drainage**

There are two springs which pass through the site, however the site is designated within the Environment Agency's Flood Zone 1, the zone of least flood risk. The application is supported by a Flood Risk Assessment (FRA) prepared by EWE Associates Ltd. It should be noted the FRA has been amended following consultation with the Local Lead Flood Authority (LLFA).

The proposal seeks to store runoff in linear filter drains 1m wide and 1m deep located across the site between the groups of solar panels. Furthermore, linear swales are proposed (0.6m deep with top width of 3m) within the site boundary adjacent to receiving watercourses. The LLFA have examined the proposed drainage strategy, but further details of drainage design, infiltration testing, management plan for surface water drainage elements and plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system are required. The LLFA have advised that these details shall be requested by way of condition prior to the commencement of development. Compliance conditions will also be imposed to prevent soil erosion under the proposed solar panels and to also require the surface water management plan is adhered to during construction phase.

Subject to conditions, it is therefore considered that the proposed development accords with policies SP1 and N2 of the PSB.

Policies and Guidance:-

National Planning Policy Framework: Section 14

The Plan for Stafford Borough

SP1 Presumption in Favour of Sustainable Development

N2 Climate Change

## **Other Matters**

### Designing Out Crime Officer

The council were informed there have been a rise in incidents involving theft from solar farms and therefore advice to use Palisade fencing and CCTV was suggested as the proposed 'deer fencing would not be as effective against organised criminals. Whilst 'Palisade' would be more difficult for criminals to access the site, the design of the fencing would not be sympathetic to the character of Hanyards Lane. CCTV is proposed at Hanyards Lane to help secure the site from theft.

### Staffordshire Fire and Rescue Service

The Council were advised on safety precautions concerning battery storage, however the proposal does not include any battery storage to be used. Also advised the proposal to include two access roads. In response, the applicant stated that, *"unfortunately, there is only a single road giving access to the site, other roads fall outside the boundary and outside the land ownership of the applicant. Hanyards Lane is an adopted highway and this already serves Lower Hanyards Farm, Upper Hanyards Farm and HS2. It is not feasibly to provide an alternative route as this is impractical. However, three alternative access points are available from Hanyards Lane into the site"*.

### Parish Council (Ingestre with Tixall)

The parish council question how can the solar farm development be monitored to remain under 50MW. The proposal does not show how the generation of electricity from the proposed solar farm can be measured. However if the electricity output from the development exceeds 50MW, this would be outside the scope of any planning permission granted and a Development Consent Order would be required from the Secretary of State. Nevertheless, the council should determine the application based on the details and information submitted.

The parish council also question the cumulative impact of future solar farms once a substation has been built. The cumulative impact of any future solar farm proposals in the area would be examined and each application must be assessed upon their individual merits.

## **Concluding remarks and the planning balance**

The recent adoption of the National Policy Statements (NPSs) on 17 January 2024 to provide planning guidance for developers of nationally significant energy infrastructure projects, is also intended to speed-up the decision making for the Secretary of State to determine Nationally Significant Infrastructure Projects (NSIPs) for renewable energy schemes, including renewable electricity generation such as solar power.

Whilst the proposal is not a NSIP, the development of the 49.5MW Solar Energy Scheme would help to accelerate the governments intentions towards achieving a fivefold increase in solar power by 2035 (from a capacity of 14GW to 70GW), to create a fully decarbonised, reliable and low-cost power system by 2035 and also meeting its net zero target by 2050.

The proposed development would enable agricultural practices to continue while delivering renewable energy, enabling a viable use and public benefit to the borough. Although the proposed 40 year operation of the solar farm is a long period of time, and can be considered to be a semi-permanent development, the construction methodology alongside the ecological enhancements is expected to allow the full agricultural use to be restored.

There will be a significant visual impact on Hanyards Lane which is unavoidable due to the scale of the development but is reversible in the future. The impacts on views further from the site would not be harmful, the development would preserve designated heritage assets and create a low impact on the AONB. There is no loss to the residential amenities enjoyed by surrounding neighbours.

The renewable energy development supports the government's aim towards tackling climate change as well as meeting its net zero target, the proposal is strongly balanced in accordance with the development plan policies and national guidance.

## **Consultations**

### Biodiversity Officer:

No objections were received, however a detailed Biodiversity Enhancement Management Plan (BEMP) is recommended. The imposition of a planning condition to request details of a BEMP shall be used in the event of permission being granted.

### County Archaeologist:

No objection subject to pre-commencement condition to require a written scheme of investigation.

### Conservation Officer:

Concerns were expressed against lack of information and assessment of Shugborough Estate being provided in the submitted Heritage Statement. However, the impacts on nearby non-designated heritage assets are considered to be outweighed by public benefits

### Historic England

No comment

### Highway Authority:

No objections subject to pre-commencement condition to require Construction Environmental management Plan (CEMP).

Natural England:

No objections to designated sites or loss of BMV agricultural land. Recommended that landscape advice is sought from Cannock Chase AONB.

Design Midlands:

The council sought the expertise of a Landscape Officer on behalf of Design Midlands. In summary, the following points were identified:

- The cancellation of HS2 has a potential bearing on the site. The proposals whether to proceed with the demolition Upper Farm, splitting of the farm, associated woodland planting and diversion of the Public Right of Way (PRoW) all have an implication on this development. Progress of PRoW diversion now seem unlikely to proceed.
- Part of the site is in grade good quality grade 3 arable grassland, including 3a.
- This solar farm will have an impact on the open countryside.
- Key views provided with HS2 adequate and supporting wireframe drawings are helpful.
- LVIA views re PRoW without HS2 woodland at Upper Hanyards farm may be helpful.
- The solar farm appears to have minor visual impact apart from afar and there is some screening due to the woodlands, general terrain and there are few properties in close proximity.
- There will be glimpsed views from the periphery of the site.
- The major impact will be from Hanyards lane and the PRoW.
- Key views are limited to Hanyards Lane, where the PRoW emerges on Hanyards Lane, the current PRoW and farm at Upper Hanyards Farm and to the north beyond the site.
- Hanyards Lane is a private road but the solar farm will be clearly visible, despite mitigation
- Hedgerow infill and planting is proposed at key points on the site boundary and along Hanyards Lane and at key boundaries to the site.
- Associated infrastructure seems close to Hanyards Lane and farm.
- Biodiversity figures indicate an improvement [grass 121 %, hedgerows 18%].
- 640m of species poor hedgerow along the boundary between the arable and grass land is being removed rather than replaced and / or improved.

Designing Out Crime Officer

No objections. However, advice on security fencing was received.

Environment Agency:

No objections were confirmed subject to condition to require a remediation strategy in the event that contamination is identified.

Forestry Commission:

No objections

Local Lead Flood Authority:

No objection subject to conditions to require further drainage details.

Environmental Health Officer:

The Ground Risk and Glint/Glare reports, and Glint/Glare information are satisfactory. A Construction Environmental Management Plan (CEMP) is recommended.

Staffordshire Fire and Rescue Service:

Non-objecting comments received with advice concerning battery storage and access.

Staffordshire County Council Rights of Way Officer:

No objections.

Local Lead Flood Authority (LLFA):

Following additional information being submitted, previous objections have been removed, compliance conditions and also a pre-commencements condition has been advised to request further drainage design details.

National Landscape (formerly known as AONB):

There were initial objections concerning insufficient information. Further information was submitted and a holding objection has been received which considers retaining existing hedgerow and mitigation.

Newt Officer:

No objection

National Trust:

Neutral comment received (neither objection nor support)

Tree Officer:

No objections subject to pre-commencement condition to require Arboricultural Method Statement (AMS).

NATS safeguarding

No objections.

Parish Council (Ingestre with Tixall):

A letter was received expressing an objection regarding the following concerns (numbered as per letter):

- (1) The parish council have mentioned that the proposed solar farm will generate just under 50MW of electricity and therefore does not require consent from the Secretary of State, and is therefore a cheaper option to obtain approval from the borough council. The parish council question how can the solar farm development be monitored to remain under 50MW?
- (2) Loss of agricultural land from HS2 and further loss of agricultural land due to proposed solar farm. Also cumulative impact of future solar farms once a substation has been built.
- (3) Construction Traffic, increase in HGVs in the area severely affecting roads not suitable for articulated lorries.
- (4) Why alternative/non-agricultural sites within the borough? Also why solar panels have not been built on residential, commercial or other land?
- (5 and 6) Proposed housing of batteries. Visual impact of proposed substation.
- (7, 8, 9 and 10) Possible leakage of chemicals from solar panels, loss of hedgerows, and lifetime of development in event of financial difficulty with the operator and also technological advancements.
- (11 and 12) impact on AONB, health, pollution, living conditions and natural environment.
- (13) Potential increase in rural crime.

Neighbours:

Notification letters were sent to neighbours and a site notice was displayed nearby the site. A notice was also published in the local press. 13 letters of objection were received expressing the following concerns;

- Visual Impact/character of countryside/rural location
- Heritage impacts
- Loss of agricultural land/food production

- Impact on AONB
- Loss of privacy from proposed CCTV
- Lack of Viewpoints from west of the site
- Glint and Glare
- Traffic/Road safety
- Pollution and Noise (including cumulative impact in conjunction with existing wind turbine)
- Drainage and Flooding

Concerns were also expressed regarding details of adjacent trees not being correctly stated in the application form and also screening/mitigation measures from woodland/forest further from the site not being within the application site and therefore not within the control of the applicant. In response, the Boroughs Tree Officer has requested further details concerning trees. The applicant does not have control over the surrounding woodlands/forests, officers cannot fully ensure that the screening provided by the surrounding woodlands/forests would remain throughout the entire lifetime of the development which is expected up to 40 years, however the surrounding woodlands/forests have not been allocated for future development and it would be unreasonable to consider that the woodlands/forests do offer screening.

There were also concerns that HS2 created an opportunity for the scheme and farm diversification details being vague. Further to the receipt of these concerns, the cancellation of the HS2 project was announced, the scheme shall be assessed in these circumstances, also additional information has been submitted with regards to the cancellation of HS2 and farm diversification.

Neighbouring comments also mentioned that there are no long-term plans for the disposal of the solar panels. A Decommissioning Statement has been submitted with the application which explains that the panels are intended to be recycled, however it is considered necessary to request decommissioning details closer towards the expected cessation of the solar farm operation which may be up to 40 years, a planning condition can be imposed to request this.

Light pollution was raised as a concern, however it should be noted that no lighting is proposed.

Concerns regarding impact on aviation was mentioned. It should be noted NATS Safeguarding were consulted and confirmed there are no objections.

Site Notice(s):

Expiry dates 03 November 2023

Adverts:

Expiry dates 09 August 2023

## Relevant Planning History

- 12/17009/FUL - Erection of 2 no. wind turbines 250kW, 55m hub height, 71 metre tip height and 32m rotor diameter and associated infrastructure. Refused by council on 01.08.2012. Appeal allowed (Ref: APP/Y3425/A/12/2186912) on 30.05.2013.
- 13/19171/FUL - Erection of 1 no. wind turbine 500kW, 40m hub height, blade diameter of 54m and a tip height of 67m. Transformer station at base of turbine and all ancillary works– Permitted 13.12.2013.
- 22/36417/S17- Development authorised by the High Speed Rail (West Midlands - Crewe) Act 2021 for earthworks relating to the construction of four ecological mitigation ponds, one associated bund and the location of permanent fencing and four permanent gates. Permitted 27.09.2022.
- 22/36645/FUL - Replacement of existing silage clamps at Upper Hanyards Farm with new silage clamps at Lower Hanyards Farm. The clamps will measure 41.15 x 36.57m and will be divided in to 3 individual bays measuring 10.69m, 12.2m and 13.73m wide. Permitted 17.03.2023.
- 23/37285/S17- Development authorised by the High Speed Rail (West Midlands - Crewe) Act 2021 - Building works required for the construction of one bat house, one gate, one permanent watercourse crossing and permanent fencing. Permitted 10.05.2023.

## Recommendation

Approve subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2 This permission relates to the originally submitted details and specification and to the following drawings/documents, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

Drawings:

P01 Rev.C (Proposed Block Plan)

P02 Rev.B (Proposed access and solar panel details)

P03 Rev.C (proposed Location Plan)

P04 Rev.A (Proposed 132kw NGED substation, proposed container housing for transformers, switchgear and inverters, fencing, gates and CCTV)

P05 (Existing Block Plan)

P06 (Existing Location Plan)

P07 Rev.A (Existing trees and woodland, proposed woodland route protection, existing and proposed hedges, existing and proposed trees)

P08 (Existing Land Drain Protection, during construction and access for maintenance during the lifetime of the solar farm)

EWE/3015/01 Rev.C (Drainage Strategy Infiltration Option 1)

EWE/3015/02 Rev.O (Drainage Strategy Discharge to watercourses)

257-HAN-DRW-TSA Rev.01 (Shading Analysis)

257-HAN-DRW-AIP Rev.01 (Overview)

2302703 (Swept Path Analysis)

Viewpoint Map with Site Boundary

Viewpoint Map (AONB)

ZTV (Zone of Theoretical Visualisation) drawing Nos; P08 (AONB, Local Nature Reserves and SSSI); P09 (Scheduled Monuments and Listed Buildings); P10 (Registered Battlefields, Parks and Gardens); P11 (Conservation Areas); P12 (Sections 1 to 6) and

P13 (Sections 7 to 9).

Viewpoint 1 (Existing and proposed)

VP-1 A518. Weston Rd to Marker 1

Viewpoint 2 (Existing and proposed)

VP-2 Trent Walk to Marker 1 (Bearing 191 deg)

Viewpoint 3 (Existing and proposed)

VP-3 Trent Walk to Marker 1(Bearing 150 deg)

Viewpoint 4 (Existing and proposed)

VP-4 Hanyards lane to Marker 1

Viewpoint 5 (Existing and 3D representation)

VP-5. PROW. Upper Hanyards to Marker

VP-6 Tow Path, Tixall Wide to Marker 1

Viewpoint 7: Open Parkland. Shugborough Park.

VP-7 Shugborough Hall to Marker 1

VP-8 Satnall Hills to Marker 1

VP-9 Shugborough Hall to Marker 1 (Bearing 297 deg)

VP-10 PRoW, Canal Path. Trent and Mersey Canal to Marker 1

VP-11 Ingestre CA to Marker 1

VP-12 St Thomas Priory to Marker 1

Viewpoint 13: Wireframe and Landscape Profile: Springhill Monument to Marker 1

Viewpoint 14: Wireframe and Landscape Profile: Hadrians Arch to Marker 1

VP15 Sundial Brocton NHeights

Viewpoint 15. Sundial. Brocton Heights (photo and wireline)

Agricultural Land Classification Plan (Produced on 26 June 2023)

Documents:

Glint and Glare Assessment: Lower Hanyards Farm (Rev.3.0, Dated 25 April 2023)

Additional Planning Statement - Economic, Social and Environmental Benefits  
(Dated 16 December 2023)

Additional Tree and Hedge Planting Views from PROW and Hanyards Lane (Dated  
16 December 2023)

Additional Planning Statement - implications of recent HS2 Announcement (31  
October 2023)

Archaeological Desk-Based Assessment (Dated May 2023)

Archaeological geophysical survey May - June and September 2023 (Report  
No.23/086)

Ecological Impact Assessment (Dated May 2023)

Flood Risk Assessment (Final Report) (Rev.G dated January 2024)

Noise Impact Assessment (Dated 11 May 2023) Phase 1 Desk study Report (Dated  
April 2023)

Planning Statement (Dated 26 May 2023)

Built Heritage Statement produced by RPS (Ref: JAC28844.02 v.3, dated October  
2023)

Heritage Addendum Report produced by RPS (Ref: JAC28844, dated 29  
November 2023)

Arboricultural Impact Assessment

BS5837: 2012 Tree Survey

Continued Agricultural use Support Statement (Dated 14 September 2023)

Landscape and Visual impact assessment Part 1 Rev.A (Dated 19 September 2023)

Landscape and Visual impact assessment Part 2 Rev.A (Dated 19 September 2023)

Transport Statement (Dated May 2023)

Agricultural land Classification Report (produced on 26 June 2023)

Geophysical Survey Report (Dated 9 November 2023)

- 3 Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event.
- 4 Within 3 months of the date of the Local Planning Authority receiving written notification of the cessation of electricity generation and storage pursuant to condition 3 of this permission, a Decommissioning Scheme shall be submitted to the local planning authority for approval in writing. The Decommissioning Scheme shall include, but not be limited to, the provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities, hard-surfacing and fencing, together with a scheme for the restoration of the land to its former condition and timetable for implantation and completion. The decommissioning shall thereafter be carried out strictly in accordance with the approved scheme.
- 5 In the event of the development ceasing to generate electricity for supply to the electricity grid network for a period in excess of 12 months, a Decommissioning Scheme shall be submitted to the local planning authority for approval in writing, no later than 3 months from the end of the 12-month period. The Decommissioning Scheme shall include and be subject the same provisions referred to in Condition 4 of this permission.
- 6 No demolition or construction works, together with any associated deliveries to the site shall take place outside the hours of 08.00 to 18.00 Mondays to Fridays and 08.00 to 14.00 on Saturdays or at any time on Sundays or Public/Bank Holidays.
- 7 The development shall comply with the operational noise level limits set out in the submitted 'Noise Impact Assessment' prepared by 'Environmental Noise Solutions Limited' (dated 11 May 2023) at all times.

- 8 If, during installation / construction works, contamination not previously identified is found to be present at the site, then no further development (unless otherwise first agreed in writing by the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no fences, barriers, gates, bollards or other means of enclosure, however temporary, shall be erected within the site following the practical completion of the development.
- 10 No external lighting or illumination shall be installed within the site or on the boundary of the site unless details have first been submitted to and approved in writing, by application, by the Local Planning Authority.
- 11 The development shall be implemented and operated in accordance with the measures listed in the Flood Risk Assessment, Final Report Rev G, EWE Associates Ltd, January 2024 to prevent soil erosion under the proposed solar panels. The measures shall include:
- Vegetation shall be left to grow longer underneath panels extending approximately 0.45m into each aisle.
  - Grass along the leading edge of the panels shall be left long and even when this is 'top-cut' during the summer it will not be cut any shorter than 300mm.
  - Regular inspections shall be carried out of the ground conditions underneath panels and if any areas are identified where vegetation is thinning, this will be treated and pre-planted to prevent any erosion occurring.

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.

- 12 Construction phase surface water management plan (Appendix D of Flood Risk Assessment, Final Report Rev G, EWE Associates Ltd, January 2024) shall be followed to allow the management of surface water and water quality until the time that the proposals are complete.

This shall include:

- Linear swales shall be constructed prior to any works commencing on the site.
- A 6m wide buffer zone shall be maintained around the existing land drains on site to ensure protection during the construction phase.
- Vegetation required for erosion protection shall be established prior to the construction phase.

13 The development shall not be commenced unless and until a scheme in accordance with Staffordshire SuDS Handbook has been submitted to, and approved in writing by, the local planning authority. The scheme shall be in compliance with the principles outlined in Flood Risk Assessment, Final Report Rev G, EWE Associates Ltd, January 2024 and include the following mitigation measures:

- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change return periods.
- Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- Evidence of infiltration testing in accordance with BRE365 shall be provided to prove the viability of the proposed infiltration-based drainage strategy on site:
- Should infiltration rates be acceptable, the site shall employ an infiltration-based solution for surface water drainage containing the 1 in 100yr + 40% event within the drainage network as per Drainage Strategy Infiltration Option 1, EWE/3015/01, Rev C, EWE Associates Ltd, 04.01.24. Storage volumes to be calculated on the basis of the infiltration rates obtained in the BRE365 testing.
- If infiltration does not prove viable following BRE365 testing, the applicant shall develop a drainage strategy based on the principles outlined in Drainage Strategy Discharge to Watercourses, EWE/3015/02, Rev O, EWE Associates Ltd, 04.01.24 to a 1 in 100yr + 40% CC standard with the following parameters:
  - Maximum discharge rate of 16.4l/s for Catchment 1 discharging to the unnamed watercourse to the south of the site with a minimum storage volume of 333m<sup>3</sup>
  - Maximum discharge rate of 10l/s for Catchment 2 discharging to the unnamed watercourse to the west of the site with a minimum storage volume of 645m<sup>3</sup>
- Access and maintenance roads shall be constructed using permeable materials to mimic the natural ground conditions.
- Swales shall be incorporated for storage and conveyance.
- Provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Runoff from the substation compound shall be managed using filter drains.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system shall be provided.
  - A 6m wide continuous buffer strip shall be maintained around all land drains on site for access, inspection, and maintenance. This is identified in orange on Proposed Block Plan P01, Rev C, T J Coates Ltd, 05.03.23
  - Provision of a detailed management plan for all surface water drainage elements including information about erosion protection including the name and contact details of the party or parties responsible for each action.
- 14 Prior to commencement of development, details of the colour finishes to be used in the construction of the solar arrays, all fencing, substation(s), transformers, inverters, circuit breakers, spares container store, surfacing materials and CCTV poles hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved materials.
- 15 No development shall not be commenced, including demolition works, ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, has been submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement for the development shall be implemented and maintained until the completion of all construction related activity, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.
- 16 (a) Prior to the commencement of the development 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.
- (b) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (a).
- (c) The development shall not be brought into use until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under (a) above.
- 17 No development shall commence until such time as a soil management plan which provides measures to improve soil quality and ensure that there will be no loss of soil quality within the operational lifetime of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The soil management plan should contain a methodology for soil stripping during site development. Topsoil and subsoil should be stripped, stored and replaced separately to minimise soil damage and to provide optimum conditions for site restoration. The soil

management plan shall be implemented as approved throughout the life of the development.

- 18 Prior to the commencement of any construction works, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by the Local Planning Authority. The approved management plan shall include details relating to construction access hours of construction, routing of HGV's, delivery times and the location of the contractors' compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
- 19 No development shall commence until a detailed Landscape Scheme and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority which provides details of the following:
- (a) Demonstrates how the Landscape Scheme follows the principles contained within the submitted document titled 'Additional Tree and Hedge Planting Views from PROW and Hanyards Lane (Dated 16 December 2023)' and drawing no. P01 Rev.C.
  - (b) Details of soft landscaping to include the plant type, size, planting numbers and distances, and a programme detailing the timing of the landscaping works in relation to the phasing of construction together with express confirmation that any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with plants of the same size and species.
  - (c) Details of a long-term landscape management plan which includes details for the watering of the new hedgerow plants and trees which will be managed and maintained when established and confirmation of the maintenance regime to ensure that all the identified landscaping on the site is continually managed for the lifetime of the development; to the objective of ensuring that the visual impact of the development is minimised from both close range views and those available from the wider surrounding landscape. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with the approved details.

Development shall only commence in strict accordance with the Landscape Scheme and Landscape Management Scheme, which shall subsequently be implemented only in accordance with the approved details for the lifetime of the use hereby approved.

The reasons for the Council's decision to approve the development subject to the above conditions are:

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a timeframe for its operation and decommissioning.
- 4 To ensure restoration of the site following cessation of energy production in accordance with policy N3 of the Plan for Stafford Borough.
- 5 To ensure restoration of the site following cessation of energy production in accordance with policy N3 of the Plan for Stafford Borough.
- 6 To protect the amenities of residents in the locality (Policy N1 of The Plan for Stafford Borough).
- 7 To ensure that the development does not create excessive noise that may cause harm to the amenities of neighbouring residential properties or the wider environment (Policy N1 of The Plan for Stafford Borough).
- 8 To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
9. To control future development in the interest of the character, appearance and quality of the development in accordance with policies N1 and N8 of the Plan for Stafford Borough.
- 10 To protect the appearance of the development and residential amenities of neighbouring properties in accordance with policies N1 and N8 of the Plan for Stafford Borough.
- 11 To ensure the long-term management and maintenance of the SuDS infrastructure (Policy N2 of The Plan for Stafford Borough).
- 12 To ensure lifetime maintenance of the system to prevent flooding issues (Policy N2 of The Plan for Stafford Borough).
- 13 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site (Policy N2 of The Plan for Stafford Borough).
- 14 To ensure the satisfactory appearance of the development. (Policy N1 of The Plan for Stafford Borough).
- 15 To ensure professionally recognised Arboricultural practice is carried out within the site subject of this permission (Policy N4 of The Plan for Stafford Borough).
- 16 To comply with policy N9 of the Plan for Stafford Borough.

- 17 To ensure restoration of the site is supported in accordance with policies E2 and N3 of the Plan for Stafford Borough.
- 18 In the interests of the safety of users of the highway. (Policy T2 of The Plan for Stafford Borough).
- 19 To provide a net gain in biodiversity. Paragraph 180 of the National Planning Policy Framework.

#### Informatives

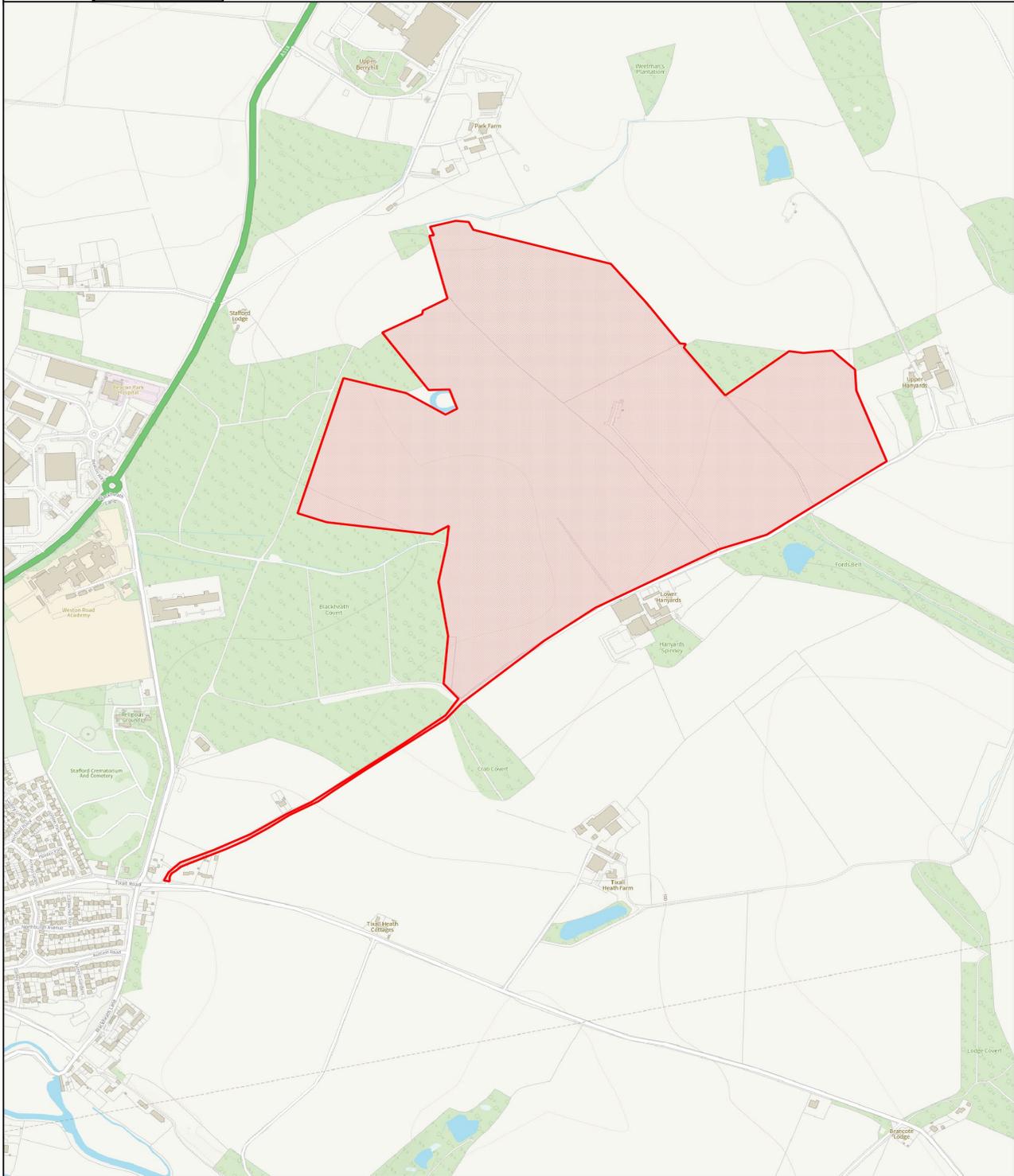
- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 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; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
- 3 Staffordshire County Council has received an application under Section 53 of the Wildlife and Countryside Act 1981 to add to the Definitive Map of Public Rights of Way in this vicinity, along the site access/southern boundary (Application reference 020562, for the addition of a bridleway, Tixall (SJ95742375 to SJ96682433)). You will need to make further enquiries regarding the status of this definitive map modification order with: [legalrowallocations@staffordshire.gov.uk](mailto:legalrowallocations@staffordshire.gov.uk)

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.

- 4 All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that any tree/shrub works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition - this may include timing of work, pre-work checks, avoiding nesting areas etc.

## 23/37621/FUL Land North Of Lower Hanyards Farm Hanyards Lane

Scale	1:10000	Economic Development & Planning	 <b>Stafford</b> BOROUGH COUNCIL
Grid Refs	SJ9623,SJ9624,SJ9524,SJ9624	23/37621/FUL	



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Date Created: 14-02-2024

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