



Appeal Decision

Hearing held on 14 January 2025

Site visits made on 15 and 30 January 2025

by Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/Y3425/W/24/3351763

Lower Farm, Drinton, Stafford, ST18 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Novus Renewable Services Limited against the decision of Stafford Borough Council.
 - The application Ref is 23/36938/FUL.
 - The development proposed is the installation and operation of solar farm and energy storage system with associated landscaping, underground cabling, works, equipment and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for Installation and operation of solar farm and energy storage system with associated landscaping, underground cabling, works, equipment and infrastructure at Lower Farm, Drinton Stafford ST18 0LX in accordance with the terms of the application, Ref 23/36938/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Novus Renewable Services Limited against Stafford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Prior to my determination of this appeal, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 which replaced the previous version. The relevance of the revised Framework was discussed in the Hearing. I have taken into account the relevant provisions of the revised version in the determination of this appeal and any references to the Framework in this Decision relate to the revised document.
4. An accompanied site visit was initially undertaken on 15 January 2025. However, owing to inclement weather, which restricted visibility, the site visit was adjourned and resumed on 30 January 2025. All of the viewpoints suggested by the Appellant, the Council and interested parties were observed at the resumed site visit.
5. Prior to the opening of the Hearing, an agreed Statement of Common Ground (SoCG) was provided, signed by the Council and the Appellant. This expands on

the areas of disagreement relating to the Council's single reason for the refusal of planning permission. It also identifies, subject to the imposition of appropriate planning conditions, that there are no outstanding objections on technical matters from statutory consultees.

6. The Council are in the process of preparing a new Local Plan to replace the adopted Plan for Stafford Borough 2011 – 2031 (PSB). The emerging Plan is currently at the Preferred Options stage having recently undergone consultation and is thus at a relatively early stage of preparation. Neither main party relied on any policies in the emerging plan to support their respective cases. Consequently, I agree with the views of both main parties expressed in the Hearing that the emerging plan should be afforded limited weight in the consideration of this appeal.
7. There is some confusion in the submitted evidence regarding the name of the public highway to the west of the appeal site from where the main access would be taken. Most of the submitted documents refer to this as Grindley Lane whilst interested parties and the Council refer to it as Drointon Lane. Staffordshire County Council, in the capacity of highway authority, also refer to the road as Grindley Lane in their responses to the planning application consultation. I have no plans that conclusively identifies the correct name of the part of the public highway from where the main access would be taken or where the transition from Grindley Lane to Drointon Lane may occur. Therefore, I have used the name of the highway from which the main access would be taken as Grindley Lane in this Decision in order to remain consistent with the Appellant's submitted application and appeal documents.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area.
9. It is also necessary to consider the benefits of the scheme, and how this and other material considerations should be weighed against one another. I do this as part of the planning balance.

Reasons

The appeal site and proposed development

10. The appeal site is located within the open countryside and comprises two areas of land. The main site comprises approximately 63ha of predominantly agricultural land located to the immediate east of the small settlement of Drointon. This area is referred to as Lower Farm and would house the Solar Photovoltaic (SPV) Array and Battery Energy Storage System (BESS).
11. The second smaller parcel, approximately 0.74ha, is located around 250m to the south-west of the settlement and contains an existing 15m high pylon with a 132KV overhead powerline which forms part of the National Grid Electricity Distribution (NGED). This smaller site would contain a substation and provide access to the NGED network. The proposed compound housing the substation would be enclosed with 2.4m high palisade fencing and house a 15m high communication tower and four 9m high floodlight columns.

12. The SPV site is comprised of 11 field parcels which feature gentle undulations with no steep rises or troughs in topography. The northern boundary abuts wider agricultural land with a wooded area to the northeast identified as Black Hough Plantation. The eastern Boundary is formed by further woodland, which is identified as Newton Gorse Plantation, while the southern boundary is formed by further fields with a farmstead and a small number of dwellings beyond. The western boundary is formed by farmsteads and the centre of Drointon. The field parcels are relatively well defined with mature vegetation forming a large portion of the boundaries.
13. The main site is partly split between the northern and southern portions by land owned by Plough Farm which does not form part of the appeal proposals. Two Public Rights of Way (PRoW) traverse the main site and a further PRoW runs adjacent to the south eastern boundary of the substation site.
14. Access would be achieved via Grindley Lane (note paragraph 7 above) abutting the western boundary of the main SPV array site. Grindley Lane continues south linking with a short section of unnamed road which would facilitate access to the substation site.
15. The SPV array would have a generating capacity of no greater than 49.9MW. The ground mounted solar arrays would be arranged in rows on an east to west alignment with an anti-reflective design to reduce glint and glare. The panels would be static, have a width of 4.85m and be tilted between an angle of 15 to 30 degrees with a maximum height of 3.10m. A network of 1.9m high stockproof fencing would surround the blocks of solar arrays, together with the perimeter of the main site. In addition, 3m high CCTV mounted poles would be installed at various locations on the site.
16. The BESS is proposed to be located in the north- east portion of the main site adjacent to the Black Hough Plantation. The BESS would comprise a bank of twenty containerised batteries with ten Medium Voltage (MV) skids with an overall capacity of 30MW which would discharge at times of high demand. A total of eighteen transformer / inverter units with a small cabinet are proposed near to each parcel of solar panels and adjacent to the proposed internal access tracks.
17. The site would have an operational lifetime of 40 years following construction. A connection agreement has been reached with the network operator which the Appellant suggests will enable the proposal to begin contributing to energy need from 2027. At the end of its operation lifetime all structures and hard surfacing would be removed, and the land restored to agricultural use.

Landscape baseline

18. The submitted Landscape and Visual Assessment (LVA) identifies the landscape and visual effects of the proposed development. The SoCG confirms that the parties agree that the methodologies employed in the assessment of landscape and visual effects have been carried out in accordance with the Guidelines for Landscape and Visual Assessment (Third Edition) 2013 (GLVIA3). I concur that the LVA has been undertaken broadly in line with best practice guidance as set out in GLVIA3. Whilst there is general agreement on the approach adopted in the LVA there is disagreement regarding the magnitude of visual effects.

19. The LVA identifies that the study area for the assessment of landscape and visual impact was partly defined by a Zone of Theoretical Visibility (ZTV) and professional judgement. The combination of these factors resulted in a study area that encompasses up to 3km from the site. The extent of the ZTV or the study area was not contested by the Council in the Hearing and it is generally accepted that beyond this distance, the potential landscape and visual effects would unlikely give rise to any major adverse or moderate adverse visual effects.
20. The LVA identifies representative viewpoints used to assess the impacts and resultant effects of the proposed development on a range of views towards the site. Additional viewpoints were also identified by the Council during the appeal which were assessed by the main parties. I also observed a number of additional viewpoints identified by interested parties. I consider that the study area encompassed by the viewpoints is appropriate for the consideration of the likely important effects of the proposed development on landscape character and views.
21. The SoCG also confirms that neither the appeal site nor the immediate surrounding landscape is located within any international, national, or regional landscape designation and that there would be no significant effects upon any such designated landscapes as a result of the proposal. The SoCG identifies that it is agreed that there would be no cumulative landscape or visual impacts. It is common ground that none of the appeal site falls within any protected landscape and that it cannot be defined as a valued landscape in terms of paragraph 187 of the Framework.
22. Of the various landscape character documents referred to in the LVA, the most relevant is the Supplementary Planning Guidance for Staffordshire and Stoke on Trent Structure Plan¹. This identifies the appeal site as lying almost entirely within the 'Enclosed Plateau Farmlands Landscape Character Type' (LCT) which is an area described as "an intensively farmed landscape which is visually dominated by large broadleaved and coniferous woodland due to the flat or gently undulating landform and coalescence of the woodland blocks. Hedgerow trees are characteristically regularly spaced and variable in number, consisting largely of oak, but with ash in places." The landscape characteristics of the appeal site and immediate surroundings are consistent with these key characteristics of the LCT.
23. In considering the landscape and visual effects, I have taken into account the proposed mitigation set out in the Landscape Strategy Plan (Drawing ST197768-218B). This identifies that visual screening in the immediate environs of the site will be maintained through the retention of trees and hedgerows within and around the perimeter of the site where possible. The mitigation planting would consist of hedgerow infill planting and the addition of hedgerow trees within hedgerow gaps and planting of hedgerow trees next to the existing hedgerows. The management of the existing hedgerows would be altered to allow them to grow up to a height of at least 3m. The mitigation would also include large areas of species rich grassland covering a significant area of the main site.

Landscape Impacts

24. Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm. In this context, national policy adopts a positive approach

¹ Planning for Landscape Change, Supplementary Planning Guidance of the Staffordshire, and Stoke on Trent Structure Plan 1996 – 2011, Staffordshire County Council (2000).

indicating that development should be approved where the harm would be outweighed by the benefits of a scheme.

25. Although the Council's Statement of Case sets out that the Council's concerns relate specifically to matters concerning the visual impact of the proposed development, rather than landscape impact, it is necessary for me to consider landscape impact of the proposed development in order to make a judgement of any harm that would be caused. In doing so I have considered any direct loss of landscape elements (i.e. subtractive changes which change landscape character) or through additions that change landscape character (additive).
26. The proposed development would predominantly occupy pasture land, which would accommodate the solar arrays, with land under the panels being used for the biodiversity enhancements and continued agricultural co-use with livestock grazing. The existing perimeter vegetation consisting of hedgerows, with trees alongside the hedgerows, form the field boundaries which would be retained except for vegetation removed for access. Changes in landscape character would be largely as a result of a modification to the land use by the introduction of SPV panels that would result in the introduction of man-made features within the study area.
27. The proposed SPV panels, BESS, substation, inverters and access tracks would occupy a considerable portion of the landscape immediately to the east and southwest of Drointon. These features, particularly the metal and glass panels of the solar arrays, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The colour and texture of the solar arrays would not be typical of the agricultural and rural settlement context. Consequently, the proposed development would introduce a discordant element into the local landscape.
28. The individual components of the development would be largely contained within existing well-defined fields whilst enhancing field boundaries through new planting would be beneficial in mitigating some local landscape effects in the medium term. However, this would not entirely ameliorate the landscape harm that would be caused.
29. Although it is clear that the BESS and associated infrastructure would detract from the existing character, the detraction would be limited in extent and would affect a minor part of the overall area. The impact would be reduced over time with the establishment of new planting.
30. On the substation site, part of the existing grassed area would be replaced by hardstanding and the proposal would introduce vertical features associated with the telecommunications tower, lighting poles and the substation equipment. However, the substation site includes the existing transmission pylon which is part of the intended point of the grid connection for the substation. This in itself is a strong influence on the character of the locality and the lighting columns and telecommunication mast would be seen within the context of this existing pylon.
31. Taking the above factors into account, I conclude that at the site level, there would be moderate adverse landscape effects during construction and year 1, reducing to minor adverse by year 15 as the proposed mitigation planting matures to enhance the existing field boundaries and hedgerows within the site. The proposed substation would largely be confined by existing field boundary

vegetation, enhanced and reinforced with mitigation planting. However, owing to the extent of tall structures that would be introduced into the rural landscape, I consider that the landscape harm would remain as minor adverse for the duration of the development.

32. Beyond the extent of the site, the proposed development would result in minor adverse effects on the landscape character of the LCT within the study area during construction and year 1 but reducing to negligible adverse in year 15 as the proposed mitigation planting would help to integrate the proposed development into the existing landscape.

Visual impacts

33. I have considered the views of both main parties in relation to the visual impact of the proposed development relative to the agreed viewpoints. I have set out my assessment of the visual effect on some of the viewpoints that have influenced my overall assessment of the visual effect of the proposed development. The viewpoint numbers referred to below represent those agreed between all parties as shown on the site visit route plan and are considered below in the order that they were viewed on the site visit. These views are those that the main parties and interested parties consider to be key viewpoints to gain an appreciation of the visual impact of the proposed development.
34. I do not have any agreed field numbering to provide an indication of the orientation of views. I have therefore used the numbering shown on the Planning Capacity Plan (Drawing LF 14) to provide some degree of reference to the location of the solar arrays. There is dispute regarding the extent to which the proposed landscaping would have grown by year 15 from planting. However, whilst not necessarily reaching full maturity, most of the planting would have achieved a reasonable height to offer a relatively high level of screening by year 15.
35. FFC2 was viewed from the rear of Upper Farm looking east. Foreground views would be of a relatively long field that would be retained in agricultural use. However, the land to the east slopes downwards from approximately half of the length of this long field before rising towards Newton Gorse Plantation where the arrays in Areas 6, 7 and 10 would be seen. Mitigation planting would reduce the visual effect on the lower slope of the arrays but would unlikely screen views of the arrays on the upper slope towards the Plantation. Given the distance to the views of the arrays, the visual effect would be minor adverse for the duration of the development.
36. AVP3 is a view from the rear of Ivy House Farm/Yew Tree Cottage looking southwest towards the substation site. Views of the current substation site from the residential property are limited due to curtilage buildings and existing vegetation both from within the garden area and as a consequence of the existing hedgerow fronting the substation site. The existing pylon is dominant in such views. Although the residential property is relatively close to the substation site, as a consequence of the foregoing, it is unlikely that the electrical switch gear would be readily seen. The main visual impact would arise from the installation and use of the lighting columns and the communications tower. These structures would be seen in the context of the existing pylon which has a reducing influence on the visual effect. Consequently, I consider that the visual effect would be

minor adverse at year 1 and remain so for the duration of the development. There would be some impact as a consequence of nighttime lighting which I consider later in this Decision.

37. FFC3 is the view looking east through the access into Upper Farm. Currently views down this access are relatively funnelled due to the storage of agricultural machinery and farm materials but concern was raised that the view may be widened if the farm ceases agricultural use as a consequence of the appeal proposals. I cannot speculate on the extent of the future use of the farm and I have considered the visual impact as at the date of the site visit. Proposed planting and topography would mitigate views of the nearer parts of the SPVs, identified as Area 9, but longer distance views of the panels in area 6 would be attainable as the land rises towards Newton Gorse Plantation. However, these would be distant views with visual receptors comprising passing vehicles/pedestrians/horse riders using this part of Grindley Lane. The significance of visual effect would be minor adverse.
38. WA3 / FFC1 / PRoW CP 0.1620 are collective views travelling eastwards along Public Right of Way CP0.1620 from Grindley Lane towards Newton Gorse Plantation. Relatively open views of the solar arrays would be available following implementation. Landscape mitigation by year 15 would likely screen views of the solar arrays from either side of the PRoW whilst walking through the appeal site. However, in views walking west from the vicinity of Newton Gorse Plantation, the mitigation would have limited effect. Users of the footpath would likely experience enhanced field boundaries but a change in the colour of the land occupied by the arrays.
39. Concern was expressed that the proposed mitigation would result in walkers experiencing an unacceptable tunnel effect. The 'Landscape Design - Public Rights of Way' document shows a section of this PRoW would be provided with a corridor of over 20m between the proposed solar arrays, including a 10m wide landscape buffer. Whilst walkers may, on maturity of the mitigation, experience a "green corridor" this is not an unusual feature of part of this footpath route. However, with the high sensitivity of the footpath users, the visual effect would likely be in the range of moderate to major adverse at year 1, decreasing to moderate adverse by year 15.
40. FFC9 and WA5 are views from the settlement of Lea Heath and the field gate on Drointon Road. Views of the SPVs would be attainable at medium distance due to the elevated position of the settlement with some screening offered by the existing roadside hedging. Overall, I consider that the visual effect from these viewpoints in year 1 would be moderate adverse, reducing to minor adverse at year 15.
41. FFC 8 comprises views from Brookside Farm where the receptors are the residential occupants of the farm and those involved in farm-based activities. Although the SPVs in Area 11 are positioned close to the northeastern boundary of the farmyard, direct views of these would be limited by the existing topography and hedgerow. Partial medium distance views of the arrays in area 10 would likely be attainable as the land rises to the east. The visual effect would likely be minor adverse at years 1 and 15.

42. WA6 is the view from the approximate position of the access to the substation site. Views of the current site are to some extent dominated by the pylon but the extent of equipment proposed to be installed would have an urbanising effect on part of the site. Receptors are those users of the public right of way adjacent to the southeastern boundary of the site and vehicles/pedestrians/horse riders passing along the unmade road in the vicinity of the access. At year 1 there would be a major adverse visual impact, reducing to medium adverse as the proposed landscaping matures.

43. AVP2 is a view looking east from the vicinity of Waters Edge. Middle and longer distance views of the SPVs in Areas 3, 5 and 6 would be attainable. Proposed planting would mitigate medium distance views by year 15. Overall, the visual effect would be moderate adverse at year 1, reducing to minor adverse by year 15.

44. WA2 / FFC5 / PRoW CP12 are collective views travelling eastwards along Public Right of Way CP12 from Grindley Lane towards Newton Gorse Plantation. Relatively open views of the solar arrays in Areas 1 and 3 would be available following implementation. Landscape mitigation by year 15 would screen view of the solar arrays whilst walking through the appeal site. However, in views entering the appeal site via the footpath in the vicinity of the northern part of Newton Gorse Plantation, users would likely experience partial views of predominantly of Areas 1, 3 and 4 throughout the duration of the development. Given the high sensitivity of the footpath users, the visual effect would likely be in the range of moderate to major adverse at year 1 decreasing to moderate to minor adverse by year 15.

45. FFC7 is a view from a field gate on Grindley Lane in the vicinity of Moss Rise Farm looking south. Medium distance views of arrays in Area 1 and the BESS would be attainable through a 'gappy' hedge but in such views these areas would not be particularly prominent. Receptors are vehicles/pedestrians/horse riders using Grindley Lane who are likely to experience transient views. Overall, I consider that the visual effect from this viewpoint would be negligible.

46. AVP4 is a view looking east from Grindley Lane in the vicinity of Moss Side Cottage. Longer distance views of the BESS site would be attainable over intervening open fields but partially screened by existing roadside hedging, albeit this is not in the control of the Appellant. I consider the visual effect would be minor adverse at year 1 reducing to negligible by year 15.

47. FFC6 is a view looking east in the vicinity of the proposed access to the main site. Receptors are vehicles/pedestrians/horse riders using Grindley Lane who are likely to experience transient views. Medium and longer distant views of the SPVs would be attainable but filtered by the existing roadside hedgerows. Overall, the visual effect in year 1 would be moderate adverse, reducing to minor adverse at year 15.

48. AVP1 is a view looking east from Plough Farm. The fields to the immediate east of the farm buildings are not in the control of the Appellant and would likely remain in agricultural use. Direct views eastwards from the rear of the farmhouse are limited due to the presence of farm buildings and storage. Oblique views from the rear of the farmyard of the panels in Area 1 to the northeast and Area 3 to the southeast would be attainable at medium distance with longer distance views of

Areas 2 and 4. Mitigation planting would have limited influence on these views. Overall, I consider that the visual effect would likely be minor adverse at year 1 and remain as such throughout the life of the development.

49. WA1 is a view looking east from Grindley Lane to the south of Plough Farm. Foreground views would primarily be of part retained agricultural land with proposed meadow grass areas and tree planting. Medium distance views of the arrays in Area 3 and longer distance views of Area 6 would be attainable at years 1 and 15. Receptors are vehicles/pedestrians/horse riders using Grindley Lane who are likely to experience transient views. I consider that the visual effect from this viewpoint to be minor adverse throughout the duration of the development.
50. In concluding the overall assessment of the visual impact of the proposed development, I have found that there would likely be moderate to major adverse visual impacts at year 1 reducing to moderate to minor adverse by year 15.

Nigh-time lighting

51. Concern was raised in the Hearing that lighting to the substation site and BESS would cause potential light pollution resulting in an urbanising effect. The Appellant confirmed that lighting would only be required in the event that nighttime essential maintenance or emergency work may be necessary. The CCTV system would use infrared lighting.
52. I recognise that lighting may cause an adverse visual effect in the rural area if illuminated throughout the night. I have no compelling evidence to suggest that the use of external lighting would be otherwise restricted to maintenance or emergency work only. Furthermore, a planning condition could be imposed to restrict the use of external lighting to such events.
53. I have taken into account the likely limited intermittent need for night-time lighting and measures that could be imposed to minimise the generation of obtrusive light beyond the site. I have no other compelling evidence to suggest that the proposed development would materially alter the night-time environment. I consider that night-time effects would not be of such significant extent to warrant this matter contributing to reasons to dismiss this appeal.

Cumulative impacts

54. Interested parties raised concern regarding proposals for other solar developments in the vicinity of Drointon and the potential cumulative effect that this may have on character and appearance. Reference was made to a potential planning application on land to the northwest of Drointon but I have no evidence to indicate the content or defined location of such proposal.
55. The Council's Statement of Case clearly sets out in paragraph 6.4 that cumulative impacts are not a matter contested in this appeal. The paragraph identifies that the Council has received an Environmental Impact Assessment screening request (Ref 23/37693/ESS) submitted in June 2023 for a development that would occupy approximately 85 ha of land to the northwest of Drointon. However, the Council are clear that there is no committed solar development on this site at present.
56. Whilst the possibility of a planning application being submitted for this site cannot be ruled out, in my determination of this appeal I am unable to make any informed judgement on the cumulative effect of a speculative proposal, particularly when

the Council has not sought to rely on any aspect of this proposal in the evidence provided in this appeal.

57. Therefore, there is no material evidence before me that would require the cumulative impact of an additional speculative scheme to be considered in my determination of this appeal. Consequently, I have attached limited weight to any potential cumulative impacts.

Character and appearance - Conclusion

58. The proposed development would cause Moderate Adverse landscape effects during construction and year 1, reducing to Minor Adverse by year 15 beyond the site boundary. The development would cause a High to Moderate Adverse visual impact in year 1, reducing to moderate to minor adverse by year 15.
59. Drawing the above together, it is inevitable that being located in a countryside location, a solar farm of this scale would have some adverse landscape character and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect would be localised. Moreover, as the existing and proposed planting matures, some of the adverse effects would be acceptably mitigated. Whilst the 40-year lifetime of the scheme is significant, once the solar farm was decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the mitigation planting, leave an enhanced landscape consistent with the key characteristics of the LCT.
60. Notwithstanding the longer-term landscape benefits on decommissioning, on the basis of the above, the development would cause a moderate degree of harm to the landscape character and visual amenity of the area. It would therefore be contrary to Policy N1 of the PSB which, amongst other matters, requires development to respect the character and appearance of the surrounding area.

Other Matters

Loss of Agricultural Land

61. The proposal would be located on what is currently open agricultural land. The submitted Agricultural Land Classification Survey identifies that some 92% of the proposed development would be located on land comprising grades 3b. Hence it does not fall within the definition of being best and most versatile land (BMV). A relatively small proportion (about 8%) of BMV would be utilised.
62. I recognise that the land could continue to be used as grazing land around and under the solar panels, and that in due course the land would be returned to full agricultural use (albeit that this would likely be 40 years in the future). In this regard, Natural England have advised that the development is unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations due to its temporary nature and proposed construction method.
63. In view of the relatively small proportion of BMV agricultural land which would be utilised in this case, I am satisfied that there is no reason on these grounds to dismiss this appeal.

Highway Safety

64. The Council did not identify the effect of the proposed development on highway safety or the free flow of traffic on the highway network as reasons for the refusal of planning permission. Staffordshire County Council, in the capacity of highway authority, raised no objections to the proposal subject to the imposition of a number of conditions relating to the submission of a Construction Traffic Management Plan (CTMP), provision of access and visibility splays, provision of passing places on Grindley Lane and measures to mitigate any deterioration of the highway as a consequence of the use by construction traffic.
65. The conditions suggested by the highway authority were included in the schedule of agreed planning conditions² and are considered later in this Decision. Notwithstanding the above, highway safety is a concern of some local residents and I have given consideration to the representations made, in writing and at the Hearing.
66. Roads in the vicinity of the appeal site are narrow, predominantly single track with some passing places and have no lighting or footpaths. As a consequence of the narrow width, road alignment and roadside hedgerows, I observed that vehicle speeds tend to be low.
67. The submitted Transport Statement assesses the transport implications of the proposed development during its construction and any subsequent operational traffic impact. Construction and primary maintenance and operational access to the proposed development would be provided via the introduction of a priority-controlled T-junction on Grindley Lane at the northern end of the site. A secondary access to the smaller substation site would be provided via a proposed priority-controlled access on an unnamed road.
68. The Transport Statement identifies that the highest average number of movements per day is expected to be approximately 79 two-way movements comprising of 58 Cars/LGVs and 21 HGVs assuming a 22-day working month. Over the construction period, there would be approximately 2822 two-way movements of HGVs.
69. The primary means of controlling construction vehicular traffic would be through the CTMP. Subject to the imposition of suitable planning conditions to secure the measures identified by the highway authority, the Transport Statement concludes that the impact of the proposed level of construction traffic on Grindley Lane during the anticipated six-month construction period is expected to have no significant adverse impact on the operation of the local highway network.
70. I recognise that the proposed traffic management measures may cause a degree of temporary inconvenience for users of the local highway network in the vicinity of the appeal site. I also recognise that local residents are not persuaded that the measures proposed would acceptably mitigate highway safety concerns. However, taking into account the views of the Council and the highway authority, I have no other compelling technical evidence to indicate that the traffic arising during the construction period would pose an unacceptable impact on highway safety or that residual cumulative impacts on the road network would be severe.

² HD11

71. For the above reasons I am satisfied that there are no impediments to the proposed scheme on the grounds that it would be unacceptably harmful to highway safety. There is therefore no conflict with Policies T1 and T2 of the PSB.

Effect on the special interest of nearby heritage assets

72. Although the Council's reason for the refusal of planning permission does not identify any concerns regarding the impact of the proposed development on designated heritage assets, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have had regard to the desirability of preserving or enhancing the designated heritage assets.
73. The submitted Archaeology and Heritage Statement and Heritage Technical Note identify that there are no designated or non-designated heritage assets located within the boundary of the appeal site. There are a number of heritage assets in the vicinity of the appeal site which these documents consider to be sensitive to change and therefore require assessment.
74. The nearest designated heritage asset is the Grade II Listed Old Hall Farmhouse located approximately 175m to the west of the site. Further away from the site, approximately 685m to the east of the main site, is Lower Booth moated site and deserted medieval village scheduled ancient monument, which contains the Grade II Listed Lower Booth Farmhouse. Chartley Castle, Chartley Old Hall and associated water systems including garden remains (Grade II Listed Building and Scheduled Monument) lie approximately 2km to the northwest of the main site, situated on higher ground to the north of the A518. I consider the effect on these heritage assets below.
75. The evidence suggests that the significance of Old Hall Farmhouse arises principally from its historic and architectural interest as a likely 17th century farmhouse. The timber frame construction is of particular interest holding evidence as to the construction materials and techniques employed at the time. Although the farmhouse is located 175m west of the appeal site it does not have any views towards the site, nor can the farmhouse be seen from within the site. The lack of intervisibility leads me to conclude that the proposed development, including lighting, would not affect the current ambience of the asset or how it is experienced within the small hamlet of Drointon. Although there would be change to the wider setting, the proposal would have no material effect on the heritage significance of this asset.
76. Lower Booth Moated site and deserted medieval village (Scheduled Monument) hold archaeological and historic interest in the remains including a platform on which Lower Booth farmhouse is located, a partially infilled moat and earthworks representative of the tofts and crofts of the deserted medieval village. Significance also stems from the potential for below ground remains which provide evidence as to how the occupants would have lived and worked and how the village was arranged.
77. Although the topography may have allowed for views towards the monument from the appeal site, the presence of a tall mature hedge to the east of the site blocks all views. There is no intervisibility and I consider that the site does not materially form an element of the monument's setting which adds to understanding of its

significance. As such, I conclude that the appeal site does not materially contribute towards an understanding of the historic and architectural interests held by these assets. The proposal would have no material effect on the heritage significance of these assets.

78. The significance of Lower Booth Farmhouse (Grade II*) arises from its historic, archaeological and architectural interests as a likely 15th century farmhouse with later alterations. The extant building is noted to occupy the footprint of an earlier building set upon the platform surrounded by the earlier moated site. The position of the extant building on the platform alongside the position to the north of the deserted medieval village are important aspects of the asset's setting which reveals its historic interest.
79. The farmhouse is located approximately 710m east of the site. There is no clear intervisibility between the appeal site and the asset. In addition, there are also modern buildings within the immediate vicinity of the farmhouse.
80. I have no evidence to suggest that the appeal site contributes towards an understanding of the historic and architectural interests held by the asset, nor that the appeal site is historically associated with the asset. Taking the above factors into account, the proposal would have no material effect on the heritage significance of this asset.
81. Turning now to Chartley Castle, Chartley Old Hall and associated water control systems, including garden remains (Scheduled Monument) (the Chartley Heritage Assets), the significance of the monument stems from its archaeological and historic interest in its above and below ground remains as a motte and bailey castle which also includes parts of an associated water management system. The later 13th century remains of the enclosed castle are Grade II* listed also.
82. The monument is located approximately 2km north-west of the appeal site. Due to the topography of the intervening area there is no material intervisibility from the asset to the appeal site. The intervening undulating landscape and natural screening precludes definable visibility.
83. The Appellant's heritage witness suggested in the Hearing that there may be less than substantial harm to the significance of the Chartley Heritage Assets. However, this was qualified to be at the very lower end of such harm and was identified as being due to a change in the field scape in the wider setting as a consequence of the proposed development.
84. Also, with regard to the Chartley Heritage Assets, the Council's Conservation Officer and Historic England identified that the proposed development would fall within the realms of less than substantial harm, with the degree of harm at the lower end of the spectrum. I do not consider that the appeal site materially affects the understanding of its significance, but it is a feature of the wider setting of the monument. However, both these consultees raised no objection but recognised that any less than substantial harm would need to be weighed against the public benefits of the proposal. I do this as part of the Planning Balance below.
85. Discussion in the Hearing also considered the effect of the proposed development on the setting of Plough Farm. Although this was suggested to be a non-designated heritage asset, I have no formal evidence that this may be the case. Nonetheless, I agree with the views expressed by the Appellant's heritage witness

that there would be a degree of change to the field scape within the wider setting of the farm but direct intervisibility between the proposed development and the farm would be limited. Consequently, I agree that there would be less than substantial harm to the setting of this suggested non-designated asset but I also agree that this would be at the very lower end of the spectrum of such harm.

86. I conclude that the development would cause a low level of less than substantial harm to the Chartley Heritage Assets and a small degree of harm to the significance of the non-designated heritage asset at Plough Farm. The harm to these heritage assets would be temporary and reversible. I address the approach of balancing the harm against the public benefits, in accordance with Policies DM13, DM14 and the Framework, in the overall balance below. However, for clarity at this stage, I find (below) that the public benefits outweigh the less than substantial harm to these heritage assets. I note that this is also the conclusion reached by the Council.

Safety at the BESS location

87. Concern has been expressed in relation to the safety of the BESS installation, which would include a significant number of containers containing racks of batteries, and other equipment. The Staffordshire Fire and Rescue Service (SFRS) raised no in principle objections to the appeal proposals but provided advice regarding the installation of fire preventative and control measures.
88. The interested parties drew my attention to the guidance provided by the National Fire Chiefs Council (NFCC) in respect of Grid Scale Energy Storage Systems³ which the Appellant indicated was to be eventually replaced by an emerging July 2024 Draft Revision⁴. Although I have scant evidence regarding the fire safety details of the BESS, the Appellant indicated that the scheme would be compliant with the requirements of the NFCC guidance and that provision would be available for the storage of 228,000 litres of water for firefighting purposes.
89. I was informed that BESS installations now include sophisticated automatic monitoring systems which are designed to deal with any problems. But in any event the type of battery proposed would minimise any potential for problems to occur and that the battery containers and other equipment would follow the latest guidelines on spacing. The likelihood of fire would be minimised to the lowest possible level and there would be little likelihood of thermal runaway should a fire occur in any container.
90. In the absence of any formal objection from the SFRS, I have no other compelling reasons to dismiss this appeal on fire risk grounds. However, I recognise that fire risk remains a serious concern for local residents. Given the limited evidence before me, I consider that a battery safety and fire risk management plan would be appropriate to impose as a planning condition were I minded to allow the appeal.

Glint and Glare

91. The submitted Glint and Glare Assessment demonstrates that there would be no substantive unacceptable impacts in this regard. The assessment considers

³ HD8

⁴ HD10

surrounding receptors, with particular attention paid to those with potential health and safety consequences should dazzle be experienced.

92. The assessment identifies that there is a potential for glint to occur around 6.00 am for less than an hour in the Spring and Summer months but would be limited to properties immediately to the west of the site. It also suggests that there would be the potential for some glint to be experienced by users of the Public Rights of Way crossing the site albeit the establishment of the landscaping would mitigate this. The assessment demonstrates that the impact on surrounding receptors is considered to be negligible to no material impact, particularly once screening is taken into account.
93. The Council's Environmental Health Officer raised no concerns regarding the findings of the assessment. Overall, the assessment identifies that there is no evidence to suggest that there would be an unacceptable impact resulting from glint and glare as a result of the proposal. In the absence of any other compelling evidence to the contrary, I am satisfied that the proposed development would not cause any glint or glare of a level that would materially harm the living conditions of the occupants of nearby properties or users of the PRow network.

Noise

94. The submitted Noise Impact Assessment (NIA) sets out the existing background sound climate at the nearest noise-sensitive receptors, as well as the potential sound emissions associated with the proposed development with respect to existing sound levels in the area.
95. The NIA identifies that the proposals would not give rise to rating sound levels that exceed the measured background sound level in the area, both during the day and during the night, thus giving rise to a 'Low Impact'. The NIA also identifies that no significant change in ambient sound level at the identified receptor locations would be engendered as a result of the proposed development and that the amenity of residential receptors and operational use of the nearest non-residential receptors would not be compromised.
96. The NIA sets out that the proposed development would give rise to noise impacts that would be within the range of NOAEL (No observed adverse effect level) as described within the Planning Practice Guidance. In the absence of any other compelling technical evidence to the contrary, I do not consider that there are any substantive reasons to dismiss the appeal on the grounds of noise impact.
97. In coming to the above view, I have taken into account the Council's suggestion that there could be changes to the equipment that may be installed on the site and that a final noise assessment should be prepared prior to the commencement of the development when the final specification of the equipment would be known. Consequently, a planning condition can be imposed to address this matter but on the basis of the evidence before me I am not persuaded that the proposal would likely give rise to unacceptable levels of noise.

Safety of oil and gas pipeline

98. During the Hearing many local residents expressed concern at the impact of construction traffic on the integrity of a high-pressure gas main and oil pipeline which cross Grindley Lane at a suggested shallow depth. I have no evidence

that considers the impact of heavy goods vehicle use on the integrity of these pipelines or the extent to which any necessary protection measures may be necessary during the construction phase of the development.

99. Whilst I am satisfied that this matter would not be a sustainable reason to warrant the dismissal of this appeal, I have some sympathy with the concerns of local residents who suggest that previous damage has been caused to the high-pressure gas pipeline. Consequently, it would be appropriate and necessary for the suggested condition relating to the provision of a Construction Traffic Management Plan to be expanded to include measures to protect the integrity of these pipelines.

Ecology and European Protected Habitat Sites

100. Subject to the implementation of appropriate mitigation, neither Natural England (NE) nor the Council's Biodiversity Officer raised objections to the proposal and there is no reason for refusal relating to this matter. The SoCG confirms that there are no areas of disagreement between the Council and the Appellant relating to ecological matters.
101. The proposals are supported by a detailed Ecological Impact Assessment (EIA), Wintering Birds Survey and a Technical Note Assessment of Site Drainage Impact on the Chartley Moss SSSI. These documents assess the existing conditions of the site, identify any nearby sensitive habitats, and the impact the scheme may have, in conjunction with any gain in biodiversity and habitat that can be achieved. The EIA identifies that, subject to appropriate working methods being followed, the proposal would not have a detrimental impact upon protected species.
102. The Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations) require that where a project is likely to have a significant effect on a European site⁵, either alone or in combination with other projects, the competent authority must make an Appropriate Assessment of the project's implications in view of the relevant conservation objectives.
103. The appeal site is not located within any statutory or non-statutory nature conservation sites. The Officer's Report identifies that the nearest European statutory nature conservation site is the West Midlands Mosses SAC, Midland Meres and Mosses - Phase 1 Ramsar which is located approximately 0.4km to the north of the site. The Pasturefields Salt Marsh SAC is approximately 3.5km southwest of the site and Cannock Chase SAC is approximately 6.1km southwest of the site. In terms of national statutory nature conservation sites, Chartley Moss (NNR and SSSI) is located approximately 0.5km to the north of the site and Blithfield Reservoir (SSSI) is approximately 1.4km to the southeast of the site.
104. I have taken into account the Council's Habitats Regulation Assessment and the ecological evidence relating to the above sites. Chartley Moss is identified as floating peat bog which supports a large number of plants and invertebrates. Whilst the site is located within the SSSI Impact Risk Zone for Chartley Moss, given the nature of solar developments and energy storage, the proposals would not likely result in any impacts on the SSSI during the site's operation. Additionally, the evidence suggests that the appeal site does not contain any connecting or supporting habitat which would link it to Chartley Moss.

⁵ As defined at Regulation 8 of The Conservation of Habitats and Species Regulations 2017 (as amended)

105. The submitted Technical Note Assessment demonstrates that there is no existing or proposed hydrological link to Chartley Moss SSSI. Additionally, the evidence provided in the Planning Officer's Report suggests that the level of vehicle traffic resulting from the development would be below the nitrogen thresholds set out by NE.
106. Based on the plans submitted, NE considers that the proposed development would not have significant adverse impacts on designated sites comprising West Midlands Mosses SAC, Midland Meres and Mosses Phase 1 RAMSAR, Chartley Moss SSSI, and Blithfield Reservoir SSSI and has no objection to the proposed development.
107. In concluding my Appropriate Assessment, I am satisfied that there would be no adverse effect on the integrity of the protected sites when considered alone or in combination with other development. The proposal complies with the Regulations and there are no other unacceptable environmental effects.
108. Turning to biodiversity, the EIA identifies that the appeal site is currently of relatively limited ecological value, being predominantly comprised of species poor grassland which is of negligible ecological importance. Ecological features of note are largely limited to the mature hedgerows and trees surrounding the site which will be retained as part of the development, with any losses compensated for by additional planting. The EIA demonstrates that the land management and landscaping proposals would provide a net gain of 89.70% in habitat units and a net gain of 18.13% in hedgerow units giving an overall 79.75% Biodiversity Net Gain (BNG) when calculated against the national DEFRA metric. The extent of BNG is substantial and a benefit that attracts significant weight.
109. The proposal therefore accords with Policy N4 of the PSB which, amongst other things, seeks to protect, conserve and enhance the natural environment and ensure that no new development takes place in areas where environmental risks cannot be properly managed.

Flood risk and drainage

110. During the consideration of the application the Council did not raise any concerns about the flood risk implications of the development and there is no reason for refusal relating to this matter. The SoCG confirms that there are no areas of disagreement between the Council and the Appellant relating to flood risk or the indicative surface water drainage strategy.
111. The appeal site is located within Flood Zone 1, a low-risk flood area. Staffordshire County Council, in its capacity as the Lead Local Flood Authority (LLFA), raised no objection to the proposal subject to the imposition of an appropriate condition requiring the submission of the detailed drainage system design.
112. The submitted Flood Risk Assessment (FRA) is a robust assessment, which forms the basis for a surface water drainage strategy, the details of which would be covered by the condition suggested by the LLFA. The FRA identifies that the proposed drainage strategy would comprise a Sustainable Drainage System (SuDS) that would offer betterment to the existing scenario in which surface water runoff flows off the site unrestricted. The drainage strategy includes a network of swales which would retain any additional runoff from the impermeable roof areas and semi-permeable access tracks.

113. On the basis of the evidence before me, I am satisfied that the development would not adversely impact on flooding or drainage. The risk of surface water flooding to areas downstream of the site would not increase as a result of the proposed development. In this regard, the proposal would accord with the relevant provisions of Policies N1 and N2 of the PSB.

Other concerns

114. I heard in the Hearing submissions about the effects of the proposal on the well-being, health and safety of local residents. Anxiety about a development of this scale in the vicinity of a small settlement is understandable. However, I am not convinced that much land use planning weight can be attached to such fears given the proposed mitigation measures, along with the controls that could be imposed on the construction, operation and decommissioning phases of the proposed development.
115. I have also taken into account the concerns that allowing this appeal may set an undesirable precedent that would influence the manner in which the Council would determine future applications for solar development. However, it is a fundamental planning principle that each proposal has to be considered on its own individual planning merits. It is rarely the case that decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for a decision one way or another. This is particularly relevant to considerations of landscape and visual impact which inevitably have variations between one site and another. My decision is based squarely on the evidence before me. For that reason, I do not consider that my decision in this case would have a significant determinative influence on the Council's consideration of other solar development proposals.
116. I have also taken into account the other concerns raised by local residents, Stowe-by Chartley Parish Council and Hixton Parish Council relating to the urbanisation of the area, financial cost of decommissioning and rural crime. Although the above matters have been carefully noted, they do not alter the main issue which has been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

Benefits of the development

117. The proposed development would have a generating capacity of up to 49.9MW with an Energy Storage capacity of up to 30MW. The Appellant indicates that the projected output of the proposals would result in a reduction of over 9,436 tonnes of carbon dioxide per year. The export capacity of the solar farm has been calculated to provide enough electricity to power around 12,736 homes per year. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the proposed development would make an early and significant contribution to national objectives in achieving net zero emissions by 2050 and energy grid decarbonisation by 2035. This is a public benefit that attracts significant weight.
118. In terms of biodiversity, the proposal would include substantial planting of trees and hedgerows. It would retain and enhance the ecological conditions of the site resulting in an overall 79.75% Biodiversity Net Gain. I attach significant weight to this benefit,

119. There would be some economic benefits associated with employment during the construction, operation and decommissioning period. In addition, there would be economic benefits associated with the manufacture and supply of the solar panels and electrical equipment. However, these benefits are unquantified and, as such are given limited weight.

Heritage and Planning Balance

120. The proposed development would cause a moderate degree of harm to the landscape character and visual amenity of the area. Therefore, the proposal would be contrary to Policy N1 of the PSB. I give significant weight to this harm.
121. In terms of heritage, I have concluded above that the proposal would cause less than substantial harm to the Chartley Heritage Assets. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special regard to the desirability of preserving listed buildings, their settings, and any architectural features they may possess. The Framework provides that great weight should be given to the conservation of designated assets, the more important the asset, the greater the weight should be. Considerable importance and weight should be given to this harm.
122. Paragraph 216 of the Framework sets out that, in relation to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.
123. The low level of less than substantial harm that I have identified to the significance of the designated heritage assets and the limited harm to the identified non-designated heritage asset is outweighed by the substantial public benefits that would be attributable to the renewable energy generated by the proposed solar farm and the other benefits set out above. The Council provided no reason for the refusal of planning permission on heritage grounds. Historic England raised no objections to the proposal and considered that the application meets the requirements of the Framework. Consequently, the proposal does not conflict with the relevant provisions of Policy N9 of the PSB.
124. The British Energy Security Strategy was published in April 2022 and outlines the importance of achieving energy independence and achieving a supply which is resilient to global events. This document recognises that harnessing solar energy is critical and necessary to minimise the UK's dependence on energy imported from abroad and instead allow the UK to become a lot more self-sufficient. The strategy states that a government ambition is to achieve 70GW of solar capacity by 2035. These targets are further emphasised within the 'Powering Up Britain' document produced in March 2023. Both documents also note that BESS will play an important role in delivering net zero.
125. The main parties agreed that National Policy Statements EN-1⁶ and EN-3⁷ are material considerations in the determination of this appeal. EN-1 identifies 'low carbon infrastructure' as a 'critical national priority' (CNP) central to decarbonisation of the power system by 2035 and achieving 'net zero' by 2050. EN3 specifically identifies solar generation as playing 'an important role in delivering the government's goals for greater energy independence', with a target

⁶ Overarching National Policy Statement for Energy (EN-1) (November 2023)

⁷ National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023)

of 70GW to be deployed by 2035. It is further recognised that solar developments may also be paired with energy storage, and that as the electricity grid increasingly shifts towards renewable energy sources, 'there will be an increasing need for storage infrastructure to balance electricity supply and demand'.

126. Paragraph 168 of the Framework identifies that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
127. National policy is therefore clearly supportive of solar generation and is a key part of the Government's strategy for the decarbonisation of the energy sector. At local level, the Council declared a climate emergency in July 2019 and have committed to working towards carbon neutrality by 2040. To facilitate the delivery of carbon neutrality, the Climate Change and Green Recovery Strategy (2020-2040) notes the policy direction in the Borough will, amongst other things, encourage renewable energy production. In addition, Policy N3 of the PSB is supportive of renewable energy schemes but recognises the consideration of landscape impact in the determination of such development proposals.
128. Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. National policy is clear in adopting a positive approach indicating that development can be approved where the harm is outweighed by the benefits. This is a planning judgement.
129. In this case, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be localised but moderate in effect. Moreover, as the existing and proposed planting matures, adverse effects would be progressively mitigated and once decommissioned there would be no residual adverse landscape effects. Rather the scheme would leave an enhanced landscape consistent with the objectives of the LCT. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the harm.

Conditions

130. I have considered the proposed planning conditions, including a number of pre-commencement conditions, that have been provided by the Council. I have considered these against the advice given in paragraph 58 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.
131. In addition to the standard time limit, I have imposed a condition (No. 2) relating to the approved plans in the interests of certainty. In the interests of flood prevention, a condition relating to drainage is reasonable and necessary (No. 4).
132. The development is proposed to be operational for a period of 40 years only. Conditions are therefore necessary to confirm the extent of the temporary period,

to provide 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 when the permission expires or if it ceases to operate (Nos. 3, 25 and 26).

133. In the interests of highway safety, conditions relating to the management of construction traffic, including measures to protect the integrity of pipelines, and condition surveys and reinstatement of the carriageway (Nos. 5, 6, 7 and 8), the provision of passing places (No. 9), visibility, access points construction and the provision of internal access roads (Nos. 10 and 11) are reasonable and necessary.
134. In the interests of protecting the living conditions of the occupants of nearby properties, conditions are necessary to provide for a construction environmental management plan and the mitigation of noise (Nos. 12 and 23). It is necessary to impose a condition in relation to the BESS which addresses a detailed safety management plan.
135. To retain the quality of stripped and stored soil, a condition is necessary to provide details of topsoil and subsoil stripping and storage (No. 13). In order to ensure the protection of trees on the site that are to be retained, conditions are necessary requiring the submission of an Arboricultural Method Statement and the provision of tree protection measures (Nos. 14 and 15).
136. In the interests of the character and appearance of the area, conditions relating to the provision and implementation of a detailed scheme of landscaping, details and implementation of landscape management and maintenance, details of the external appearance of the development and lighting are reasonable and necessary (Nos. 16, 17, 21 and 22). However, I have amended condition No. 22 to ensure that lighting is not permanently illuminated during hours of darkness.
137. In order to investigate and record any archaeological interest on the site, a condition is necessary requiring the submission and implementation of a scheme of archaeological investigation and recording (No. 18). Conditions are also necessary in the interests of the protection and enhancement of ecology, including the submission of a Habitat Management Plan (Nos. 19 and 20).

Conclusion

138. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, material considerations outweigh the harm that would arise, the conflict with the relevant provisions of the development plan policies and the great weight afforded to the conservation of heritage assets. Consequently, material considerations indicate that the appeal should be allowed.

Stephen Normington

INSPECTOR

ANNEX A

APPEARANCES

FOR THE APPELLANT:

Adam Day	MPLAN, MRTPI	Associate Planning Director, Wardell Armstrong
David Stockoe	MA, MLI	Associate Landscape Director, Wardell Armstrong
Anthony Hannah	BA (Hons), DipPA, MCIfA	Technical Director, Wardell Armstrong
Richard Turner	BSc (Hons), MSc, MRTPI	Lead Planning Manager, Innova Renewables Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Wedderburn	BSc, MA, MRTPI	Senior Associate, Knights
Francis Colella	Dip LA, MLI	FFC Landscape Architects

INTERESTED PARTIES

Cllr Brendan McKeown	Chair Stafford Borough Council Planning Committee
Richard Rayson	
Anthony Afford	
Chris Shaw	
Ellie Holmes	
Mrs Tanya Alder	Parish Councillor
Brian Holmes	
Richard Holmes	
Edward Holdcroft	
Sue Gregory	
David Gregory	
Mr Kevin Byrne	
Naomi Perry	
Cllr Peter Coote	Parish Council Chairman

William Holdcroft

Barbara Hurdle

Anita Rafferty

Andy Khan

Steven Alder

Valerie Bradfield

Fred Bradfield

Matthew Holmes

Andrea Batey

Lynn and David Allen

Chris Oakden

Eileen Davison

Mr and Mrs Reed

Jonathan Thompstone

John Lameris

Mr and Mrs Baker

ANNEX B

LIST OF DOCUMENTS SUBMITTED DURING THE HEARING

HD1	Revised Joint Viewpoint Review and Site Visit Itinerary
HD2	Booklet set of Plans considered by the Council at A3 size
HD3	Plan provided by interested parties showing the position of Proposed Solar Farm Locations around Drointon
HD4	A0 size Plan of Proposed Landscape Strategy provided by Mr Colella
HD5	Technical Note on Assessment of Site Drainage Impact on Chartley Moss SSSI provided by the Appellant
HD6	Plan showing position of High Pressure Gas Pipeline and High Pressure Oil Pipeline provided by interested parties
HD7	Plan showing additional community viewpoint locations provided by interested parties
HD8	NFCC Guidance for Fire and Rescue Services – Grid Scale Battery Energy Storage System planning provided by interested parties
HD9	Revised list of agreed planning conditions

LIST OF DOCUMENTS REQUESTED BY THE INSPECTOR AND SUBMITTED AFTER THE CLOSE OF THE HEARING

HD10	Draft NFCC Grid Scale Energy Storage System Planning – Guidance for Fire and Rescue Services. (3 July 2024 Revision)
HD11	Final agreed list of planning conditions

ANNEX C

SCHEDULE OF CONDITIONS

Implementation

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and specification, as listed below:

Drawing V1 - Site plan
Drawing V1 - Onsite transformer
Drawing LF14 - Planning Capacity Plan (27/06/24)
Drawing 1 - NG Battery side elevation
Drawing 1 - CCTV and security fence elevations - with mammal door
Drawing 2 - Palisade fence
Drawing 4 - PV panel detail
Drawing 6 - Onsite transformer
Drawing 7 - Security gate detail
Drawing 8 - Spares container
Drawing 9 - Substation
Drawing 10 - Communications Tower
Drawing 14 - MV skid / inverter dimensions
Drawing 17 - Access Track
Drawing ST19768-153-A1 - Proposed site access arrangement (1 of 2)
Drawing ST19768-154-A1 - Proposed site access arrangement (2 of 2)
Drawing ST19768-218 B - Landscape strategy plan
Drawing EP-22.135-2004 P2 - Overhead line teed connection.

Temporary period

- 3) Within 1 month of the date of first export of electricity, written confirmation shall be submitted 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.

Drainage

- 4) No development shall commence unless and until a final detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority. The design shall be in accordance with the indicative surface water management plan attached to the approved Flood Risk Assessment (FRA) (produced by Wardell Armstrong, dated December 2022, ref 0005 V1.0) and shall further demonstrate:

- (a) Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- (b) Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details of any attenuation system, SuDS features and the outfall arrangements.
- (c) Attenuation storage and conveyance of surface water to existing land drains using a network of swales as outlined in the approved FRA.
- (d) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.
- (e) Details of the body responsible for undertaking the approved management and maintenance regime.

The approved drainage scheme shall thereafter be implemented in accordance with the approved details prior to the development first being brought into use and retained as such for the life of the development.

Construction Traffic Management Plan

- 5) No development shall commence unless and until a final Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall expand upon the Preliminary CTMP detailed within the Transport Statement (produced by Wardell Armstrong, dated June 2024, version V2) and will provide details in relation to the following elements:
- (a) A system of temporary traffic lights to be installed for the duration of the construction work (during construction hours) along parts on Grindley Lane where there is not suitable forward visibility between passing places,
 - (b) Only one HGV vehicle associated with this development shall be on Grindley Lane at any one time,
 - (c) Operation of an escort vehicle for all HGVs entering and leaving the site along Grindley Lane,
 - (d) The holding location at the layby at the junction of Loxley Lane and the A518, and management measures ensuring no more than 1 HGV associated with the development will use Grindley Lane at any one time,
 - (e) Banksman or stop/go procedures to be provided for all vehicle movements to/from the substation access,
 - (f) A waiting area (exclusion zone) to be left clear so that vehicles arriving to the site can drive directly onto the site with appropriate areas for parking to avoid any tailback to the site access,
 - (g) Installation of temporary signage to direct construction vehicles,
 - (h) Installation of temporary signage to be located in the vicinity of the site access during the construction period to warn drivers of the site entrance and HGV movements,
 - (i) Measures to prevent mud or other material emanating from the site reaching the public highway,
 - (j) Measures to ensure that the integrity of the high-pressure gas pipeline and oil pipeline is not compromised during the construction and decommissioning phase.

All site operations shall then be undertaken strictly in accordance with the approved CTMP for the duration of the construction phase.

Highways Condition Survey

- 6) No development shall take place and no construction traffic shall enter the site until a Highways Method Statement setting out the details for pre-development and post-construction highway dilapidation surveys, along the section of the road between the A518 and the site access points, has been submitted to and approved in writing by the Local Planning Authority.
- 7) No development shall take place and no construction traffic shall enter the site until a pre-development highway dilapidation survey undertaken in accordance with the approved Highways Method Statement has been submitted to and approved in writing by the Local Planning Authority.
- 8) Within three months of the first export of electricity, a post-construction highway dilapidation survey shall be undertaken in accordance with the approved Highways Method Statement and a scheme of mitigation works including a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme of mitigation works shall be carried out in accordance with the approved timetable for implementation.

Highways access, internal roads and passing places

- 9) No solar panels, battery storage components or any associated on-site infrastructure shall be brought onto the sites unless and until the passing places shown in the locations on drawing ST19768-402 revision A within the Transport Statement (produced by Wardell Armstrong, dated June 2024, version V2) have been provided.
- 10) No on-site development shall commence other than activities associated with the construction of the access point, until the site accesses and associated visibility splays, as shown on drawings ST19768-153-A1 and ST19768-154-A1, have been provided. The accesses and associated visibility splays shall thereafter be retained as such for the life of the development with the visibility splays being kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level for the life of the development.
- 11) No construction works of the internal access tracks shall take place until details of the surfacing track material have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved surfacing material and retained as such for the life of the development.

Construction Environmental Management Plan

- 12) Before the development hereby approved is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in

writing by, the Local Planning Authority. The CEMP shall include details relating to:

- (a) Construction working hours,
- (b) parking and turning facilities for vehicles of site operatives and visitors,
- (c) loading and unloading of materials,
- (d) storage of plant and materials used in constructing the development,
- (e) a scheme for recycling/disposing of waste resulting from construction works,
- (f) temporary portacabins and welfare facilities for site operatives,
- (g) site security arrangements,
- (h) a scheme for the management and suppression of dust from construction activities,
- (i) a scheme for the prevention of water pollution from construction activities, including details of any temporary drainage,
- (j) temporary external lighting during the construction phase,
- (k) measures for the control and management of any mud that may be deposited onto the highway.

All site operations shall thereafter be undertaken strictly in accordance with the approved CEMP for the duration of the construction phase.

Soil stripping and storage

- 13) Before the development hereby approved is commenced, a soil management strategy shall be submitted to and approved in writing by the Local Planning Authority. The soil management strategy shall include:
- (a) details of the locations of any topsoil and subsoil to be stripped,
 - (b) details of how and where the soils will be stored over the lifetime of the development,
 - (c) 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 thereafter be implemented in accordance with the approved details for the life of the development.

Tree Protection Measures

- 14) Before the development hereby approved is commenced, including any ground works, 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, shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include the provision of appropriate Arboricultural site supervision during the construction period. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity.

- 15) Before the development hereby approved is commenced, including any ground works or any equipment, machinery or materials are brought onto the sites, full details of protective fencing and/or other protective measures to safeguard existing trees and hedgerows on and adjacent to the sites shall be submitted to and approved in writing by the Local Planning Authority. The approved tree and hedge protection measures shall thereafter be provided and retained for the duration of the construction phase. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas.

The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the sites.

Landscaping and Maintenance

- 16) Before the development hereby approved is commenced, a detailed final landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The final landscape and planting scheme shall:
- (a) Expand upon drawing ST19768-218 B (Landscape strategy plan) and adhere to the principles within the 'Landscape Design - Public Right of Way' (produced by Wardell Armstrong, dated Dec 2023),
 - (b) Provide details of the plant species, size, planting numbers and distances,
 - (c) Provide a programme detailing the timing of the landscaping works in relation to the phasing of construction.

The approved landscape and planting scheme shall thereafter be implemented in accordance with the approved details.

Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the sites which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

- 17) Before the development hereby approved is commenced, a detailed landscape management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management and maintenance plan shall include details of:
- (a) the aims and objectives for landscape management and the details of the body / management company responsible;
 - (b) the management operations, stating the frequency and duration over the lifetime of the landscape of: tree maintenance measures, timings for removal of tree guards, tubes and stakes, grass cutting regime, treatments for meadows, removal of arisings, control of alien invasive and notifiable species and litter removal.

The approved landscape management and maintenance plan shall thereafter be implemented in accordance with the approved details for the life of the development.

Archaeology

- 18) Before the development hereby approved is commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by 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.

The archaeological site work shall thereafter be implemented in full accordance with the approved written scheme of archaeological investigation. The site investigation and post excavation assessment shall be completed in accordance with the approved written scheme of archaeological investigation and provision made for analysis, publication and dissemination of the results.

Habitat Management Plan and Ecology

- 19) Before the development hereby approved is commenced, a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMP shall include the following information:

- (a) Proposed management prescriptions for all habitats for a period of no less than 25 years;
- (b) Assurances of achievability;
- (c) Timetable of delivery for all habitats; and
- (d) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as a description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken and thereafter maintained in accordance with the approved HMP.

- 20) The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working, detailed within the Ecological Impact Assessment (dated 22nd December 2023) and the Wintering Bird Survey Report (dated 14th March 2023), both produced by Tyler Grange.

External appearance

- 21) Notwithstanding any description / details within the application submission, prior to their erection on site, details of the proposed materials and external colour finish of all solar panels, frames, ancillary buildings, containers, equipment, fencing, CCTV and enclosures shall be submitted to and approved in writing by

the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.

External lighting

- 22) Notwithstanding any description / details within the application submission, prior to the installation of any external lighting within or on the boundary of the sites a scheme of illumination shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- (a) The location of all units of external illumination,
 - (b) The design and height of all units of external illumination together with any mitigation features such as cowls,
 - (c) Levels of illumination and light spread.
 - (d) The external illumination to be designed in accordance with Guidance Note 08/23: Bats and Artificial Lighting at Night.
 - (e) Control measures to ensure that, other than for the purposes of essential maintenance or emergency work, lighting is not permanently illuminated during hours of darkness.

The approved scheme of illumination shall thereafter be provided and maintained in accordance with the approved details for the life of the development.

Noise

- 23) Before the installation of the energy storage units and inverters, an updated noise report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide details of the plant design, noise mitigation and resultant noise levels at noise sensitive premises. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.

BESS Safety Management Plan

- 24) Notwithstanding the submitted information, works to form the Battery Energy Storage System (BESS) shall not commence until a Battery Safety Management Plan (BSMP), including measures to control fire risk and water storage arrangements, has been submitted to and approved in writing by the Local Planning Authority. The BSMP shall prescribe measures to facilitate safety, fire risk and fire management during the construction, operation and decommissioning of the battery storage system. The BESS shall be operated in accordance with the approved BSMP at all times.

Decommissioning

- 25) 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 22 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.

- 26) 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 to the same provisions referred to in condition 25 of this permission.