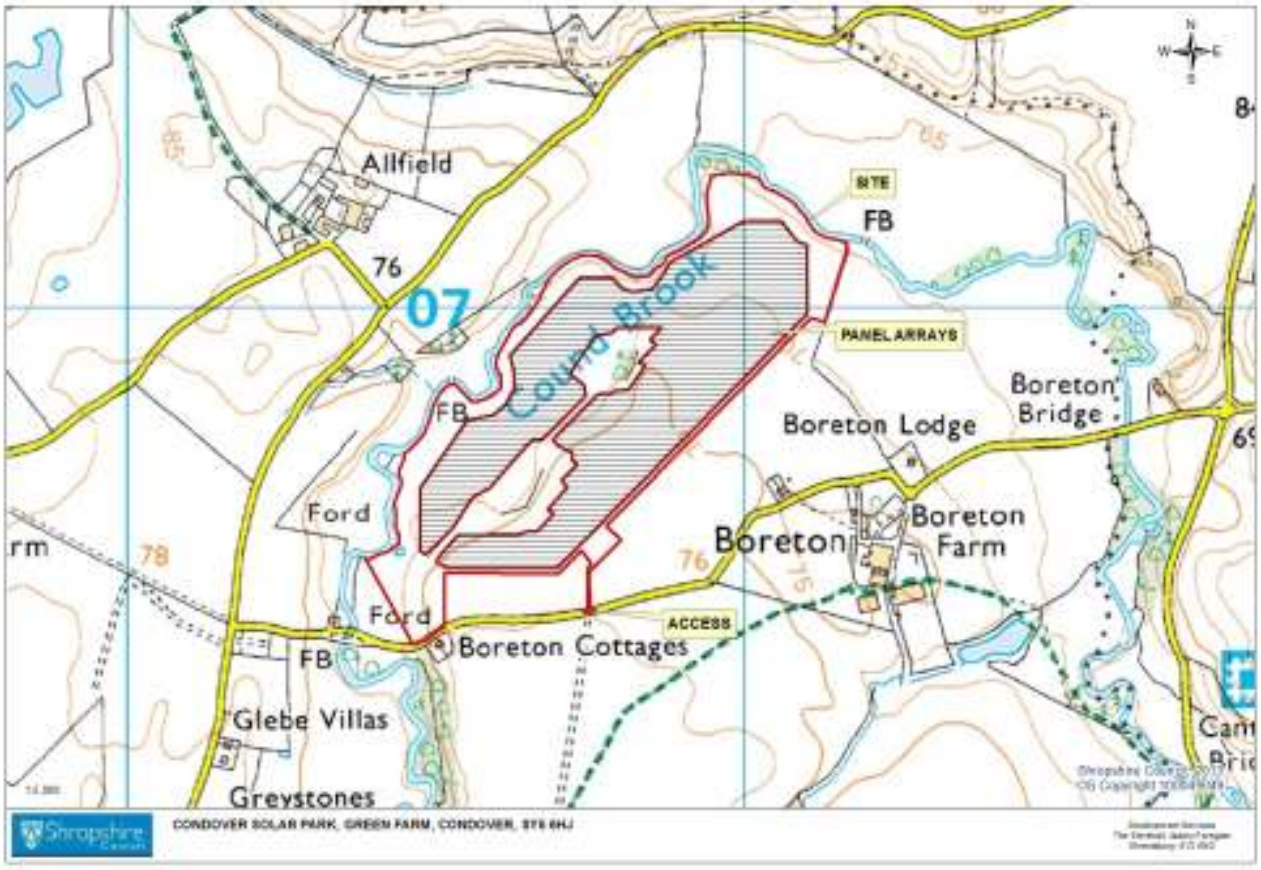
Committee and date	Item
Central Planning Committee 5 December 2013	**5** Public

Development Management Report

Summary of Application

Application Number: 13/03519/FUL	**Parish:**	Condover
Proposal: Construction and operation of a solar photovoltaic park including provision of site access, fencing, CCTV, invertors and sub-station.		
Site Address: Land East of Cound Brook, Green Farm Lane, Condover		
Applicant: Solar Building Company Ltd		
Case Officer: Grahame French	**email:** planningdmc@shropshire.gov.uk	

Recommendation:- Approve subject to the conditions and legal obligation set out in Appendix 1.



Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with pre-application advice by the authority through the screening opinion process. Further information has been submitted on ecology and public benefits and the layout, access provisions and landscaping proposals have been amended to take account of comments received during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions and legal agreement.

REPORT

1.0 THE PROPOSAL

1.1 The applicant is proposing to establish a solar photovoltaic (PV) park on approximately 24.5ha of farmland 1.4km to the north east of Condover. The proposed facility would generate 9.5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 3,010 homes. Over the lifetime of the facility over 134,000 tonnes of Carbon Dioxide emissions would be saved. Following construction, the site would be seeded with an appropriate grassland mix and would become available for grazing. Construction would take 4 months. The site would have an operational life of approximately 25 years, after which it would be decommissioned and arable potential would be reinstated.

1.2 The solar park would consist of 35,800 photovoltaic panels each 1m wide and 1.5m long. These would be mounted on frames (2 panels per frame) and laid out in 75 rows running from east to west across the site. They would be oriented south and angled at 25 degrees to the horizontal with a maximum height of 3m (minimum 0.9m). The mounting frames would be matt finished galvanised steel with 200mm diameter steel posts. The posts for the panel frames would be driven into the ground up to a depth of 1.5m. Seven power inverters would be located within the site, connecting to a transformer in the north eastern corner of the site. The invertors convert solar energy from Direct Current (DC) to Alternating Current (AC). Cabling will transfer the AC current to an on-site substation which allows electricity to be transferred to the local energy grid at an appropriate voltage. The inverters would sit on concrete bases to ensure stability.

1.3 The substation would be linked by an underground cable to the to the 33kV line which runs approximately 3km to the north east. This would be laid by the network operator and under permitted development rights for statutory undertakers, so does not form part of the current application. Security fencing (2.4m high deer fence) and CCTV would be installed around the site. The land would continue to be used for agricultural purposes following the installation of the panels. The application site would be secured by a 2.4m deer fence with green mesh and wooden poles to fit with the surroundings. Infra red (non visible at night) pole mounted CCTV cameras

(2.5m high) would also be provided at appropriate intervals along the boundary fence to alow remote surveillance of the site.

1.4 Landscaping: Hedgerow planting has been incorporated along the length of the south eastern boundary and to infill hedgerow gaps on the eastern boundary. Two existing small plantations within the application site would be retained. Planting of woodland edge and wildflower seed mixed is also proposed around the site margins.

1.5 Access and construction: The construction of the solar panel arrays would result in the temporary generation of construction traffic over a period 4 months. It is envisaged that there would be in the region of 148 HGV deliveries to the site in total transporting the panels and array structures to the site. The most intense period would equate to 2 HGV deliveries per day (4 individual movements). An estimated 20 staff would be on site during the construction period, depending on the phases of the construction schedule. It is envisaged that staff trips would be mainly made by private vehicles (LGVs). Once the site was operational, there would be no staff based on the site although routine weekly visits would be required.

1.6 Construction traffic would approach from the north via the A458, turning onto the Pitchford / Acton Burnell road. It would then turn right towards Condover at Cantlop crossroads and then right again onto a farm track opposite Green Farm. This track passes north east across a field, emerging opposite the proposed construction access. An estimated 20 staff would be employed during the 4 month construction phase. During the operational phase a light goods vehicle would visit the site once a week to carry out routine maintenance inspections. All vehicle parking would be provided within the temporary construction compound, there will be no parking on the public highway.

1.7 Originally it was proposed to use two accesses. A temporary construction access 230m east of Boreton Cottages and a subsequent post construction maintenance access at the south west corner of the site, between Boutson Cottages and the ford across the Cound Brook. However, the Council's Highways section expressed concerns about visibility from the proposed maintenance access. Accordingly, the applicant has amended the proposals to delete the maintenance access so that construction and subsequent maintenance traffic would use just the one remaining access. The internal layout has been amended to ensure that access to the panels is maintained via a central 4.5m wide stoned track.

1.8 Further amendments: The following further amendments have been proposed in response to the planning consultation process:

- Reduction in height of panels in the southern extent of the site from c.3m to c.1.3m. Additional rows of frames and panels have been incorporated in the southern extent to compensate.
- The proposed access during the operational phase has been removed and it is now proposed to use the construction phase access throughout the life of the development. As such this access will be constructed from compacted crushed stone with the first 4m being surface dressed in a solid bound

material. The access shall be removed from site as part of decommissioning works.

- The internal service road has been re-aligned to account for the new access and the southern most inverter has been relocated to the east of the plantation. This places the inverter at a greater distance from Boreton Cottage.
- A vegetative screening belt (c.10m wide) along the southern boundary has been included. The boundary planting will comprise a continuation of woodland edge planting and scots pine trees to provide increased vertical screening of the site. The proposed woodland edge planting along Cound Brook has now been reduced.

1.9 Community benefits: Following discussion with planning officers the applicant has agreed to install domestic solar panel systems up to a total energy value of 45kW within the local area as part of a legal agreement linked to any planning permission. This would become due following any commissioning of the site and is equivalent to 7 relatively large (6kW) domestic installations (it may be appropriate as part of any agreement for preference to be given in the first instance to the nearest local properties and to a nearby public building). In addition, fibre broadband infrastructure is likely to be required in order to service the proposed CCTV installation at the site. The applicant has agreed to investigate whether the required cabinet infrastructure could also be made suitable for the provision of a domestic fibre broadband service to the immediate local area. This is however a voluntary undertaking and it is not considered that it would be appropriate to include this as a formal obligation in any legal agreement.

1.10 Decommissioning: The operational lifespan of the solar park is 25 years. After this the applicant states that all equipment and tracks would be removed from the site and arable productivity could be resumed.

1.11 The applicant: Solar Building Company is an engineering and consultancy company based in South Wales and specialising in solar PV projects. Based on the initial selection criteria, the applicant has identified the Green Farm site as having significant potential to accommodate a solar PV development.

1.12 Further information: The applicant has provided further information in response to a request from the Parish Council at a meeting also attended by officers. This includes a report on glint ad glare, an analysis of vehicle manoeuvring space at the junction between the public highway and an internal farm access track opposite Green Farm and a letter providing additional clarifications, including in relation to drainage, seeding and heritage visual appraisal. Officers did not consider this information essential to allow a technical assessment of the proposals, but agreed that it would be likely to assist the Parish Council in responding to the planning consultation.

2.0 SITE LOCATION / DESCRIPTION

2.1 The site is irregular in shape and comprises one large agricultural field divided into two compartments by an electric fence. The area south of the fence consists of ploughed arable land whilst the northern area contains fodder crop grazing for

sheep. Two small areas of mixed woodland are located towards the centre of the site. The site slopes gently to the north towards the Cound Brook with a total fall of 7m. A stand-off has been provided between the north-west boundary of the site and the Cound Brook, the banks of which are vegetated with mature willow. A hedgerow demarcates the eastern boundary. The south eastern boundary generally follows the crest of a gentle slope within the existing field, north of the minor road through the hamlet of Boreton. A field boundary defines the site's western margin.

2.2 Six residential properties are located to the south of the site at distances of between 17 and 200m, along Boreton road (see plan). The site is not affected by any statutory environmental or landscape designations. The applicant states that it is generally well screened from most external viewpoints, although some localised views are available.

3.0 REASONS FOR DELEGATED DECISION

3.1 The application has been referred to committee by Councillor Barker and this decision has been ratified by the Development Manager.

4.0 COMMUNITY REPRESENTATIONS

4.1 Condover Parish Council: Objection. Condover Parish Council opposes the above planning application based on the following planning considerations:

i. The unsuitability of the site based on the "high quality" type of the agricultural land; (Best and most versatile, BMV land) which is to cease arable production for the duration of the solar farm (25 years) and the fundamental drainage issues which will exacerbate an already difficult area prone to flood. The National Planning Policy Framework stipulates the following which should be considered when making planning decisions:

Para 112 "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."
Para 100 "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

ii. As the issue of the Government's new Solar PV Strategy in 2014 is awaited, the Parish Council wish to draw your attention to a letter sent (1/11/13) to all principal planning authorities by the Minister of State for Energy and Climate Change (RT Hon Gregory Barker MP) which states the following principle:
"Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them."

iii. The Parish Council does not consider the application to be appropriately sited and it is not supported by the local community. The close proximity of the solar park to residential homes will have a direct impact on the local community:

a. Noise emissions – Will impact on the daily lives of nearby residents.
b. Glint & Glare – Will be intrusive and affect nearby residents.
c. Flooding – The installation of the non-permeable surface over 61 acres is likely to create a flood plain which will acerbate an already difficult area with a local history of flooding and increase the incidence of residents being isolated from their local village services.

iv. In conclusion, Condover Parish Council appreciates that sustainable development is about positive growth, making economic, environmental and social progress to meet the energy needs for this and future generations. However, this particular site is unsuitable and the disadvantages of the use of the proposed site outweigh the local community benefits and renewable energy benefits gained.

4.2 Shropshire Wildlife Trust: No objection. Although the proposed development is adjacent to the Cound Brook County Wildlife Site we would not expect any significant negative impacts. Suitable habitat should be created and managed within the buffer zone between the development and the brook. The Design and Access Statement indicates that an ecological assessment has been undertaken but this is not available on the website. We would hope that suitable measures have been provided by consultant ecologists to enhance biodiversity. These may possibly include access for small mammals through the deer fence through the deer fence.

4.3 Natural England: Whilst not objecting to the proposals Natural England have advised of the need to address the following matters:

i. Ramsar site – Habitat Regulations Assessment Required: The application site is in close proximity to Midland Meres and Mosses - Phase I RAMSAR site, an area that has been identified for inclusion in the Natura 2000 network. The National Planning Policy Framework (paragraph 118) applies the same protection measures, ie those set out in Regulations 61 and 62 of the Habitats Regulations, to any listed or proposed Ramsar sites, sites formally proposed as European wildlife sites, and sites identified or required as compensatory measures for adverse impacts on European site interest. Natural England therefore advises that, in accordance with the National Planning Policy Framework, Shropshire Council as competent authority should undertake a Habitats Regulations Assessment.
(Note: This is included in Appendix 2).

ii. Sites of Special Scientific Interest (SSSIs): - No Objection with Conditions: The component SSSI of the Midland Meres and Mosses - Phase 1 RAMSAR site is Bomere, Shomere & Betton Pools SSSI. Additionally the site is within 2km of Berrington Pool SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the

details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

iii. Conditions: The site is within 800m of Bomere, Shomere & Betton Pools SSSI. The SSSI could be affected by flood waters and waterways related to Cound Brook. The SSSI is notified for meres and mosses which are sensitive to diffuse water pollution and nutrient inputs. Any site activity, including construction works and installation of the solar array, should minimise diffuse water pollution to ensure there is no damage to the SSSI. These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Bomere, Shomere & Betton Pools SSSI is notified. If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

(Note: Appropriate conditions have been included in Appendix 1).

iv. Species protected by domestic legislation: The protected species survey has identified that species protected by domestic legislation may be affected by this application. Natural England's standing advice found here provides guidance on how protected species should be dealt with in the planning system. We have not assessed the survey for badgers, barn owls and breeding birds[1], water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species. Natural England has not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species. For future applications, or if further survey information is provided, please refer to our standing advice to decide if there is a 'reasonable likelihood' of protected species being present and whether survey and mitigation requirements have been met. Natural England Standing Advice for Protected Species is available on our website to help local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

v. Other advice: Natural England would expect the Local Planning Authority to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link. If the planning authority is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice1 on priority and protected species and their consideration in the planning system.

vi Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

vii. Soils and Land Quality: Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

- Based on the information provided with the planning application, it appears that the proposed development comprises approximately 24.5 ha of agricultural land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
- We note that in the information provided, installation of a solar power facility was considered a 'soft use'. If soils are treated in the advised manner during construction, the amount of BMV agricultural land which is irreversibly lost will be minimal.
- Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:
  'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.
- In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many

important functions and services (ecosystem services) as possible through careful soil management.

- Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

viii. Green Infrastructure potential: The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement,. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

Internal Comments:

4.3 S.C.Historic Environment: It is necessary to consider the impact of the proposals on the setting of listed buildings in accordance with the 1990 Planning (Listed Buildings and Conservation Areas) Act and the significance of designated and non-designated heritage assets in accordance with the NPPF. There are two listed buildings (Boreton Bridge and Boreton Farm) and a group of non-designated assets at Allfield near to the site which could potentially be affected by the proposals. I have therefore considered the impact of the proposals on these buildings. Further information on the impact of the proposals on archaeological remains will be provided by my colleague Dr Wigley. The Heritage Assessment which has been submitted does not provide the information necessary to consider the impact on the settings of the heritage assets, however, from the Landscape and Visual Impact Assessment which has been submitted I am satisfied that the location of the proposed PV Array and the proposed landscape mitigation means that the proposals will only have a minor impact on the setting or significance of the listed buildings at Boreton and even less impact on the non-listed buildings at Allfield. This can be balanced against the benefits of the proposals and I do not therefore object to the proposals on these grounds. The Landscape and Visual Impact Assessment does however suggest that there may be wider impacts on the surrounding landscape and on both close and distant views of the site that may need to be taken into consideration. It is suggested that the advice of a qualified Landscape professional is sought in assessing these impacts.

4.4 S.C. Archaeology: No objections subject to conditions - The proposed development site comprises a 24.7ha area of arable land within two adjoining fields c. 300m north-east of the hamlet of Boreton. The north ' eastern part of the proposed development site incorporates part of a curvilinear cropmark enclosure of uncertain but likely prehistoric date (HER PRN 02345). As a consequence, and on present evidence, this part of the proposed development site is deemed to have has high archaeological potential. The Senior Conservation and Design Officer for the

central area has commented on this application in relation to potential indirect effects of the proposed development on the settings of the Listed Buildings within the vicinity of the site. These comments are therefore confined to the potential direct impacts on the archaeological interest of the above cropmark enclosure. A Heritage Appraisal by Stratus Environmental Limited has been submitted with the application. This has been informed by a search of the Shropshire Historic Environment Record for a 1km radius around the site, and includes a desk based assessment of the direct impacts of the proposed development on the archaeological interest of the development site. I am therefore satisfied that it fulfils the requirements of Paragraph 128 of the NPPF. However, I disagree with the conclusions the Appraisal draws regarding the potential impacts of the proposed development on the cropmark enclosure site. In particular, in Paragraph 6.1.3. it is stated that: - 'The cropmarks suggests geo-physical evidence of a previous enclosure. However, following centuries of ploughing, particularly over recent decades and near surface evidence may be significantly disturbed. With this in mind it considered that the anchoring of the frames will not lead to a significant contribute to previous disturbances.'. Cropmarks do not comprise geophysical evidence. They are generated by the influence that sub'surface archaeological features and deposits exert on the growth and ripening of overlying crops. Whilst in the case of the curvilinear cropmark enclosure it is not unreasonable to assume that arable ploughing will have had an impact on shallower archaeological features and deposits, the claim that the anchoring foundations for the proposed solar panels will not cause significant addition disturbance remains untested at present. In view of the above, and in line with Paragraph 141 of the NPPF, I recommend that a phased programme of archaeological work, to consist of an initial pre-commencement field evaluation followed by further mitigation as appropriate (including by avoidance), be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent has been included in Appendix 1

4.5 S.C. Drainage: No objections. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site, therefore the proposals are acceptable. For the transformer installation, the applicant should consider employing measures such as the following: Surface water soakaways; Water Butts;' Rainwater harvesting system;' Permeable surfacing on any new driveway, parking area/ paved area; Greywater recycling system.

4.6 S.C. Highways: The highway authority originally objected due to concerns regarding the suitability of the proposed maintenance access. This has since been deleted from the scheme and it is now proposed to access the site during construction and maintenance from one access east of Boreton Cottages. On this basis Highway Officers have withdrawn their holding objection, subject to the inclusion of a condition relating to provision of a Construction Management Plan

4.7 S.C.Arboriculture: No objection subject to inclusion of a condition requiring implementation of the submitted landscape scheme.

4.8i. S.C.Ecology: No remaining objection. An initial holding objection was lodged based on concerns about the need for additional information in relation to protected species. The following comments were also made at that stage:

ii. The Cound Brook and it's buffer strip is also part of the Environmental Network in the Shropshire Core Strategy Policy CS17. As such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

iii. The site is partly within the SSSI consultation zone for Bomere, Shomere and Betton SSSI. Natural England have been consulted but have yet to reply. Cound Brook is a County Wildlife Site and provided a 20 metre buffer zone is created and managed between the development and the brook no significant negative impacts are anticipated on the County Wildlife Site.

iv. Otter has been recorded on this watercourse but no survey work has been carried out. The bankside vegetation is outside of the development footprint so no direct impacts are likely.

v. The proposed Site Layout and Landscaping plan 14.6.2013 shows the central plantations retained and wildflower and low maintenance 'grazing grass' proposed under and around the panels. The height of the panels above the ground is a minimum of 1m however, so this will have implications for the type of grazing possible – clearly not cattle or horses. We will need to research planting schemes under solar farms further to make full comments.

vi. The documents include the route of a connection cable for the site, running in a north eastern direction. The connection cable route was not included within the Ecological appraisal. How the cable will be laid is not stated – if it will involve excavation then we would expect an Ecological Assessment of the impacts of this, for example on badgers. The route is within 75m of Berrington Pool SSSI

4.9 The applicant and their ecologist have provided further information in response to the above issues. The decision not to extend habitat survey work for Great Crested Newt beyond 250m from the site boundary has been justified to the satisfaction of the Council's Ecologist. Confirmation that appropriate stand-offs would be observed to safeguard other protected species interests has been provided. The agent has also confirmed that the underground electric cable route from the site to the local grid does not form part of the current application and these works would be undertaken instead under permitted development rights available to energy undertakers. Hence, any ecological implications linked to the cable laying would be the responsibility of the relevant energy utility company to address at the appropriate time. On the basis of this clarification the Council's Ecologist has indicated that there are no further outstanding issues to address.

4.10 Public Protection – No objections.

4.11 Councillors Tim Barker (Burnell) and Claire Wild (Adjacent Ward – Severn Valley) have been informed of the proposals and have facilitated Community engagement during the planning consultation process.

PUBLIC COMMENTS

4.12 The application has been advertised in accordance with statutory provisions and the 28 nearest properties have been individually notified. In addition, officers and the applicant have attended meetings with local residents and the Parish Council to discuss the proposals. Fifteen letters of objection have been received from 6 local

properties in response to these consultations. The main issues of concern can be summarised as follows:

- Hydrology: Danger of flooding at Cound Brook. Extra run off leading to more river bank erosion. Unlikely that grass can grow under solar panels. Part of solar park may flood. A legal obligation should be required to facilitate repair of the brook bank. Questioning basis for lack of objection on drainage from technical consultees. Replacing arable land with grassland would increase run off. at the present time, water is absorbed into the ground. If there are some 60 acres of panels preventing this soak away, then, it is common sense that the water must go somewhere else.
- Access / Traffic: Problems with rural approach road to the site. The proposed access track across land at Green Farm passes between 2 buildings and is too narrow for agricultural machinery. A public footpath crosses the track and will be affected. Construction traffic may ignore the proposed access route and use unsuitable minor roads including the ford. How will this be prevented? Many vehicles have been stuck on the lane passing through the ford during winter over the period. Conditions must be imposed requiring no use of the lane and suitable signposting for the alternative route.
- Financial: Questioning the viability of the proposals. Site will be sold on.
- Visual impact: Alien to surrounding landscape. Will destroy local views. Insufficient assessment of local views.Concern that the site will be visible from longer distance views including Lyth Hill, the Wrekin and Long Mynd. Assessment appears to assume 1.6m array height when maximum is 3m due to wrong slope requiring greater array height.. Would give the appearance of an industrial estate. Conflicts with policy guidelines on protecting the countryside. Site can be seen from public footpath. The proposals are visually intrusive and will cause a significant deterioration in existing views with an overall result in disruption to valued views of the area. The proposed development is overbearing, out of scale and out of character in terms of appearance compared with existing developments within this area. Firstly, no-one from the company has viewed the area from the first floor of this building, so this scenario can only be assumed, and secondly it is presumed that the "Neutral" status will only apply when the proposed hedgerow has reached a significant height. In an original screening letter in April 2013, Graham French advised James Cook that the equipment to be used should be kept at a low level. We do not believe that arrays at 3 metres high are "low level". This Solar Panel Park will be clearly visible from the first floor bedroom windows of this residence even taking into account a hedgerow running diagonally across in line with the fence. Again this would be alleviated somewhat if the arrays were 1.5 metres in height.
- Glare and glint: Clarification of effects needed, including to aviation. Examples should be used.
- Questioning location: Better places exist within the farm holding. The site is good quality arable land which should be retained for food production. The land slopes the wrong way (north) so efficiency is reduced. The energy minister states that such sites should not be on agricultural land. Shropshire is already contributing to renewable energy by other means. Insufficient consideration of brownfield alternatives. Why cannot the Solar Park be

situated in a secluded area away from close proximity to residential properties and the local village? Even the applicant has stated that this site is not ideal and that far more suitable sites exist.

- Green field development: Questioning evidence of compliance with policies for development in the open countryside. Applicant needs to demonstrate need and benefit for the development.
- Landscaping: Timescale for mitigation planting to establish. Small plants would not be mature until half way through the design life. Planting is inadequate. Hedges would give little cover during winter. Holly should be used. Planting to screen fences in the middle of the field would render the field unworkable on decommissioning so would be removed, with loss of habitat. Planting would not obscure the arrays. The landscaping is focused on the North and West of the site. The major visual impact for both local residents and the public is at the South and East of the site. any landscaping scheme initially agreed shall be undertaken and in 12 months from the operation commencing be reassessed to see if further landscaping, beyond that originally shown, needs to be undertaken and retained/maintained in situ. In order to provide more immediate screening of the site, in specific locations there may be scope for ground remodelling to form bunds that can be planted upon. The initial planting scheme may not reduce the perceived visual harm and the issue of potential for additional panting in certain identified "weak spots" should be reinforced once the panels are in situ. should this development proceed, Shropshire Planning Department would insist upon mature plantings of an evergreen screen in order to form an effective barrier. If planning permission is granted we would ask that a condition be attached that the arrays be reduced to 1.5 metres in height. We would also ask for confirmation that mature, evergreen bushes will be planted to provide cover for the deer fence, which we assume will be unconditionally green.
- Ecology: More information should be provided to confirm impacts. The area is rich in wildlife. Increased water run-off and reduced hunting areas.
- Economic benefits: Questioning the level of economic benefit to the local area. Unlikely to be any significant employment benefit.
- Noise: Concern about effects of noise from inverters on nearest properties. Questioning whether this has been properly assessed. Concern that noise level will be up to about 60 decibels for the nearest house and fans may start at 5am in the height of summer and continue to operate permanently until up to about 10pm. Steps should be taken to prove acceptable noise levels before any permission is granted. we would ask that, if the scheme is approved, these be made conditions of planning:- 1) That the actual inverters be insulated in a double acoustic foam. 2) That baffles are fitted to all fans and that these face away from residential properties. 3) That the background noise level in all gardens of residents is monitored by Solar Building Company on "normal" tranquil days.
- CCTV and privacy: CCTV security cameras could capture images of neighbouring properties and may pose a security risk. The arrays may attract thieves to adjacent properties.
- Construction phase: Concern that construction will result in significant nuisance in a tranquil country setting. Should not be allowed to work on Saturdays. Who will enforce the working hours?

- Community benefits: Local community will not benefit from the power produced. Fibre optic link should be considered.
- Existing solar parks: No detail has been provided of existing schemes.
- Health risks: Would here be health risks from the electrical installation? No one, as yet, is fully aware of any health implications which could result from Solar Pane Parks.
- Heritage: Cantlop Bridge will be affected by HGV's during the construction phase. Anchor frames will be driven 1.5m into the ground damaging any archaeology.
- Lifespan / decommissioning: Proper financial provisions should be made to restore the site at the end of its life through an escrow account or it could just be abandoned. The applicant or subsequent purchasers may well seek to extend both the life and size of the park in due course. Concern that if permitted, the land could become industrial in future and may not revert to agriculture.
- Efficiency: 28% of our fuel bills are used to subsidise renewables schemes so the planning process must take account of the anticipated effectiveness of an individual scheme to ensure the public is getting value from such large subsidies. The site slopes in the wrong direction so is less efficient. Hence, public funding would be used for a less than optimal scheme which surely cannot be in the public interest. It needs to be demonstrated that the scheme is an optimal use of this site.
- Policy: Policy CS5 of the Shropshire Core Strategy refers to development in the countryside and Green Belt. The policy states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits and where applicants demonstrate the need and benefit for the development proposed. The application fails to show the specific benefit to the local community. Policy CS6 relates to development being designed to mitigate and adapting to climate change. It is questionable whether the development complies with CS6. It is accepted that such development will assist in providing energy generation and therefore complies with CS8. With regard to Policy CS13-Economic Development Enterprise and Employment, whilst this is farm diversification of some sort, it is again questionable what economic benefits there are to the local community. Whilst under the National Planning Policy Framework, there is no requirement to demonstrate the need for such renewable energy proposals, nevertheless the suitability of the site having regard to its visual impact is relevant and whether or not mitigation measures can be undertaken to prevent harm such as additional landscaping, controls of traffic movement etc is open to interpretation. Mr Gregory Barker, the Minister responsible for the Department of Energy and Climate Change, has stated very clearly, in his letter of 14th October 2013 "I want the focus of growth to be firmly on domestic and commercial roof space and brownfield sites". "I am very aware of concerns among colleagues about the potential growth of unwelcome large-scale solar upon green-field sites. Inappropriately sited solar PV especially in the countryside is something that I take extremely seriously and am determined to crack down on".

- Procedural issues: Insufficient timetable for consideration of application. Undemocratic process with insufficient community consultation and opportunity / time to ask questions. Little information has been provided about actual site operation (noise, drainage, glare and glint). No consultation with Lyth Hill Advisory Group. Disappointing that the proposed communication strategy is being undertaken following the submission of the formal application and not at pre application stage

4.13 Shrewsbury Friends of the Earth: - supports this project. It would be a significant local contribution to the national need to generate much more electricity from renewable sources. Having examined the proposals and visited the exhibition in Condover and now seeing the applicant making modifications to meet objections, it is felt that the impact of the installation will be very low for the size of the scheme. Compared with wind turbine projects, which are understandably open to more criticism and Ironbridge Power Station which is burning biomass from sources in the USA where clear felling of ancient woodland is taking place, this project would have very low environmental impact. It was stated to us at the consultation that the land on which the panels are erected will be sown with a wildflower mix and then appropriately grazed by sheep to allow a natural wildflower meadow to establish. This means the land will continue to be of benefit to farmers in providing a much needed food source for pollinating insects-a requirement that has been brought into focus by research in recent years into the much publicised problems that bees are having. We would prefer that this promise by the applicant is included in any permission as a condition as it should be treated as important.

5.0 THE MAIN ISSUES

- Policy context;
- Principle of the development;
- Justification for location;
- Landscape and Visual impact;
- Existing land use;
- Other environmental issues;
- Timescale / decommissioning.

6.0 OFFICER APPRAISAL

6.1 Policy context:

6.1.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations suggest otherwise. Relevant Development Plan policies and other material considerations including national guidance are listed in section 10 of this report.

6.1.2 The National Planning Policy Framework (NPPF) is a key material planning consideration providing the strategic framework for development plan policies. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development whilst Paragraph 98 emphasises that “even small scale (renewable

energy) projects provide a valuable contribution to cutting greenhouse gas emissions", therefore planning authorities should not require applicants to demonstrate the need for renewable energy and should approve the application if its impacts are (or can be made) acceptable. It follows that the NPPF requires that planning permission should be granted for renewable energy development (paragraph 98) unless:

- The level of harm would "significantly and demonstrably outweigh benefits" when assessed against the requirements of the NPPF as a whole, or
- If specific policies in the NPF indicate the development should be restricted (paragraph 14).

6.1.3 In terms of visual impact the July 2013 DCLG planning practice guide on renewable and low carbon energy advises that "t*he deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively".* The guide encourages use of previously developed land or allows for continued agricultural use with biodiversity enhancements around arrays. It recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site. Recent ministerial commentary with respect to large scale solar parks is discussed in a succeeding section.

6.1.4 The Shropshire Core Strategy states that it 'has the principle of sustainable development at its heart', making this one of its key priorities: 'Responding to climate change and enhancing our natural and built environment. The Core Strategy seeks to protect the countryside and Green Belt (CS5) whilst positively encouraging infrastructure, where this has no significant adverse impact on recognised environmental assets that mitigates and adapts to climate change (CS8). Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, including in rural areas where the importance of farm diversification is recognised. Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.1.5 In considering the current proposals therefore it is necessary to assess:

- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities;
- Whether any identified impacts are capable of being satisfactorily mitigated including by any community benefits offered by the applicant (e.g. CS5).

If there are no unacceptably adverse impacts remaining after mitigation has been applied then the development would be 'sustainable' under the requirements of the NPPF as a whole and the renewable energy application should be approved (NPPF para. 98). If however any unacceptably adverse affects remain then the

development would not be sustainable and refusal would be appropriate. The issues raised by the proposals are assessed in succeeding sections.

6.2 Justification for the development:

6.2.1 Justification for choice of site: The applicant undertook a review of a number of sites across the UK to assess the potential for the development of solar PV energy projects. Site selection was based on a number of factors including available solar resource, distance to sensitive receptors (such as residential properties and wildlife sites), distance to the Local Distribution Network and vehicle access. Based on the initial selection criteria, the Green Farm site was identified as having significant potential to accommodate a solar PV development. As part of preparing the planning application, several detailed environmental assessments were undertaken. The assessments identified the likelihood of any significant environmental impacts and whether any appropriate mitigation measures were available, to ensure environmental acceptability.

6.2.2 Whilst Section 98 of the NPPF does not require applicants for renewable energy developments to demonstrate the need for the development, the recent planning practice guide on renewable and low carbon energy advises that planning authorities should consider 'the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect'. The following can be said with respect to the operational suitability of the site:

6.2.3 The site is gently north facing and located on the side of a small valley which may be locally more susceptible to mist at certain times. However the site has a generally open and un-shaded aspect and is unaffected by any environmental designations. Appropriate stand offs have also been provided to the Cound Brook and two small coppices and the arrays have been set back from the public highway and associated residential properties, with intervening landscaping proposed. In addition, the site is available for the proposed use. The gentle north gradient is not optimal for a solar PV installation but is not excessive (@7m fall from north to south) and has been compensated for in the design and spacing of the proposed arrays. Whilst the site is further north than initial solar PV development in the UK, increasing efficiency of PV arrays and continuing financial incentives have encouraging more widespread distribution of these facilities, including elsewhere in Shropshire. A solar PV park was approved recently in Westbury and it is anticipated that a number of other such schemes are likely to come forward in the near future.

6.2.4 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework seeks to protect best and most versatile agricultural land and expresses a preference for use of poorer in preference to higher quality land where significant areas are affected by a development. Residents have objected that good quality land would be taken out of arable production and that there are other more suitable locations for a solar park within this large farm holding. The Provisional Agricultural Land Classification records the land as Grade 3. The application does not provide a more detailed agricultural land quality soil appraisal. It is reasonable to assume however that a significant proportion of the land within the site is of subgrade 3a best and most versatile quality.

6.2.5 Natural England responds to agricultural planning consultations on behalf of DEFRA and has not objected to the current proposals. Natural England recognises that solar parks are a 'soft' use not entailing a permanent loss of agricultural land. They have however advised on the need for careful soil management and handling and have recommended that the developer uses a soil specialist to advise on and supervise soil handling. An appropriate clause relating to this has been included in appendix 1 as part of the requirement for a construction management plan. It is recognised that the proposed method for emplacing the solar panel frames would involve auger drilling without the use of any concrete foundations. Concrete surfaces within the site would be limited to the bases of the proposed inverters and the substation and would occupy less than 1% of the total site area. Such surfaces and the permeable hardstanding for the proposed track would all be removed at the end of the design life of the site.

6.2.6 It is considered that the gradient within the site, localised flooding next to the Cound Brook and irregular shape of the field boundaries may impose some additional complications for modern arable farming with large machinery relative to other areas within the farm holding. It is likely that this was a significant factor in the landowner's decision to put forward this site rather than other areas within the landholding. Notwithstanding this, the applicant has emphasised that once developed, the site could still be used for the grazing of livestock. The establishment of grassland (white clover perennial rye grass blend) is proposed within the solar park itself in order to provide grazing land and enhance the biodiversity of the local area. The applicant advises that there are many examples of this being successfully implemented and managed across Europe and the UK and grazing is advocated for solar PV sites in the Government's June 2013 planning guide on low carbon and renewable energy. Full agricultural use would be returned at the end of the operational lifespan, hence there would be no permanent loss of arable land. The proposals would also support the economic viability of the farming business, ensuring its longevity and progression as a local employer. Furthermore, the proposal to stock the site with a wildflower seed mix would provide a source of food for pollinating insects, with potential wider benefits for the farming unit and local biodiversity, as noted by Friends of the Earth. In view of this and given the advice in section 98 of the NPPF advising against the requirement to demonstrate need for choice of a renewable energy site, it is not considered that refusal on the grounds of temporary loss of arable production capacity could be justified in this case.

6.2.7 Choice of site – conclusion: Notwithstanding section 98 of the NPPF it is considered that the justification for this location of the proposed development is capable of being accepted in principle, provided there would be no unacceptably adverse land use impacts.

6.2.8 Climate change and economic benefits: The proposed facility would generate 9.5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 3,010 homes. Over the lifetime of the facility over 134,000 tonnes of Carbon Dioxide emissions would be saved, assuming the UK's current average energy generation mix. This is compliant with section 97 of the NPPF and related policies and guidance, including strategic

objective 9 of the Core Strategy. Friends of the Earth have supported the proposals as preferable to other forms of renewable energy such as large scale biomass burning. Solar installations reduce the dependence of local economies on energy imports. The installation and maintenance of these facilities can also generally be provided by local workers. The proposals are also capable of contributing in principle to the sustainability of rural communities by bringing local economic and community benefits, including through farm diversification and delivering sustainable economic growth and prosperous communities. (Core Strategy Policies CS5 and CS13).

6.3 Environmental considerations:

6.3.1 Landscape and visual impact: The Landscape and Visual Impact Assessment (LVIA) acknowledges that the proposed solar park may be a discernible feature in the landscape and will give rise to some local views, but does not consider it to be out of scale in relation to its surroundings. In terms of landscape character the application site and surrounding area is covered by Estate Farmlands typology; gently rolling lowland and valley floor landscapes that occur across large areas of Shropshire. The LVIA assesses the landscape as having Medium sensitivity, with some potential to accommodate change without detrimental effects to landscape character. This is provided the scheme is designed sensitively and the boundary vegetation and trees are adequately protected and enhanced where appropriate.

Viewpoint 1(indicative): Lane north of Boreton Cottages

Viewpoint 2(indicative): Field gate south of site

Viewpoint 3 (indicative): Lyth Hill Country Park.

6.3.2 The following mitigation measures are recommended by the LVIA and have been incorporated into the design of the site:

- The hedgerow along the country lane to Boreton should be encouraged to grow.
- During construction the large, central field gate should be used as the sites primary access, away from the residential properties of Boreton.
- After the construction period this double gate should be reduced to a single gate, by reinstating native hedgerow to tie in with the existing hedge.
- Arrays should not follow the ridgeline in the south-west corner; they should be located further into the site keeping the skyline clear. Security fencing should also follow the extent of arrays in this corner with gated access, rather than enclosing the sites new access track, reducing the visual footprint of the proposal.
- A native hedgerow to be planted along the sites southern boundaries to tie in with existing and recreating a good sized linear field between Boreton residents and the developable area.
- Gaps in the existing boundary hedges to be planted with native hedge species.
- A 5m graded woodland edge, including native shrubs and an apron of rough grassland should be planted along the length of the Brook to enhance screening qualities and ecological value.
- A 5m ecological verge of rough grassland/ wildflowers should be created around the central areas of woodland
- On completion of the PV arrays a species rich meadow mix should be sown under the arrays and managed through a light grazing regime.

6.3.3 In addition, subsequent discussions with the applicant have resulted in the following supplementary visual mitigation measures:

- Reduction in height of panels in the southern extent of the site from c.3m to c.1.3m.
- The proposed access during the operational phase has been removed and it is now proposed to use just the originally proposed construction access;
- A vegetative screening belt (c.10m wide) along the southern boundary has been included. The boundary planting would comprise a continuation of woodland edge planting and scots pine trees to provide increased vertical screening of the site.

6.3.4 Some local residents have raised concerns regarding the potential for the site to give rise to adverse visual impacts as seen from Lyth Hill 2.7km to the west. However, the LVIA has assessed these views and considers the potential for adverse impact to be low due to distance and the lack of inter-visibility with the application site. The indicative location of the proposed site from Lyth Hill is shown in viewpoint 3 above, and is filtered by trees to the immediate west of the site boundary. Officers have inspected relevant views from Lyth Hill and would generally support this conclusion. Concerns expressed about the potential visibility of the site from the Wrekin are not supported due to the significant distance of any such views.

6.3.5 The solar arrays would not be seen front-on other than from localised views from a southerly direction where additional planting and related mitigation is now proposed. The arrays are also designed to absorb rather than reflect light and so have a generally neutral and matt appearance in most lighting conditions. The proposed frames are also galvanised steel which, experience with other developments suggests, will oxidise rapidly to a duller colour. The height and relatively wide spacing between the arrays should incorporate shadow, darkening the average colour of the site from distance views. The 2.4m high fencing would be specified in dark green wire mesh with timber uprights, to blend with the site's wooded backdrop and also the proposed planting belts and internal grassland. In terms of visual distraction to light aircraft the site is not located beneath a main flightpath for a local aerodrome. The presence of a solar PV park near Heathrow airport suggests that there is no significant concern to aviation safety.

6.3.6 Visual impact – glint and glare: A glint and glare assessment finds that for the most part reflected light is of low intensity, scattered and is generally reflected upwards away from the road and residential properties. There is one condition when reflected sun rays can travel in the direction of 4 residential properties south of Boreton lane, potentially causing glint and glare effects. This is in the summer when the sun is low and the sky is clear. The report states that the proposed hedgerow along the NE to SE boundary of the site will prevent this when mature. The potential also exists to allow the roadside hedge to increase in height. The report advises that any rays reflected towards residential properties during this localised condition would propagate from a direction where the sun itself would be by far the brightest object. The report concludes that even if not caught by the hedge, there would not be any additional hazardous or troublesome reflections beyond those that exist in the natural environment.

6.3.7 A resident living to the north of Bourton Lane has queried this conclusion on the basis that there is no intervening roadside hedgerow between this property and the site. There are hedges surrounding this property's rear garden, but these do not provide a fully robust visual screen so some views are afforded towards the site. The property in question is located 138m south west of the edge of the site with a slight (0.75m) intervening ridge and a general fall of 6m across the site from north to south at this point. The nearest solar arrays on this frontage would be a maximum of 1.5m high, half of which would be foreclosed by the intervening topography from ground level views. Any partial views of the nearest arrays from the garden of this property would be filtered through the proposed 2.4m green mesh fence. Planting is also proposed along the line of this fence. Whilst this would

not be fully established for about 5 years the potential would exist to plant some taller species in the area north-west of this property as part of a landscaping condition to provide some additional early screening. Taller panel arrays of 3m maximum height would be installed away from the boundary, but the land generally falls relative to principal views from this property's garden. More westerly views towards higher land from this property are generally foreclosed by hedges on the neighbouring property's garden. Available evidence suggests that there would not be any unacceptable glint and glare effects to this or other nearby properties which would justify planning refusal, when available mitigation measures are taken into account.

6.3.8 Visual impact – heritage appraisal: Section 128 of the NPPF advises that In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. The Council's Conservation Officer has advised that the impact of the proposals on the setting of listed buildings should be assessed in accordance with the 1990 Planning (Listed Buildings and Conservation Areas) Act and the significance of designated and non-designated heritage assets should also be assessed in accordance with the NPPF. A detailed heritage appraisal and landscape and visual impact appraisal have been submitted in support of the application. It is considered that these documents are sufficient to allow an informed assessment of potential impacts in compliance with the above requirements. The documents, when taken together, indicate that there would not be any significant direct or indirect adverse effects on the setting of a nearby listed building (Boreton Bridge and Boreton Farm) or other heritage assets.

6.3.9 The visual appraisal accompanying the planning application considers the effect of the proposals on nearby heritage assets. The appraisal concludes that the proposal has a neutral-slight adverse effect on most visual receptors around the application site with a moderate adverse effect on Boreton Cottages and Boreton Farmhouse, a Grade 2 Listed Property, given the relative proximity and elevation of these properties. The established tree coverage following the Brook along the site's north western boundary provides a good screen to northern receptors. The site's relatively level topography reduces visibility from open southern areas to a narrow band, with distant receptors benefiting from intervening hedgerow vegetation, filtering views to brief glimpses. The development would be visible from some longer distance views, in combination with the Grade II Listed Boreton Farmhouse. The arrays would however be seen as relatively small portions filtered by surrounding vegetation, creating visual pockets whilst screening large portions of the proposal. The report advises that this would reduce the extent of any impact on the setting of Boreton Farmhouse to Slight Adverse or not significant. Similar conclusions apply with respect to 4 other residential properties which have potential views towards the site, including beyond a roadside hedgerow, at distances of between 100 and 300m from the proposed arrays. The LVIA concludes that with appropriate management and landscape mitigation the

application site could accommodate the proposed Photovoltaic scheme without significant adverse effects on landscape character and visual amenity.

6.3.10 The applicant has also undertaken a supplementary appraisal of heritage resources surrounding the proposed site, in response to the comments of the Council's Conservation section. This compares the zones of theoretical visibility provided in the visual appraisal with the heritage appraisal, also submitted in support of the application. The applicant acknowledges that Grade 11 listed buildings at Boreton Farm are within the zone of visual influence of the proposals. However, they are 300m from the application boundary and visual connectivity is interrupted by the minor road through Boreton and the associated hedgerows. The listed property at Boreton Bridge is 0.5km from the proposed site on the periphery of the zone of visual influence and the visual appraisal accompanying the application confirms that there is no intervisibility between the site and this property. There is also no intervisibility between the site and other nearby heritage assets including Cantlop Bridge and the Burgs at Bayston Hill.

6.3.11 A scheduled ancient monument, Cantlop Bridge is located 550m south east of the site but is visually separated from the site by an intervening ridge. The proposed construction traffic access route would involve traffic passing next to Cantlop bridge within the proposed 4 month construction phase. This would equate to about 1.5 return movements by medium sized flatbed lorries past the historic bridge per day. It is not considered that this level of traffic movement would be likely to impact significantly on the setting of the adjacent heritage asset in this existing part of the local highway network. 6.7.3With respect to the potential for wider views to affect heritage assets in the surrounding area it is considered that the landscape and visual appraisal (LVIA) accompanying the application allows the extent of any impacts to be appropriately assessed. The LVIA includes a zone of theoretical visibility (ZTV) and a more distant panorama view from the elevated position of Lyth Hill Country Park. Assessment of this information against the Council's Sites and Monuments Record indicates that there are no scheduled sites and monuments in elevated positions within a 3km radius of the site within the ZTV with the potential for their setting to be adversely affected by the proposed site. The Burgs Hillfort is located on elevated ground at Bayston Hill 2.6km to the north west, but views towards the proposed site from this monument are filtered and foreclosed by intervening ridges. The photo panorama from Lyth Hill supports the conclusion that beyond 3km any potential views of the site from elevated locations would be only fleeting and would be unlikely to affect the setting of any associated heritage assets.

6.3.12 The application is not accompanied by a heritage visual appraisal. It is considered however that sufficient evidence has been submitted and / or is available to allow an appropriate evaluation on the effects of heritage assets on the setting of any listed buildings and scheduled ancient monuments in the local area. This is when the LVIA and heritage appraisal are assessed in the context of other information on geography and heritage designations which are available to officers. It is considered that the available information confirms that the proposals would not be likely to have an adverse impact on the setting of ancient monuments of listed buildings which would be sufficient to justify a planning refusal. (NPPF s128; Core Strategy Policy CS17).

6.3.13 Visual impact, conclusion: It is considered that the photovoltaic panels have been positioned sensitively so as to limit their visual impact on the surrounding landscape and would not represent an unacceptable visual intrusion in the landscape in terms of their scale and design (NPPF s28). There would be some residual visual effects on the landscape and the character of the countryside as a result of the siting of these built structures in a field setting. However, the applicant has put forward additional visual mitigation measures and it is considered that these impacts are minor, reversible (see 'timescale and decommissioning' below). The extent of any glint and glare effects would be localised and temporary. Any effects on the setting of the listed buildings at Boreton Farmhouse would also be very limited and no other heritage assets would be affected visually. On balance it is not considered that refusal could be justified on visual grounds, given available mitigation measures and the renewable energy and climate change benefits of the proposals (NPPF s98).

6.4 Noise and Vibration:

6.4.1 An appraisal does not predict significant noise or vibration within the 4 month construction period. The only noise source during the operational phase would be the invertor extraction fans which do not work at night when the panels are not generating electricity. Public Protection has not objected. However, local residents have expressed concerns in relation to this matter and officers have undertaken further investigations. Noise from cooling fans can radiate from the external louvres. The fans operate at variable speeds as required to control the temperatures in the enclosure and could operate at progressively-reducing speed for about an hour after sunset. Large-scale solar parks in the countryside are a relatively new development in the UK and limited information is available on inverter noise. Therefore, a precautionary approach is appropriate.

6.4.2 Typical inverter units are installed in weatherproof containers and have a noise level at maximum fan speed of 84-5dB(A) at 1 metre and are installed in weatherproof enclosures. This equates to a Sound Power Level (a measure of the total acoustic energy emitted) of approximately 96 dB LWA. However, with the inverters located within an enclosure there is scope for cooling air inlets and exhausts to be acoustically-treated to further reduce noise levels. Solar parks are a recent innovation and there is no specific guidance on appropriate noise criteria to be applied at noise-sensitive properties including dwellings. The BS4142 standard is used for the assessment of noise from industrial installations close to residential areas and relies on a comparison between the measured or predicted noise (outside a noise-sensitive building) from an industrial site or activity. An excess of more than +10dB under the BS4212 method indicates that complaints about noise are 'likely'. An excess of +5dB is judged to be 'marginal' in terms of the likelihood of complaints.

6.4.3 As a rural area, background noise levels surrounding the site are likely to be of the order 35-40 dB(A) during the day, although levels might fall to around 30 dB(A) in the early morning or in the evening. An application for a recent extension to a nearby quarry included a noise assessment for which typical background working

hours daytime noise levels ranging between 37 and 42dB LA90 were recorded for locations approximately 3km to the south west of the site.

6.4.4 A consultants noise report for another solar PV installation (Skylark Meadow Solar Park, Bourn, Cambridgeshire - Robert Davis Associates, January 2011) applies the ISO 9613-2 noise prediction model to assess whether a recommended level of 5dB(A) above background at nearest properties would be achievable in a similar rural area. The case cited refers to a scheme with three inverters, the nearest of which is 340m from the nearest residential property. The prediction concludes that a noise limit based on 5dBA above background should be achievable in principle, even before any acoustic attenuation is taken into account. By way of comparison, the nearest invertor as currently proposed is approximately 320m north east of Boreton Cottages at the southern end of the site and 340m from Boreton House to the east. The slope of the land, and the orientation of the inverter enclosures would be expected to provide some additional acoustic attenuation. The proposed arrays would also be expected to provide attenuation. At 3m they are taller than the arrays in the above example. Therefore, it is considered in principle that a condition requiring noise not to increase by more than 5dBA above background levels should also be achievable for the current site, before any acoustic insulation of inverter outlets is considered.

6.4.5 In conclusion, the applicant has not submitted a detailed noise assessment to accompany the application. It is therefore necessary to adopt a precautionary principle to avoid any unacceptable noise impacts on local residential amenities. Available evidence suggests that a condition limiting inverter noise to 5dB(A) above background at the nearest sensitive properties can be justified as part of a precautionary approach and should be achievable in principle. A condition requiring monitoring under BS4212 to ratify this has been included in appendix 1. It is also recommended that the following additional conditions are also imposed if Members are minded to approve the proposals, to provide added reassurance:

- Prior approval of inverter design, sound rating and detailed orientation (notwithstanding the applicant's revised layout plan), with assessment of opportunities to micro-site inverters to optimise acoustic screening;
- Requiring acoustic insulation to be fitted to the 3 inverters located nearest to residential properties prior to any commissioning of the facility;
- Implementation of a complaints procedure with the requirement for the operator to investigate any validated noise complaints within a specified timescale and take suitable remedial action where appropriate.
- Submission of scheme to establish background noise levels and post operational noise, for approval prior to commencement.

The applicant has has accepted the principle of appropriate noise control conditions. It is considered on this basis that suitable mechanisms are available in principle to control inverter noise and therefore that refusal on these grounds would not be substantiated. With respect to noise from the temporary 4 month construction phase it is considered that this is also capable of being controlled by the proposed construction management plan (see 'access, traffic and construction' below).

6.5 Access / traffic and construction:

6.5.1 The applicant has amended the proposals to remove an access originally proposed at the south-western end of the site in response to objections from highways officers. It is now proposed that all traffic during both the construction and the subsequent operational phases would access the site from a single point 250m to the east of Boreton Cottages. On this basis highways have withdrawn their objection, subject to a condition requiring works to be in accordance with a Construction Management Plan. This should conform with the construction (traffic) method statement submitted with the application. The route for the proposed construction traffic avoids the minor road to the immediate south of the site and the associated ford. Construction traffic would access the site instead by turning off the A458 onto the Berrington Road, just south of Shrewsbury. Vehicles would then turn west onto the minor road to Condover Road at Cantlop before turning north onto a farm track at Green Farm, approaching the proposed site access from the south. This route is acceptable to highway officers.

6.5.2 Local residents have questioned the ability to ensure that construction traffic uses the proposed route and have emphasised the limitations of the local road network in general. Appropriate control mechanisms should however be available in principle during the temporary construction phase to ensure adherence to the proposed access route. This includes prior notification to drivers of the approved route and on-site monitoring of vehicle approach directions. Residents have also expressed concern that the junction between the farm track and the minor road north of Green Farm is narrow. Highway officers have not objected to the proposed access route and this junction and track already accommodates large agricultural vehicles. The applicant has however provided swept path plans which confirm that the junction opposite Green Farm is capable of accommodating HGV traffic during the 4 month construction phase. It is concluded that the proposals can be made acceptable in relation to relevant highway and access considerations, subject to appropriate planning conditions. Core Strategy Policy CS5, CS6, CS7, CS8).

6.5.3 Construction - Hours of working: The proposed hours of working during the construction phase would be 0800 – 1800 hrs weekdays and 0800 – 1600 hrs on Saturdays. Public Protection have not objected. However, local residents have expressed concerns about the proposals to work on Saturday afternoons. It is considered that additional restrictions should apply for any work between 1300 and 1600 hours, including avoiding potentially noisier operations in areas nearer to residential property wherever possible at such times. An appropriate provision has been recommended in Appendix 1 as part of a construction management plan condition. It is concluded that subject to the recommended conditions, construction works are capable of being controlled acceptably to minimise the possibility of adverse impacts on the public highway (Core Strategy CS7, CS8) and residential amenities (CS5, CS6).

6.6 Ecology:

6.6.1 An ecology report advises that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of

any protected species. The applicant states that solar farms typically present no negative environmental impact to the surrounding area and wildlife. They do however make a substantial positive contribution towards the country's efforts to achieve a reduction in CO2 emissions, and this has a positive impact on ecology generally. The ecology report recommends some enhancements for biodiversity including provision of species-rich grassland in association with low-growing native scrub planting on the site boundaries, incorporating species of value to wildlife (and of local provenance) where possible. This would provide important sources of food and nesting habitat for many species, including declining birds like yellowhammer and grey partridge. Small mammals like field voles thrive in the grass arable field margins while bumblebees and butterflies make full use of the nectar and pollen from legume and flower margins, both important sources of food in a less varied landscape. Application of best practice to minimise any impacts on amphibians is also recommended, although the report finds no evidence of such species in the immediate vicinity of the proposed site. An appropriate condition has been recommended in Appendix 1. The Natural environment section has raised a number of queries regarding detailed issues relating to protected species which the applicant and their ecologist have responded to. It is considered that this clarification provides a high degree of confidence that protected species and their habitats would not be adversely affected (Core Strategy CS17).

6.6.2 Ecology – Habitat Regulations Assessment: Natural England has indicated that site is in close proximity to Midland Meres and Mosses - Phase I RAMSAR site, an area that has been identified for inclusion in the Natura 2000 network. Paragraph 118 of the NPPF applies the same protection measures to such sites as those set out in Regulations 61 and 62 of the Habitats Regulations. Accordingly an assessment is required under Regulations 61 and 62 of the Habitats Regulations. This is included in Appendix 2. The conclusion is that No significant effects are predicted on the integrity of the Natura2000 sites. The development may therefore proceed without further reference to the Habitat Regulations. This conclusion is supported by Natural England's own consultation response which advises that there is not likely to be an adverse effect on the Bomere, Shomere & Betton Pools SSSI and RAMSAR which occupies the same area as the corresponding Natural 2000 site in this location.

6.6.3 Ecology - Sites of Special Scientific Interest (SSSIs): - Natural England has advised that the Bomere, Shomere & Betton Pools SSSI and RAMSAR is close to the site and additionally Berrington Pool SSSI is within 2km. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect if the proposals are carried out in strict accordance with the details of the application. An appropriate informative note advising of the need for the construction works to minimise diffuse water pollution has been recommended and is included in Appendix 1. It is concluded that the proposals can be accepted in relation to ecological considerations including with reference to effects on protected species, local SSSI's and the Natura 2000 site.

6.7 Archaeology:

6.7.1 An appraisal predicts limited impacts on any potential archaeological resources within the site. The desk based appraisal identified crop marks towards the south

eastern boundary of the site. The crop marks suggests geo-physical evidence of a previous enclosure. However, the appraisal advises that following centuries of ploughing, particularly over recent decades any near surface evidence may be significantly disturbed. With this in mind it considered that the anchoring of the frames will not lead to a significant contribution to previous disturbances. Notwithstanding this, the Council's archaeologist has advised that the depth of the proposed anchor frames (1.5m) could potentially impact on any archaeology within the site and that accordingly an archaeological appraisal would be required prior to any commencement of the development. The applicant has been informed of this requirement and an appropriate condition has been included in Appendix 1.

6.8 Drainage / hydrology

6.8.1 A stand-off has been provided next to the Cound Brook to avoid the areas at higher risk of flooding. A Flood Risk Assessment concludes that the solar park would not significantly affect the existing 'greenfield' run-off rate. Storm water would run off the solar panels and drain to the ground as at present. The screw piled array posts would avoid the need for impermeable foundations, and the existing permeable field surface would be planted with grass, allowing surface water to infiltrate as currently. The solar panel arrays would cover just 0.3 hectares of ground within the total site area, with unaltered ground under the arrays remaining as permeable field surface. The site has no history of flooding with the exception of a localised area adjacent to the Cound Brook where an appropriate stand off has been provided.

6.8.2 The Council's drainage team has not objected to the proposals. However, local residents have referred to flooding and bank erosion problems affecting the Cound Brook in the vicinity of the site. To mitigate against potential for increased run off during the construction phase the applicant is proposing to place a swale at a low point in the site in order to intercept drainage and allow any suspended solids to settle out before. This would be retained in situ until the grass sward beneath the panels becomes established. Once the grass and adjacent woodland edge planting becomes established the applicant advises that there would be little or no potential for any surface water run off above current levels. As the land is in active crop production and relatively bare throughout much of the year. Given that it would be covered with vegetation it is considered that any run off would be reduced relative to the current situation.

6.8.3 Notwithstanding this it is possible that any ground compaction during the construction phase could potentially impact on run off rates. It is recommended that if the proposals are approved they are subject to a Construction Management Plan and that measures are imposed as part of this process to minimise the risk of ground compaction. It is also recommended that any permission is subject to a condition which reviews the post operational drainage performance of the site and puts forward appropriate remedial measures if any problems are encountered. Subject to this it is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

6.9 Timescale and decommissioning:

6.9.1 Current solar photovoltaic arrays have a design life of approximately 25 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to normal agricultural use, as stated in the application. This would ensure that arable productive capacity is protected (NPPF s112) and the sense of openness of the countryside in this area is not permanently affected. An appropriate condition covering decommissioning has been recommended in Appendix 1.

6.10 Other matters:

6.10.1 Enforcability of conditions: Residents have expressed concerns that the applicant may sell the site on once any planning permission has been granted and hence may not be accountable for any planning controls agreed at this stage. If however permission is granted and the site is subsequently sold to another developer then the planning permission and the requirements of any associated conditions would go with the land. In the first instance such conditions would be enforced against and new developer, but ultimately, as with any development, the landowner would also be responsible for ensuring compliance with the conditions. The legal obligation referred to in the next section would however be enforceable directly by the Council against the current developer, unless there is a subsequent deed of amendment transferring this obligation to another party.

6.10.2 Community benefits: A significant package of community benefits has been agreed by the applicant following dialogue with officers. There is a commitment to provide up to a maximum of 42KW of installed photovoltaic panels on local properties and community buildings under an appropriate allocation formula. This is equivalent to over £50,000 of funding at current market rates, and would generate up to £150,000 of energy savings in total to relevant properties over the lifespan of the proposed development, at current energy prices which are increasing. This level of contribution is consistent with the level being considered with respect to other emerging solar PV schemes within the county. The offer by the applicant to arrange for installation of solar PV panels on nearby properties is considered to provide relevant mitigation and community benefits linked to the development, which meet the appropriate tests with respect to legal agreements. The applicant's voluntary offer to consider the potential to provide a fibre cabinet capable of linking to the local domestic broadband network is also welcomed. However, it is not considered that this is essential to ensure an acceptable development and this does not meet relevant tests for inclusion in a legal agreement. A local resident has also suggested that the applicant should contribute towards measures to protect the banks of the Cound Brook in this vicinity. However, it is again considered that this could not be justified and would not meet relevant tests for legal agreements. Appropriate conditions on drainage have been recommended in Appendix 1.

6.10.3 CCTV and privacy: The applicant has confirmed that CCTV would be positioned and designed appropriately to avoid any privacy issues with the nearest properties. An appropriate condition requiring prior approval of CCTV specifications has been recommended.

6.10.4 Health risks: Local residents have expressed concerns about the potential for health effects from the proposed solar park. However, Public Protection has not objected and officers have not identified any nationally documented studies to indicate any health effects from Solar PV installations. The nearest inverter would be located 320m from the nearest residential property and as relatively low energy ground level structures, the inverters would not be expected to give rise to any significant electro-magnetic disturbance in the wider area. The substation would be located 370m from the nearest residential property and these types of structure are commonly located within urban residential contexts.

6.10.5 Procedural issues: Residents have expressed concerns regarding a number of procedural issues linked to the Council's processing of the application. Whilst these are not relevant to the assessment of the merits of the proposals they are referred to in order to provide Members with additional context for the application:

i. Concern has been expressed by residents that insufficient time has been provided for comments to be made on the proposals. In recognition of these concerns and of the complex issues raised by the proposals officers have accepted representations for 7 weeks beyond the original neighbour notification expiry date of 30th September. Officers have also attended a meeting with local residents to explain the role of the planning authority (this meeting was also attended by Councillor Barker and the Chair of Condover Parish Council).

ii. Residents have also expressed concern that the site notice was not displayed correctly. The Council took appropriate measures to display the notice, sending it to the landowner with a plan indicating the location for display. Additional widespread publicity has also taken place, including:

- Individual notification of all nearest residents,
- Placing notice of the application in the Shropshire Star,
- The applicant's attendance of a public exhibition on the proposals at Condover Town Hall
- The above mentioned officer meeting with residents;
- Officers attended a meeting of Condover Parish Council to provide information linked to that Council's consideration of the application.

6.10.6 It is considered that the Council has taken appropriate measures to ensure that relevant statutory notification procedures have been met and exceeded. Notwithstanding this however, arrangements are being made to place a duplicate of the original notice on the site.

6.10.7 MP letter: The local MP Daniel Kawczynski has responded to a letter from a local resident opposing the scheme and this has been copied to officers, although the Council has received no direct representation from Mr Kawczynski. In responding to the resident Mr Kawczynski includes a recent (14th October 13) letter from Gregory Barker, the Minister of State for Energy and Climate Change to other ministers. In this he advises:

"I want the focus of growth to be firmly on domestic and commercial roof space and brownfield sites". "I am very aware of concerns among colleagues about the potential growth of unwelcome large-scale solar upon green-field sites. Inappropriately sited solar PV especially in the countryside is something that I take extremely seriously and am determined to crack down on".

Whilst the ministers statement is noted, the sentiments expressed do not form adopted Government Guidance. The primary consideration is whether the proposals are capable of complying with the relevant tests set out in the adopted development plan and the NPPF.

6.10.9 Mr Barker MP refers specifically to the term 'inappropriately sited'. The recent (June 13) Government guide on low carbon and renewable energy acknowledges in this respect that large scale solar PV installations are likely to form a part of the UK's renewables mix moving forward and are capable of being accepted in relation to relevant policies and guidance, provided they are sensitively designed and in appropriate locations. If there would not be any unacceptably adverse impacts then the NPPF advises (s98) that such proposals should be approved. This report has carefully assessed the individual impacts of the proposals. It is not considered on the basis of this detailed assessment that the current proposals are inappropriately sited in the terms apparently meant by the minister. It is clear that the applicant has given careful consideration to the design of the scheme and has put forward detailed mitigation measures which have been further enhanced through the planning consultation process.

6.10.8 The Government's recent low carbon and renewable energy guide expresses an aspirational preference for brownfield solar PV sites over green field ones. It should however be recognised that Shropshire is a predominantly rural county and there are very few appropriate brownfield areas available. The Friends of the Earth have supported the proposals as a preferable environmentally to other forms of renewable energy development. Strategic objective 9 of the Core Strategy sets out the vision to promote a low carbon Shropshire in accordance with the climate change objectives of the NPPF. Proposals such as the current scheme are potentially important in realising this objective.

7.0 CONCLUSION

7.1 With regard to energy efficiency and climate change, the proposals would contribute to the diversity of sources of energy supply and hence the security of supply and would therefore be consistent with the objectives of the national energy strategy. The proposal would also make a valuable contribution to cutting greenhouse gas emissions in accordance with Section 10 and Paragraph 98 of the NPPF and strategic objective 9 of the Core Strategy. The proposals would also provide an additional revenue stream for the farm, providing cost savings and a diversified income that would help to ensure the longevity of the farming business and retention of existing jobs.

7.2 It is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment, local amenities or other interests of acknowledged importance in particular with regard to visual impact / landscaping,

amenity, ecology, hydrology, archaeology, drainage, agriculture, access and traffic. This is provided appropriate conditions are imposed, including the requirement for a construction management plan and decommissioning at the end of the design life. Subject to this, the proposal is in general accordance with the development plan. The applicant has also offered voluntarily to provide benefits to the local community in terms of solar PV installations to a total of 42KW.

7.3 The NPPF advises that the production of renewable energy is a major material consideration and that sustainable development proposals which accord with the development plan should be approved without delay. It is concluded that the proposal can be accepted, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management: There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in

Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS:

9.1 There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND:

10.1 Relevant guidance

National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The Framework replaces most former planning policy statements and guidance notes and is a key part of Government reforms to make the planning system less complex and more accessible. The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to 'support the transition to a low carbon future in a changing climate…and encourage the use of renewable resources (for example, by the development of renewable energy'). The NPPF expands further on this principle in paragraph 97: "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative and visual impacts;
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- Support community-led initiatives for renewable and low carbon energy, including developments outside areas that are being taken forward through neighbourhood planning; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 advises that when determining planning applications, local planning authorities should:

- Not require applicants for energy developments to demonstrate the overall need

for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- Approve the application if its impacts are (or can be made) acceptable…"

10.2 Relevant planning policies:

10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, "Shropshire will be recognised as a leader in responding to climate change. New development which has taken place within Shropshire will be acknowledged by others as being of high quality sustainable design and construction that promotes safer communities, is respectful of local character, and planned to mitigate, and adapt to, the impacts of climate change."

10.2.2 The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims "To promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management". Policies of relevance include:

Policy CS5 - Countryside and the Green Belt:
New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale new economic development diversifying the rural economy, including farm diversification schemes;
- Dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12;

With regard to the above two types of development, applicants will be required to demonstrate the need and benefit for the development proposed.

Policy CS6 - Sustainable Design and Development Principles
To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment, which respects and enhances local distinctiveness and which mitigates and adapts to climate change. And ensuring that all development:

- Is designed…to respond to the challenge of climate change
- Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design

guidance, landscape character assessments and ecological strategies where appropriate

- Makes the most effective use of land and safeguards natural resources including high quality agricultural land.

Policy CS8 – Infrastructure provision positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

Policy CS13 Economic Development, Enterprise & Employment - recognises the importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular it focusses on areas of economic activity associated with agricultural and farm diversification.

Policy CS17 - Environmental Networks seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

10.3 The Shropshire and Telford and Wrekin Joint Structure Plan There are no relevant saved policies in this plan.

10.4 Shrewsbury and Atcham Local Plan - The site is not affected by any other specific designations in this Plan. Formerly relevant policies have been superseded by the Core Strategy.

10.5 Site Management and Allocation of Development Document (SAMDEV) – The site is not subject to any specific designations within the emerging SAMDEV. Draft policies are being prepared. Whilst these cannot yet be accorded any weight it is considered that the proposals are in general compliance with the objectives of this emerging planning policy.

10.6 Other Relevant Guidance

10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to "radically increase our use of renewable electricity, heat and transport". It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15% target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5% to 30%.

10.6.2 Planning practice guidance for renewable and low carbon energy (DCLG, July 2013). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided specifically with regard to the large scale ground-mounted solar photovoltaic farms:

'The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use ;*
- *The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect'.*

11.0 RELEVANT PLANNING HISTORY:

11.1 A significant number of planning applications have been granted with respect to development at the adjacent agricultural buildings within the past 10 years, including the erection of potato storage buildings (09/02004/FUL; 09/0205/FUL) and a nearby in vessel composting facility (NS/03/00700/DEEM). No applications relate directly to the current application site.

12.0 Additional Information

List of Background Papers: Planning application reference 13/02579/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Tim Barker, Burnell
Appendices: Appendix 1 – Conditions. Appendix 2 – Habitat Regulations Assessment

APPENDIX 1

LEGAL AGREEMENT (UNILATERAL UNDERTAKING) – SUGGESTED WORDING:

Community benefits:

1a. The Solar Building Company Ltd (the company) hereby covenants to install solar panel systems up to a total energy value of 45kW on local properties and / or public buildings within the area surrounding the solar park site.

b. Implementation of this clause will become due commencing 2 months after any commissioning of the site and the company covenants to use all reasonable endeavors to discharge this obligation within one year of the site commissioning date.

c. The decision on which properties and / or buildings shall benefit from this obligation shall be at the absolute discretion of the company in consultation with the Local Planning Authority having regard to distance from the development site, technical suitability of a property and potential for wider public benefits.

CONDITIONS

Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. Such date shall be referred to hereinafter as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 and in recognition of the part-retrospective nature of the development.

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with:-

i. The application form dated 30th August 2013;

ii. The accompanying Design and Access Statement and Supporting Statement dated August 2013;

iii. The supporting documents and appendices, namely:

- Flood Risk Assessment, appendix and sensitivity maps (June 2013);
- Heritage Appraisal and historic maps (June 2013);
- Landscape and Visual Impact Assessment (May 2013);
- Strategy of Communication (July 2013);
- Construction (Traffic) Method Statement (August 2013);

- Envirocheck survey report (April 2013) and accompanying soil chemistry maps.

iv. The permitted plans accompanying the application comprising:

- Drawing No. SBC1001/17/01 - Site location plan;
- Drawing No. SBC1001/17/03 – PV panel details;
- Drawing No. SBC1001/17/04 – Fencing details;
- Drawing No. SBC1001/17/05 - invertor cabin, substation cabin and transformer enclosure;
- Drawing No. SBC1001/17/06 (Rev 2) - Proposed site layout and landscaping (revised plan received 16/10/13);
- Drawing No. SBC1001/17/07 – Site section.
- Drawing No. SBC1001/17/10 – Site Section B-B (received 16.10/13).
- Drawing No. SBC1001/17/11– Site Section C-C (received 16.10/13).

v. The further information included in the emails from James Cook to Shropshire Council dated 16th, 21st and 25th October 2013.

Reason: To define the permission.

Note: Plan reference SBC1001/17/09 showing the indicative route of the underground power cable is not approved under the terms of this permission. The applicant has confirmed that this element of the wider development scheme is likely to be progressed under permitted development rights available to statutory energy undertakers.

3. This permission shall relate only to the land edged red on the proposed site location plan (Drawing No. SBC1001/17/01), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Construction Management Plan

4. Prior to the Commencement Date a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the measures to be put in place to minimize impacts on the local highway network and other local amenities during the construction phase, including the proposed hours of working and traffic management measures. The approved Construction Management Plan shall be implemented fully and shall remain in force for the duration of the construction period and shall incorporate the following provisions:

i. Management of vehicle movements during the construction phase to/from the site shall be strictly in accordance with the construction traffic method statement submitted as part of the application.

ii. And all drivers of HGVs visiting the site shall be notified of the approved access route. Clear signage shall be provided at appropriate junctions in the local highway network and provision shall be made to monitoring of vehicle approach directions with appropriate action being taken for any non-compliance with the approved route.

iii. The hours of working during the construction phase shall be 0800 – 1800 hrs weekdays and 0800 – 1600 hrs on Saturdays. Notwithstanding this, additional restrictions shall apply for any work between 1300 and 1600 hours on Saturdays, including avoiding operations capable of generating noise within 300m of the nearest residential properties wherever possible at such times.

iv. All vehicles and other plant within the Site shall be throttled down or switched off when not in use.

v. Exhausts shall be maintained in accordance with manufacturer's specifications.

vi. Directional or attenuated reversing alarms on mobile plant operating within the site and operations shall be designed so as to minimise the need for reversing manoeuvres wherever possible and other appropriate measures shall be adopted as necessary to minimise noise during the construction phase.

vii. Measures shall be put in place to minimise ground compaction from construction plant and machinery and prevent damage to the soil resource within the site, including use of low ground pressure plant and protection of commonly trafficked surfaces.

Reason: In the interests of highway safety and to protect the amenities of the area during the construction phase.

Notes:

i. The site is within 800m of Bomere, Shomere & Betton Pools SSSI. The SSSI could be affected indirectly by flood waters and waterways related to Cound Brook. The SSSI is notified for meres and mosses which are sensitive to diffuse water pollution and nutrient inputs. Any site activity, including construction works and installation of the solar array, should minimise diffuse water pollution to ensure there is no damage to the SSSI.

ii. Appropriate advice should be obtained from a soil scientist to prevent damage to the soil resource during the construction phase.

Access

5. The sole access to the site during the construction and throughout the subsequent operational phase shall be by means of the proposed track from the public highway to the east of Boreton Cottages which is shown on the approved proposed site layout and landscaping plan reference SBC1001/17/06 (Rev 2).

Reason: In the interests of highway safety and to protect the amenities of the area.

Landscape planting

6a. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with the details

shown on the approved site layout and landscaping plan reference SBC1001/17/06 (Rev 2).

b. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.

c. Within four years of the planting completion date as notified above, the applicant shall undertake a formal review of the planting and seeding works in consultation with the Local Planning Authority in order to evaluate the success of the planting and identify whether any additional planting is required in order to provide proper visual containment of the site. If supplementary planting is considered necessary by the developer in consultation with the Local Planning Authority to provide effective site containment then the applicant shall submit a scheme providing details and timescales for such planting. This shall be submitted for the approval of the Authority within 3 months of the date of the planting review required by this condition. Any additional planting will be undertaken in accordance with the approved supplementary planting scheme.

Reason: To provide effective containment of the Site in the interests of visual amenity and to allow for a review of screening requirements following the erection of the solar arrays.

Note: Trees and shrubs proposed for planting should comprise native species of local provenance.

7. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

Ecology

8. No development or disturbance shall occur within 30 metres of the Badger Sett identified in the ecological statement accompanying the application. A scheme providing for a badger gate through the proposed security fencing shall be submitted for the approval of the Local Planning Authority prior to the commencement date.

Reason: To safeguard Badger, a protected species and to ensure that the foraging habitat of this species is not adverselay affected by the erection of the proposed security fencing. Shropshire Core Strategy Policy CS17.

Notes:

i. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Operations shall be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-

commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.

ii. *Works should take place in full accordance with the ecological report accompanying the application.*

iii. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*

iv. *It is recommended that species-rich grassland is created in association with low-growing native scrub planting on the site boundaries, incorporating species of value to wildlife (and of local provenance) where possible. If deemed practicable, the sowing of shade tolerant grassland is also recommended within the solar park itself in order to further enhance the biodiversity of the local area.*

Fencing and CCTV

9. Notwithstanding the general fencing and CCTV details shown on Drawing No. SBC1001/17/04 a scheme providing the exact details of fencing and CCTV camera design and viewing areas shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. Fencing shall be of green wire mesh to an agreed colour specification. CCTV cameras shall be designed and oriented so as to avoid any views directly towards the nearest properties.

Reason: In the interests of visual amenity (fencing) and privacy (CCTV).

Note: A preference shall be given to wooden rather than metal posts in this rural location. CCTV should be oriented away from properties and cowlings should be fitted where appropriate to avoid any privacy issues.

Drainage

10. The developer shall undertake a review of post construction drainage during the year following the commissioning date and shall submit a site drainage report for the approval of the planning authority not less than 1 year after the Commissioning Date. If the drainage review identified any specific problems which were not evident prior to the Commencement Date then a scheme providing for remedial measures to resolve any new problems shall be submitted to and approved in writing by the Local Planning Authority. The remedial drainage scheme shall be implemented in accordance with the approved details.

Reason: To allow the drainage performance of the post commissioning site to be reviewed and for any new problems linked to the development to be mitigated within an acceptable timescale, having regard also to the proximity and sensitivity of nearby designated wildlife sites.

Note: For the transformer installation, the applicant should consider employing measures such as the following: Surface water soakaways; Water Butts;' Rainwater harvesting system;' Permeable surfacing on any new driveway, parking area/ paved area; Greywater recycling system.

Archaeology

11. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Noise

12a. The site shall be designed to avoid the possibility of noise attributable to the development exceeding a level of 5dBA above existing background noise at the ground floor level of any existing property.

b. No development shall take place until a detailed noise assessment report has been submitted to and approved by the Local Planning Authority. This report shall provide such information as is required to satisfy the Authority that noise emitted from the site during normal operation will not exceed the limit stated in Condition 12a, including a commitment to establish background noise levels and post operational noise.

Note: If ambient noise (LAeq) from other sources is likely to be close to or higher than noise from the inverters the methodology in BS4142 should be used to carry out measurements at alternative locations (e.g. closer to the site) and calculating the noise level at the assessment location to determine compliance.

Amenity complaints procedure

13. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

i. Investigation of the complaint;

ii. Reporting the results of the investigation to the Local Planning Authority;

iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Final decommissioning

14a. No re-placement of any solar panels within the Site at the end of their planned design life shall take place under the terms of this permission.

b. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within one year of the end of their design life and the Site shall be reinstated as an agricultural field. The Local Planning Authority shall provided with not less than one weeks notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor the decommissioning phase.

Notes:

i. The typical design life of modern solar panels is up to 25 years.

ii. For the avoidance of doubt, it is confirmed that any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.

APPENDIX 2

CONDOVER SOLAR PARK - 13/03519/FUL

Habitat Regulation Assessment (HRA) Screening Matrix
& Appropriate Assessment Statement

Application name and reference number:

13/03519/FUL
Land East Of Cound Brook Condover - Construction and operation of a PV Solar Panel Park comprising 35,800 panels and including provision of site access, fencing, CCTV, invertors and sub-station

Date of completion for the HRA screening matrix:

28th October 2013

HRA screening matrix completed by:

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Table 1: Details of project or plan

Name of plan or project	13/03519/FUL Land East Of Cound Brook Condover - Construction and operation of a PV Solar Panel Park
Name and description of Natura 2000 site	Midland Meres and Mosses - Phase I RAMSAR site The site comprises a diverse range of habitats from open water to raised bog. Supports a number of rare species of plants associated with wetlands. Also supports an assemblage of invertebrates including several rare species.
Description of the plan or project	Construction and operation of a PV Solar Panel Park comprising 35,800 panels and including provision of site access, fencing, CCTV, invertors and sub-station
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement
The component SSSI of the Midland Meres and Mosses - Phase I RAMSAR site is Bomere, Shomere & Betton Pools SSSI. This is approximately 600 metres from the application site.

However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. They therefore advise the Council that these SSSIs do not represent a constraint in determining this application.

The Ecological Assessment by Stratus Environmental August 2013 concludes no effect from the proposal on any designated site.

The Significance test

There is no potential effect pathway identified by which the planning application 13/03519/FUL might have a significant effect on the European Designated Site at Midlands Meres and Mosses RAMSAR site. The Cound Brook is the only watercourse close to the application site and this has no links to the RAMSAR site.

The Integrity test

There is no potential effect pathway identified by which the planning application 13/03519/FUL might have a significant effect on the might have an effect on the integrity European Designated Site at Midlands Meres and Mosses RAMSAR site. The Cound Brook is the only watercourse close to the application site and this has no links to the RAMSAR site.

Conclusions

It has been established that the proposed plan or project will not adversely affect the integrity of the European Site.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is

noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority is a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.