



Date: Tuesday, 10 February 2015

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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SOUTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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Agenda Item 13

SOUTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 10th February 2015		
NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting		
Item No.	Application No.	Originator:
5 + 6	14/01753/FUL + 14/01754/FUL	Clarification
<p>Clarification:</p> <p>All references to a neighbourhood plan or town plan in these reports refer to the "Much Wenlock Neighbourhood Development Plan". This document was adopted by Shropshire Council on 17th July 2014 under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, and as such forms part of the Development Plan for Shropshire.</p>		
Item No.	Application No.	Originator:
6	14/01754/FUL	Council Ecologist
<p>Additional condition added to recommended conditions in line with advice from the Council's ecologist to require removal of invasive species from the site in order to ensure it does not spread to the proposed attenuation pond. This condition is added as follows:</p> <p style="padding-left: 40px;">Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the control and removal of parrots feather from the pond. The measures shall be carried out strictly in accordance with the approved scheme before the development is first brought into use.</p> <p style="padding-left: 40px;">Reason: To secure the removal of invasive species from the site in the interests of ensuring it does not spread to the attenuation pond.</p>		
Item No.	Application No.	Originator:
8	14/04219/FUL	Public Representation
<p>Objection as previously indicated relating to the site access. The access to this development has not been considered adequately. The only access to the proposed site is only via Sycamore road. The road is not passable for Commercial vehicles which will be required to supply all the building materials and excavation of footings etc. If a site visit takes place it will be clearly seen that the access is around 2 meters, well below the current requirements for emergency services and commercial vehicles. When the original property was built access was from the rear of the land which has now been sold and developed.</p>		
Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	AONB Partnership
<p>Following the submission of further documents for consultation, the Shropshire Hills AONB Partnership wishes to re-state its objection to this application, and to draw to the attention of the planning authority the serious shortcomings of the Landscape and Visual Assessment (LVIA) submitted by the applicant. As stated in our objection of 10 December 2014, the assessment focuses much too heavily on visual aspects, and neglects to assess properly the landscape effects, which are distinct. It is only through this neglect that the applicant's assessment is able, erroneously in our opinion (and that</p>		

of many other consultees), to conclude that this intrusive large development can be accommodated in this sensitive and high quality area of landscape without significant harm. We draw extensively below (in italics, with emphasis added) on the nationally accepted 'Guidelines for Landscape and Visual Impact Assessment' (GVLIA, 2013), focusing in particular on how these show that the Landscape Assessment part of the applicant's document is flawed and partial and clearly does not comply with the Guidelines. The very first paragraph 1.1 of the Guidelines state: "Landscape and Visual Impact Assessment (LVIA) is a tool used to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource in its own right and on people's views and visual amenity". The Guidelines go on at para 2.4 "The importance of the ELC (European Landscape Convention) definition is that it moves beyond the idea that landscape is only a matter of aesthetics and visual amenity. Instead it encourages a focus on landscape as a resource in its own right."

2.11 As the ELC makes clear, particular attention needs to be given to landscape because of the importance that is attached to it by individuals, communities and public bodies. Landscape is important because it provides:

- a shared resource which is important in its own right as a public good;
- an environment for flora and fauna;
- the setting to day to day lives – for living, working and recreation;
- opportunities for aesthetic enjoyment;
- a sense of place and a sense of history, which in turn contribute to the local, national and European identity;
- continuity with the past through its relative permanence and its role in acting as a cultural record of the past;
- a source of memories and associations, which in turn may contribute to wellbeing;
- inspiration for learning, as well as for art and other forms of creativity.

2.18 LVIA must address both effects on landscape as a resource in its own right and effects on views and visual amenity. 3.20 ... Sometimes there may be likely significant effects on the landscape resource but the development may be in a location that does not affect visual amenity significantly. 3.21 ... In LVIA there must be identification of both:

- Landscape receptors, including the constituent elements of the landscape, its specific aesthetic or perceptual qualities and character of the landscape in different areas; and
- Visual receptors, that is, the people who will be affected by changes in view or visual amenity at different places.

Our commentary: The LVIA states that landscape receptors are identified, but does not make clear what these are.

Chapter 3 summary, bullet point 10: In most cases, it will be essential to give detailed and equal consideration to both effects on the landscape as a resource (Chapter 5) and effects on views and visual amenity as experienced by people (Chapter 6). 5.7 Links to cultural heritage and historic landscape character 5.9 The history of the landscape, its historic character, the interaction between people and places through time, and the surviving features and settings may be relevant to the LVIA baseline studies, as well as the cultural heritage topic. The evaluation needs to consider both the historic landscape characterisation and the Landscape Character Assessment.

Our commentary: The LVIA does not refer at all to Shropshire's published Historic Landscape Characterisation, and therefore addresses this area inadequately.

5.31 Assessment of the value attached to the landscape should be carried out within a clearly recorded and transparent framework so that decision making is clear.

Our commentary: Most of the Landscape Impact Assessment part of the LVIA is an unstructured stream of paragraphs, full of misplaced references to visual aspects, and there is no clarity at all about how the sudden overall conclusion of 'Slight Adverse Landscape Impact' is reached.

Chapter 5 summary points of the Guidelines include:

- A landscape baseline report should set out the findings of the baseline work. It should

be clear, well structured, accessible and supported by appropriate illustrations. The aim should be to describe the landscape as it is at the time but also to consider, if possible, what it may be like in the future, without the proposal.

- To identify and describe the landscape effects the components of the landscape that are likely to be affected by the scheme, often referred to as the 'landscape receptors', should be identified and interactions between them and the different components if the development considered, covering all types of effect required by the Regulations.
- The effects identified at the scoping stage should all be reviewed in the light of the additional information obtained through consultation, baseline study and iterative development of the scheme design. They should be amended as appropriate and new ones may also be identified.
- The landscape effects must be assessed to determine their significance, based on the principles described in Chapter 3. Judging the significance of landscape effects requires methodical consideration of each effect that has been identified, its magnitude and the sensitivity of the landscape receptor identified.
- To draw final conclusions about significance the separate judgements about sensitivity and magnitude need to be combined into different categories of significance, following the principles set out in chapter 3.
- The rationale for the overall judgement must be clear, demonstrating how the judgements about the landscape receptor and the effect have been linked in determining overall significance.
- A clear step by step process of making judgements should allow the identification of significant effects to be as transparent as possible, provided that the effects are identified and described accurately, the basis of the judgements at each stage is explained and the effects are clearly reported, with good text to explain them and summary tables to support the text.

Our commentary: The LVIA does not follow this structured process for assessing landscape impact. Landscape receptors are not clearly identified, nor their sensitivity, nor the significance of each identified landscape effect on them. The flow diagram from the guidelines reproduced below

shows the rigour required in assessing landscape sensitivity, which is simply not present in the LVIA. The basis of the judgements at each stage are not clearly reported, and there are no summary tables to support the text Chapter 8 summary - Presenting information on landscape and visual effects. In view of the clear differences between landscape effects and visual effects and the potential for them to be confused, it is good practice to report on them separately and to clearly distinguish between them.

Our commentary: The LVIA clearly does confuse Landscape and Visual aspects. The Landscape Impact Assessment section is full of confusing references to visual aspects – for example page 24 of the document includes the words 'view', 'visibility' or 'seeing' no less than nine times, and in virtually every paragraph.

Other comments: Content put forward in the LVIA on the level of use of paths in the area is extremely anecdotal, and inaccurately plays down the value of these in order to justify the development.

The LVIA rightly states that the AONB Management Plan provides guidance on the protection of the landscape, where the Landscape Typology does not. It chooses not however then to quote the first priority in the Management Plan with regard to the Stretton Valley, Wenlock Edge and Dales area: "The need to retain character and limit the negative impacts of change and development is probably more acute here than anywhere else in the AONB." The National Character Area Profile is also quoted selectively, omitting the most relevant references to character and the impact of development, in the 'Statements of Environmental Opportunity': SEO 1: Protect and enhance the unique character of the Shropshire Hills NCA – with its distinctive landforms, outstanding geology and diverse historic environment – to provide and maintain a sense of place, enhance biodiversity, and promote an enhanced understanding and enjoyment of the area. SEO 3: Conserve, manage and enhance the

area's diverse historic environment, including its features and their settings (archaeological sites, buildings in a wide range of vernacular styles, and landmark features such as castles and hill forts). Conserve, manage and enhance the integrity of the area's heritage, providing a sense of time depth across the whole landscape – in historic towns, field patterns, veteran trees, ancient paths and trackways, and industrial heritage – to provide and maintain a sense of history and place, to encourage recreation, and to promote an enhanced understanding and enjoyment of the area. The overall consequence of the shortcomings in the LVIA is to undervalue the quality and character of this area of landscape and therefore understate the impact of the proposed development on it. The LVIA states that individual landscape elements such as mature trees and the historic field pattern will be unaffected by the development, but fails to address the obvious very large effect on landscape character of the introduction of many thousands of industrial structures into a high quality rural setting where these are not currently found. We urge to Council to give proper weight to the AONB designation and its strong protection in policy and to reject this application.

Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Applicants landscape consultant

A number of late submissions have been posted upon the planning website to which I consider that it is important to offer some additional points. A letter of objection from the AONB Chairman criticises the methodology whereby the Landscape Impact of the proposed development is assessed as 'Slight'. The letter of objection does not draw attention to any single specific additional landscape receptor and acknowledges that those identified with the Landscape Typology are valid.

Within the development boundary of the site itself, the visual and landscape character changes are significant. However, the dense and entire boundary vegetation that surrounds the site has a thorough and effective limiting effect on the potential views into the site and furthermore it significantly reduces the impact of landscape effects that can be experienced in the surrounding character area. It is a mistake to assume or infer from the guidance that visual perception should be excluded from consideration of landscape character. Visual assessment is treated separately within GLVIA3, but not exclusively. Landscape impacts, whether slight or significant, must be perceptible and as such must fall upon the perception of the receptor. 'Scenic quality' for example is a Landscape Characteristic and this quite clearly cannot be assessed without the use of sight. Perceptual aspects such as wildness or tranquillity rely upon all of the senses, not least the visual sense, in order to be perceived and yet these are attributes of landscape quality.

The ZVI is very effectively reduced by the mitigation planting that is proposed as an integral part of this project. The mitigation planting itself will be visible and it has been selected so that in its form and composition it is in keeping with the local landscape typology. The impact on landscape character may well be significant so far as within the boundary of the 5MW field, but because of the limited impacts, including visual, the overall harm reduces very significantly with distance from the site and in my opinion, rapidly decreases to negligible beyond the site boundaries. Hence character is not a major concern.

The AONB letter sets out a long list of objections aimed at suggesting how the methodology of the Landscape Assessment could be made more 'de rigeur'. It does not however raise any specific objection to the consideration that has been given to the identified landscape receptors that are derived from the Shropshire Landscape Typology. The critique does not suggest that any specific landscape receptors in the locale have

been overlooked, and it does not suggest where these additional receptors are located or how the effects are perceived. I do not consider that the assessment focuses too heavily upon the visual aspects of the site assessment as these exhibit much more sensitivity over a much wider potential area and therefore merit a proportionately greater focus.

Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Objector, Cooper
Objection on the basis that barn owls nest within 100m of the site and the proposals would adversely affect their habitat.		
Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Barn Owl Trust
The Barn Owl Trust has received representations from an objector with respect to the proposals but confirm that they have no objections.		
Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Objector, Cooper
Objection on the basis that the site would give rise to adverse visual impact. Seven photographs are provided from the objectors garden, Henley Lane and the Shropshire Way		
Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Objector, Phillips
Objection on the basis that the LVIA analysis of the property known as Wood Acton was undertaken at the wrong time of year		
Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Applicants landscape consultant
The applicant's landscape consultant has provided rebuttals of the above landscape objections from local residents on the basis that the landscape survey was taken well within the relevant survey period and the supplied photomontages fully comply with relevant standards. It is stated that even in the winter vegetation provides good screening to the site and would be strengthened by proposed landscape planting.		
Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Objector, Phillips
Representation to Chairman alleging that the NPPF exceptional circumstance tests have not been met by the applicant and that the officer report does not give sufficient protection to the AONB.		
Item No.	Application No.	Originator:
10	14/04930/FUL (Solar Park, Acton Scott)	Case officer
Following discussions at officer level it is requested that if the committee is minded to accept the officer recommendation that authorisation is also provided to add an additional clause to the legal agreement which secures the maintenance of open space within the site by an appropriate body. The precise form of these areas would be a		

matter for consideration at the reserved matters stage, should outline planning permission be given, and regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. It could potentially include open space in the vicinity of the proposed footbridges. The equipping of open spaces with formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts.

Item No.	Application No.	Originator:
11	14/05210/FUL	Public Representation
<p>With regard to the chimneys we would like some assurance that the output, fumes or smoke will not impact on our home. Meaning is the height / design correct to provide enough clearance. I question this given the amount of mistakes with the design to date, incorrect windows, bedrooms without enough head height being key examples.</p> <p>We choose to live in a rural countryside location, we are in a conservation area, this appears to have been completely overlooked and somehow we now have an incongruous overdeveloped building, growing up out of the ground. It is not helped by the already approved fencing which only adds to the baroness. We would ask the planning department to carefully consider the previous, ongoing and no doubt future planning applications when reaching a decision. In other words to look at the plot as a whole rather than as four separate issues, as collectively the end result will be even more overbearing. The site is already overdeveloped in its unfinished state.</p>		