

Development Management Report

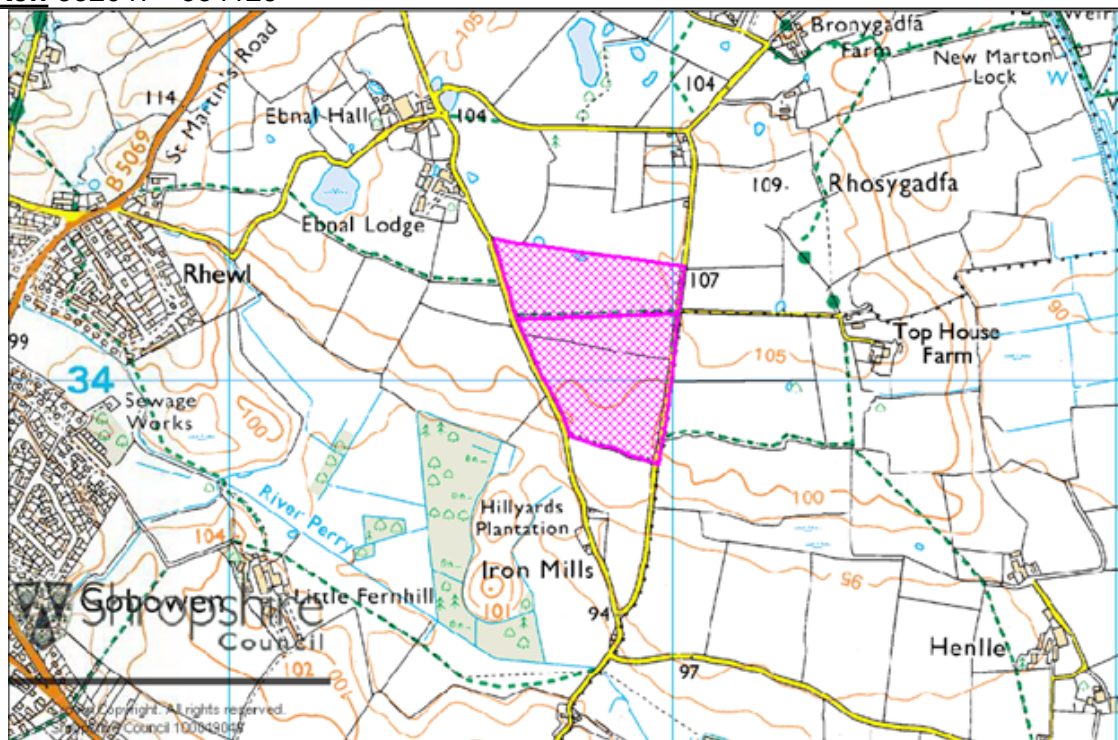
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Summary of Application

Application Number: 15/03975/FUL	Parish:	Selattyn And Gobowen
Proposal: Construction of a solar farm to include solar panel arrays, substation inverters, a primary substation, and perimeter stock fencing		
Site Address: Land At Rhosygadfa Gobowen Shropshire		
Applicant: Mr David Meehan		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 332047 - 334123



Recommendation:- Grant permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application is a resubmission of a previous application for a solar farm for which planning permission was refused by Members in July 2015 (ref. 14/03946/FUL). The proposed development has been revised to seek to address the reasons for refusal, which were as follows:

1.2 *It was acknowledged that substantial weight should be given to the generation of renewable energy proposed by the scheme, noting local and national policies, however very significant weight was given to the scale and massing of the development which would introduce an alien and discordant element to the landscape causing significant detrimental visual impact to the landscape character of the surrounding area. Recognising the intrinsic character and beauty of the countryside, the Committee were concerned that the proposed hedgerow and tree planting scheme in conjunction with the existing trees and hedgerows did not adequately mitigate against the detrimental impact of the development on the surrounding countryside. The Committee also felt that the proposed development would result in diminished enjoyment of the public rights of way which run alongside and through the site. Although the available evidence was that the site was not best and most versatile agricultural land, nevertheless it has been productive and is not brownfield land where it was considered that such developments would be better sited, this being a further albeit minor, negative factor weighing against the scheme. Accordingly it was considered that the impacts of the scheme are not and cannot be made acceptable. For these reasons it was felt that the proposed development was contrary to Shropshire Council Core Strategy Policies CS5, CS6 and CS17 and paragraphs 17, 98, 111 of the National Planning Policy Framework (NPPF).*

1.3 The revised application seeks to address the concerns raised by Members, and proposes a significant reduction in the size of the site, from approximately 21 hectares to approximately 13.5 hectares. As a result the capacity of the site would be 5MW compared to 10MW as previously proposed. The main changes to the proposal comprise:

- the removal of the two easternmost fields from the site;
- a reduction in the number of panels from 40,000 to 20,000;
- a corresponding reduction in the number of ancillary buildings associated with the proposal;
- an increase in the distance between the solar panels and the public right of way that runs through the site.

1.4 As a result of these modifications, the details of the revised proposal are as follows. The proposal would comprise the installation of 20,000 solar panels that would generate 5MW of electricity. The panels would be installed within west-east orientated rows. They would be mounted on fixed aluminium frames, of galvanized steel, in a double portrait configuration. These frames would be bolted onto vertical galvanized steel posts which are pushed into the ground. The panels would face south, angled at 25 degrees to the horizontal, with the highest edge at a height of

between 2.4 metres and 2.8 metres and the lowest at 0.8 metre.

- 1.5 Buildings and other infrastructure proposed comprises the following:
- 4no. inverter substation buildings (to convert DC to AC): 7 metres x 2.5 metres x 3 metres high, coloured green. Two would be located at the north-western side of the site; two would be located within the central part of the southernmost field
 - 1no. primary electricity substation: 6 metres x 3.2 metres x 3.4 metres high. This would be a green-coloured portacabin style building, located at the north-western side of the site
 - Perimeter fencing: 2.45 metres high wooden post and wire deer fencing
 - Stone access tracks to provide vehicular access to the inverters.
- 1.6 No CCTV security cameras are proposed. Once the panels have been erected the land is proposed to be grazed by sheep. It is proposed that the panels would be removed at the end of their operational life.
- 1.7 The application is supported by a number of detailed documents, including: Landscape and Visual Impact Assessment; Heritage Impact Assessment; Ecological Assessment; Traffic Statement; Flood Risk Assessment; Agricultural Land Classification Report.
- 2.0 **SITE LOCATION/DESCRIPTION**
- 2.1 The application site is located on agricultural land approximately 1km to the east of Gobowen. The site covers an area of approximately 13.5 hectares, and comprises three agricultural fields that are situated between two public highways. The site is located between 99m and 107m AOD, within a gently rolling landscape which slopes down towards the south-west. Surrounding land is generally in agricultural use. A public right of way runs in a generally west – east orientation along the southern boundary of the northernmost field. The fields within the application site are bounded by hedgerow. A pond is located at the northern side of the site.
- 2.2 The nearest residential properties to the proposed site boundary include: Yew Tree Cottage, approximately 145 metres to the south; Ebnal Lodge, approximately 185 metres to the north-west; Rose Cottage, approximately 215 metres to the south; The Bryn, approximately 290 metres to the north; and properties at Ebnal Hall approximately 315 metres to the north-west. The nearest Listed Buildings are Ebnal Hall (the property itself being 385 metres away) and Ebnal Lodge; both Grade II Listed buildings.
- 2.3 Access to the inverter substations would be required, and access to these would be gained via existing field access points.
- 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**
- 3.1 The views of the Parish Council is contrary to the Officer recommendation.
- 4.0 **COMMUNITY REPRESENTATIONS**
- 4.1 **Consultee Comments**
- 4.1.1 **Selattyn and Gobowen Parish Council**

Strongly objects.

This application comes quickly on the back of a previous application for the same site which was rejected at the North Shropshire Council Planning Committee due to its non-compliance with Shropshire Council's own Policies CS5; CS6; CS8; CS13; and CS16 of the core strategy. This application contains no substantial change to the original application and fails to address a number of objections raised previously by this council at the consultation stage and identified by the committee in their written decision, namely:

Massing: This application will see over 20,000 panels en bloc on one site covering a total of over 34 acres, still introducing an 'alien and discordant' element to the landscape.

Concerns over landscape management: The application's report has not changed and therefore fails to address the problems previously identified by the committee and community (see comments below).

Concerns over diminished enjoyment of PROW: This site, the surrounding lanes and PROW are well used by locals and visitors to enjoy the character of our Shropshire countryside, no changes have been proposed to the management of this PROW in the new application (see additional comments below).

Land Quality: The council disputes the report submitted with regard to the grading of the land (see additional comments below).

The fact that this new application has been submitted so soon after the rejection of the previous application makes a mockery of the planning process.

Whilst the Council is not opposed to renewable energy they consider that solar panels should be on industrial buildings and housing, not put on good prominent agricultural land as is the case with this application. The population is increasing which makes food production even more important so good agricultural land, as this is, will be needed to produce the food.

In addition, the areas of objection to this application highlight:

Traffic:

- Traffic report cite 7 accidents between St. Martins School and Gobowen but very selective in the years. Recommend extension to last 10 years.
- No mention of the narrow bridge, one way traffic, on the B5070 between Gledrid and St Martins School this poses a significant bottleneck for local traffic and construction vehicles.
- Vehicles described are large and will cause access problems for other road users – pedestrians/dog walkers, cyclists and horse riders.
- No mention is made about the safety of leisure users during construction. The vehicles to be used are as wide as the lane (2.5m) from the B5069 to the site.
- The large articulated lorries cannot turn at the site so will have to reverse back down the route also during unloading there will be major and significant inconvenience to other highway users, there are no provisions for unloading bays or turning areas in the application.

Probably the transport management plan will not be overseen by the applicant but

by the sub contractors who will be working on wafer thin margins, so who will care about the locals?

Land classification:

- The site is prime agricultural land NOT as stated poor quality grade 4 and 5.
- Report is contradictory. 7.0 states' 541r – The soil is WICK series1 which is deep well drained coarse loamy and sandy soil, then 7.1.1 States' that one field has 3- inches of soil' and the other 5 inches of soil One of the fields is currently being rented and has been planted with maize, which can-not be done in '3 inches of soil'. This begs the question - Why would a farmer rent a field to plant maize, (establishment costs are in the region of £250/300 per acre excluding rent) if the field was unsuitable for its production and would not be financially viable?
- What is written in the application regarding the grade quality of the field (it says it is Grade 5 land) does not match the current use and productivity of the land, it is wrong. Mention is made of stones but their size is not given and neither their type, which can have a profound difference on the grading result. Are the stones hard or soft? Therefore, the consultant should be asked to reassess the fields.

Leisure use:

- The lanes surrounding the proposed site and the rights of way in the area are well used by cyclists, runners, walkers, hikers and horse riders. The installation of solar panels would spoil the recreation and enjoyment for all users.
- The proposed fence and high hedges will all have a detrimental impact on the landscape character of the area and the enjoyment of all recreational users and residents. The area is well used by locals and others, even a Liverpool cycling club.
- The hedge bordering the south of the site is not in the ownership of the applicant. It is privately owned and trimmed annually by the owner. Therefore there will be no screening on the southern boundary of the site

Effect on local community:

- The application will not bring any financial, employment or environmental benefit to the community. It will impact upon visitor numbers by driving them away thus reducing the viability of our local tourist facilities
- It will be a blot on the landscape
- Overlooking /loss of privacy – This application will have a significant impact on neighbouring properties and residents.
- Public visual amenity – The application does not present a true picture of the impact on the surrounding countryside as it will be visible from a long distance. It will have a negative visual impact on local countryside.
- Overbearing nature - The Parish Council considers that the proposals are overbearing. Fact - any newly planted hedges will not be grown to the height specified until half way through the life of the site. Due to the hedges being grown for screening purposes, they are unlikely to be cut until they have reached the required height, which will produce thin leggy hedging that in winter will provide negligible screening. Current hedges are in such a poor state that they will not screen the site.

In addition to these objections the Parish Council wishes to submit the following

comments about the application.

- It is concerned over the number of errors and omissions in the supporting documents in the application.
- Local land has been very productive locally for over 100 years. The evidence on the ground doesn't match the information in the application.
- Still mentions Rhyn Park School it is St Martins Through School -proof that the application is recycled.
- There were no photos in the pack received by the council just 13 blank pages.
- Clarification is needed on the exact sizes of the proposed panels.
- No new crested newt survey has been undertaken; they are using the previous survey.
- The application mentions farm diversification but makes no mention of how this development if successful will impact upon the viability of the farming business in relation to the safeguard of jobs or the creation of others. This is diversification for an income stream for the land owner.
- Concern about the impact that noise from the inverters and generators will have on residents, leisure users and wildlife in the area.
- The applicant does not provide any evidence that any brownfield sites have been considered as an alternative location for a solar farm in the area. The Parish Council believe that the applicant should show evidence of this as part of the requirements of the National Planning Policy Framework. Is the application valid without a brownfield site survey?
- Application doesn't declare the number of panels,
- Clarification needed about the annual energy output from the site in normal Gobowen weather.
- The height of the solar panels makes them a blot on the landscape
- The application does not specify the route grid connection will it be underground? Will this result in a new overhead line involving posts and structures imposing more unsightly infrastructure on the area. We need to see the route as does the planning committee, another example of the lack of care in the preparation of the application.

There is no prescribed quota for the production of energy by each uk county, currently Shropshire has approved 150MW OF SOLAR ENERGY PRODUCTION and there are numerous AD and wind turbine facilities in operation. The county is already doing its bit.

- 4.1.2 **Whittington Parish Council** (adjacent parish) Objects. The revised application, though does not affect land, actually, in the parish of Whittington, does border the Parish and members believe this Solar Farm to be totally inappropriate despite the reduction in size.
- 4.1.3 **SC Highways** No response received. In relation to the previous refused proposal, the Highways Officer raised no objections subject to a condition requiring the submission of traffic mitigation measures for approval.
- 4.1.4 **SC Public Protection** No objections. The proposed development will not have a significant impact on the amenity of the area.
- 4.1.5 **SC Drainage** 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.

4.1.6 **SC Trees** No response received.

4.1.7 **SC Ecologist** This is a revised and smaller proposal following refusal of application 14/03946/FUL.

Great crested newts: Greenscape Environmental have identified 10 groups of ponds within 500m of the application site. One of the ponds is on the application site and has a Habitat Suitability Index (HSI) score of 0.37, i.e. with 'poor' suitability for great crested newt breeding. One torching session was also carried out which revealed no newts. The pond is shown for retention in the scheme layout and for restoration in the Biodiversity Management Plan. Pond 2 immediately to the north of the site did not contain water and Pond 3 had a low HSI and was torched on four occasions with no newts found.

Ponds with 'average' or 'good' suitability were subject to presence/absence surveys. Small populations of GCN were identified in Ponds 4c and 4d, sited over 380m from the application site with no GCN found in other ponds surveyed.

Because of the distance of the GCN populations from the application site, Greenscape Environmental considers that the risk of harm will be sufficiently reduced by carrying out installation of the solar farm under a strict method statement. A condition is recommended to require that work is carried out in accordance with the Environmental report (see Appendix 1).

Badgers: An active badger sett was found over 250m from the site. There was an outlier sett on the site with badger activity found around the central hedgerow. The August 2015 Greenscape report recommends a 10m buffer zone around the badger sett holes, and on one occasion 15m. Drawing JPW0402-011 submitted with the new application indicates a minimum 20m stand off from the badger setts, with this distance also given in the Biodiversity Management Plan.

Greenscape Environmental includes a method statement for badgers in their Phase 1 report and installing badger gates into the security fencing in their report, which the condition recommended above will require implemented. To ensure no breach in the legal protection for badger setts in The Badger Act 1992 it is recommended that the 20m stand off is implemented.

Biodiversity Management Plan: A Biodiversity Management Plan has been submitted with this new application, which includes grazing beneath the proposed solar panels, wildflower rich planting on the field margins, hedgerow management and various habitat enhancements such as bat and bird boxes and hibernaculum. A condition is recommended requiring that work is carried out strictly in accordance with the Biodiversity Management Plan (see Appendix 1).

Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010), the proposed works will not have a likely significant effect on any internationally designated site. An Appropriate Assessment is not required.

4.1.8 **SC Rights of Way** Our comments made on 14/03946/FUL with regard to Selattyn & Gobowen Footpath 24Y are still applicable. There is no outlet onto the county

end at the western end of Footpath 24Y on the definitive line, despite records of a stile kit having previously been delivered to the landowner. It is not clear whether footpath users will be able to exit onto the road via the existing gate access in the field to the south of the PROW. Therefore, the most appropriate course of action would be for the stile kit already delivered, or preferably a pedestrian gate, to be installed on the definitive line.

4.1.9 **SC Archaeology** Recommends a condition.

The Shropshire Historic Environment currently contains no records of any known heritage assets with archaeological interest within the proposed development site itself. There are records for a possible cropmark enclosure and ring ditch (HER PRN 02158) and two further possible ring ditches (HER PRN 02288), c.400m south and c.650m south-east of the site respectively. In addition, an area of probable WWI practice trenches (HER PRN 02858) is also recorded c.300m south-west of site. The Tithe Award Map for Ebnal Township in Whittington Parish of 1839 records a Brickkiln Field (plot 1405) in the north-western part of the site. The Shropshire Historic Landscape Character (HLC) assessment assigns the site to the 'planned enclosure' HLC Type, suggesting the field pattern was originally created through the enclosure of a former common. This is confirmed by the Desk Based Assessment that has been submitted with the application, which reproduces an Enclosure Map of 1781. This Assessment also identifies the sites of two former post-medieval common edge cottages in the north-eastern part of the site. Based on the analysis of HER data and historic maps, the Desk Based Assessment concludes that the proposed development site has moderate archaeological potential overall, with low-moderate potential for prehistoric remains and high potential for post-medieval remains.

It is advised that the archaeological Desk Based Assessment by Foundations Archaeology provides a satisfactory level of information about the archaeological interest of the proposed site in relation to Paragraph 128 of the NPPF.

To provide an appropriate level of archaeological mitigation, and in line with Paragraph 141 of the NPPF, it is advised that a phased programme of archaeological work should be a condition of any planning permission for the proposed development. This should comprise a pre-commencement geophysical survey, followed by further mitigation as necessary and appropriate (see Appendix 1).

4.1.10 **SC Conservation** In relation to the previous application that was refused, the Conservation Officer noted that no impact on the setting of Old Hall (Grade II* listed building) at Old Marton is perceived. The Officer commented that, having reviewed the updated information supplied by the agent, it would appear that the proposed solar farm will have a minimal impact on the significance of Ebnal Hall, therefore no objection is made to the revised submission.

4.1.11 **Historic England** No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.12 **Natural England** No objections and no conditions requested. The proposed

amendments to the original application relate largely to size, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Wildlife and Countryside Act 1981 (as amended): This application is in close proximity to Fernhill Pastures Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Therefore this SSSI does not represent a constraint in determining this application.

Green Infrastructure potential: The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. There may be opportunities for various types of grassland and ponds. Consideration should be given as to whether the areas between panels themselves could be better managed to benefit biodiversity. Natural England would be happy to discuss possible ways of managing the grassland to benefit biodiversity as the proposal progresses towards implementation.

Other advice: The LPA should consider impacts on local sites (biodiversity and geodiversity), local landscape character, and local or national biodiversity priority habitats and species.

Protected Species: We have not assessed this application and associated documents for impacts on protected species. Standing Advice should be applied to the application.

Soils and Land Quality: From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the NPPF). For this reason no detailed comments on this are offered.

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, in accordance with para 118 of the NPPF. Attention is drawn to S40 of the Natural Environment and Rural Communities Act (2006) regarding conserving biodiversity.

4.1.13 **Ramblers Association** Objects. As there is no difference in this application to the treatment of Selattyn & Gobowen Footpath 0310/24Y/1 in the previous application, we maintain our objection to this Application. It plans to turn a very rural footpath, and one which it is currently difficult/impossible to use, into an enclosed route in an 'industrial' surroundings.

4.1.14 **CPRE, South Shropshire** Objects for the following reasons:

- a reduced size, reduced area, reduced number of panels but it remains a major

development that will cover 34.35 acres and would severely damage the character and appearance of the local countryside

- would cover two sloping fields with many thousands of large inert solar panels, seriously damaging aspects of the rural economy – particularly those associated with recreation and tourism
- still does not comply with the requirements of Policy CS5 of the Core Strategy because it would not maintain and enhance countryside vitality and character nor would it improve the sustainability of the rural community by bringing in local economic and community benefits, and it is not one of the specified preferred development types
- thousands of solar panels sited on sloping land will have considerable visual impacts because of the size and the industrial nature of the panels in a tranquil agricultural area
- LVIA is flawed and biased; does not carry out mapping in the ZTV or the ZVI; does not provide photographs from all points of visibility on the two footpaths; does not address the lack of screening from October to March
- visual disruption of existing field pattern with security fencing and an uncultivated buffer between the panels and existing hedgerows
- does not comply with Policy CS6 because it will be an off-the-shelf package and not designed to a high quality, using sustainable design principles: it would not ‘protect, restore, conserve and enhance the environment – rather the reverse: would not make the most effective use of land by taking out over 34 acres of productive land –both arable and pastoral and covering it with ugly man-made panels surrounded by intrusive security fencing for at least 25 years
- does not comply with Policy CS8 because it would not protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors: it has not been demonstrated that it will have ‘no significant impact on recognised environmental assets.’
- does not comply with some of Policy CS13 requirements as it fails to recognise the economic benefits of Shropshire’s environment and quality of life as unique selling points which need to be valued, conserved and enhanced: nor does it recognise the continued importance of farming for food production
- would undermine Policy CS16 because it would harm the delivery of high quality, sustainable tourism, and cultural & leisure development: it will not promote nor preserve the rural area
- insufficient information and commitment has been submitted to demonstrate that the management regime is workable or that it will be carried out consistently during the 25 years the site will be used as a solar industrial site.

4.1.15 **Councillor David Lloyd MBE** has advised that local opposition, including that of Gobowen and Selattyn Parish Council, remains strong. The proposal is seen as an alien and inappropriate intrusion into open countryside that is a haven for wildlife and is popular and well used for recreational activities in the locality. A potential blot on the farmscape, there is also concern at the loss of good land that has for years produced quality livestock and crops that the nation can ill-afford to lose.

4.2 Public Comments

4.2.1 The application has been advertised by site notice and in the local press. In addition direct notification has included those properties from which representations were received in relation to the previous refused application. In total 26 objections and one letter of support have been received from the public. These can be viewed

in full in the planning file, but have been summarised as follows:

4.2.2 Objections:

Visual impact and agricultural land:

- Allowing hedges to grow to 3 metres as mitigation for visual impact is nonsense
- Would destroy a large area of countryside
- Comprises high quality farmland
- Land has been used for cattle grazing and crops, so land is not unworkable
- Would take agricultural land out of production for 25 years
- Impact on landscape for walkers, cyclists and residents
- Impact on views from villages like Selattyn and the Oswestry iron age hillfort
- Query accuracy of assessment of agricultural land classification
- Fields have been used for potato growing in the past and a good number of bales of winter feed
- Allowing hedges to grow will not be adequate as panels would still be visible
- Would be visible from proposed houses close to Whittington Road and surrounding hills
- Would lead to an over-industrialising effect on an undulating landscape
- Hedge on the southern boundary is not in the applicant's ownership and is trimmed regularly and therefore provides no screening whatsoever

Ecology and drainage

- Damaging to wildlife, including barn owls, nesting birds and buzzards;, peregrine falcons, red kites, lapwings
- Birds will be liable to be burnt from the solar panels reflection
- Biodiversity management plan doesn't adequately say how birds will be affected
- The area is habitat for diverse wildlife including birds of prey, toads and great crested newts

Highways and Access

- construction traffic management statement is incomplete and misleading: should include the number of recorded accidents on the B5070; the years selected to illustrate the number of accidents shows only 2 serious ones whereas in recent years that has been more than 2 fatalities
- use of heavy vehicles would cause daily obstruction
- narrow roads not wide enough for two small vehicles to pass let along HGVs
- traffic impact during 4 month construction period

Local amenity

- damaging to tourism
- intrusion due to high perimeter fencing and CCTV cameras
- impact from fencing off public walkway
- need to know what the projected level of noise would be
- should be further sound absorbing barriers erected near the converters
- noise assessment should be revisited to take account of prevailing wind as assessment was done when calm
- impact on enjoyment of public paths
- impact on use of area by walkers, cyclists and horseriders
- long term effects on peoples' health

Policy and principle

- solar farms should be built on waste land that cannot be used for anything else
- should be built on brownfield sites, or on the roofs of houses, schools, factories, hotels, shops
- Environment Secretary has expressed concerns over spread of solar farms on productive agricultural land
- Minister for Energy and Climate Change has discouraged development that has negative impacts on food production, landscape and communities
- Appeals have been dismissed due to impact on landscape and loss of arable land
- Energy Minister wants solar developments on industrial roofs, homes and on brownfield sites not in the countryside
- Renewable Energy Foundation say that the technology is too expensive to form a major component
- Solar panels are not viable without huge grants paid by the Government
- Production of solar panels will use more energy than they will ever produce

Other Issues:-

- should be possible to project a realistic output and relate this as a realistic number of household's usage of time
- will set a precedent for similar proposals
- concerns over costs of dismantling the site after the 25 year period
- impact on house values
- Council has been flooded with small-to-large scale solar farm applications in the countryside in recent years and have done more than their fair share in supporting green energy
- No economic contribution to the local economy

4.2.3 The reasons for support are as follows:

- Solar farms are noiseless, odourless and hidden from view behind hedges
- Would not lead to loss of agricultural land as land would be used for sheep grazing
- Better than fracking
- Need to build a viable power source for our future generations

5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, scale and design and impact on landscape character
- Site selection and agricultural land classification considerations
- Local amenity and other considerations
- Highways and access consideration
- Historic environment considerations
- Ecological considerations
- Flood risk and drainage considerations

6.0 **OFFICER APPRAISAL**6.1 **Principle of development**

6.1.1 Applications for planning permission should be determined in accordance with the

Development Plan unless material considerations indicate otherwise. The Development Plan policies relevant to the current proposal are discussed below. In addition to these, the National Planning Policy Framework (NPPF) sets out the Government's planning policies and this is a material consideration which should be taken into account in the determination of this application. Further national policy guidance is provided by National Planning Policy Guidance (NPPG).

- 6.1.2 Renewable energy: The NPPF sets out core land-use planning principles, and one of these is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. The current proposal is in line with this. The NPPF advises local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources (para. 97). It states that:
- applicants do not need to demonstrate the overall need for renewable energy;
 - it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gases;
 - applications for renewable energy should be approved if its impacts are (or can be made) acceptable.
- 6.1.3 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 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.
- 6.1.4 Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals (see Section 10.2 below) and states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The UK Government's target is to generate 30% of UK electricity from renewable sources by 2020. It has also signed up to the EU Renewable Energy Directive which includes a UK target of 15% of energy from renewables by 2020.
- 6.1.5 The proposed development would be capable of generating 5MW of renewable energy. The supporting documents state that this output is equivalent to the annual electricity requirements of approximately 1,500 typical households. The proposal would provide significant environmental benefits in terms of the production of renewable energy. As such the principle of the proposal is in line with planning policies and national guidance.
- 6.1.6 Rural diversification: Core Strategy policy CS13 provides support for rural enterprise and diversification of the economy. This is in line with the NPPF which seeks to support a prosperous rural economy by stating that local plans should promote the development and diversification of agricultural and other land-based rural businesses. The proposal would ensure that the agricultural use of the land can continue whilst providing an alternative revenue stream for the farm holding.

As such Officers accept that the proposal would bring about a positive effect on the farm business.

6.2 **Siting, scale and design and impact on landscape character**

- 6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also 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. It should be noted that the site does not fall within an area designated for landscape importance. It is also acknowledged that the development would be temporary, and a condition can be imposed requiring that the panels would be removed at the end of their operational life or after 25 years, whichever sooner.
- 6.2.2 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA states that the area is a relatively enclosed landscape of irregular field patterns. The LVIA notes that long distance views of rising hills to the west are available from the site. It states that, while the massing of the solar panels across the site would be considerable, the visual envelope for the site is well contained and limited to 0.1km – 1km from the site. The LVIA states that the localised topography and vegetation cover surrounding the site limits views into and out of the site. It states that this, combined with the overall low-lying form and scale of the development, which will be no greater than 3 metres in height, will result in the development not appearing as a prominent feature within the wider landscape.
- 6.2.3 In terms of impacts on visual receptors, LVIA states that visual effects are limited by the lack of sensitive receptors close to the site and levels of screening. It considers that many roads are bordered by mature hedgerows and hedgerow trees, and views are likely to be glimpsed. In relation to views from residential properties, it states that these are generally screened by boundary vegetation and topography.
- 6.2.4 The LVIA identifies that notable visual effects are expected for receptors along the public highways and public rights of way adjacent to the site. In particular the roads along the eastern and western boundaries of the site, and the public footpath through the site. It concludes that, for all notable landscape and visual effects, the impact is considered to be moderate-substantial.
- 6.2.5 In terms of visual impacts from residential properties, the LVIA states that there would be limited views of the proposed development from the properties around Top House Farm to the east of the site due to intervening mature hedgerow. It suggests that the impact on these properties would be negligible to slight-moderate. It states that a very small proportion of part of the site would be visible from properties at Ebnal Hall through gaps in vegetation, and assesses this impact as slight-moderate.
- 6.2.6 The proposed development would retain existing trees and hedgerow at the site. In terms of mitigation it is proposed to manage existing hedgerow at the site to a height of 3 metres. In addition, tree and hedgerow planting would be undertaken to close up gaps in existing cover and provide further screening.

- 6.2.7 The application for which planning permission was refused in July 2015 proposed a 10MW capacity site covering an area of 21 hectares. The current application proposed a solar farm which is significantly smaller in terms of scale and massing. Officers consider that the current proposal would have a significantly smaller impact upon the visual qualities of the local area, albeit at the expense of a corresponding reduction in renewable energy benefits.
- 6.2.8 The proposed development would be visible in the local landscape. However the existing trees and hedgerow in the area, together with the additional landscaping proposed and hedgerow management would restrict open views of the site. Furthermore it is considered that the site is located sufficiently distant from dwellings to ensure that any limited views of the development would not have an overbearing impact upon residential amenity. The reasons for refusal of the previous application referred to Members concerns over the diminished enjoyment of the public rights of way in the area. Following a request from Officers the applicant has agreed to set the panels further back from the public footpath that runs through the site. This would ensure that there would be a 7 metres wide corridor between the hedgerow and the perimeter fence along the route of the path, compared to 5 metres previously. Given that the panels would be set back a further 3 metres from the perimeter fence, there would be a gap of 10 metres between the hedgerow and the panels. It is not considered that the proposed development would have an overbearing impact upon users of the rights of way in the area. Longer distance views to the west may be possible however these are not considered to be significant given that these would be at a distance of many kilometres away.
- 6.2.9 Officers conclude that the proposed development would have some impact upon the local landscape character of the area, through the introduction of a man-made development across the three fields. However it is considered that the mitigation measures proposed are sufficient to ensure that this impact is reduced to acceptable levels, particularly when considered in relation to the environmental benefits that the renewable energy proposal would bring about. As such it is considered that the proposal can be accepted in relation to Core Strategy Policy CS6.
- 6.3 **Site selection and agricultural land quality considerations**
- 6.3.1 Planning Practice Guidance advises that local planning authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value (para. 013). The comments of Selattyn and Gobowen Parish Council regarding brownfield sites are noted, however it is accepted that planning policy and guidance does not restrict the use of greenfield land for solar farms. The site does not contain any specific land-use designations in respect of landscape or ecological value.
- 6.3.2 Planning Practice Guidance advises that, in considering solar farm proposals located on greenfield sites, local planning authorities should consider whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable and/or encourages

biodiversity improvements around arrays.

- 6.3.3 The Guidance also makes reference to a Ministerial Speech made in April 2013 and a Written Ministerial Statement (WMS) made in March 2015. In relation to the former, this stated that where solar farms are not on brownfield land, the industry should be looking at sites on low grade agricultural land where grazing can take place in parallel with generation. In relation to the WMS this states that meeting our energy goals should not be used to justify the unnecessary use of high quality agricultural land. It states that any proposal for a solar farm involving the best and most versatile agricultural land needs to be justified by the most compelling evidence.
- 6.3.4 An Agricultural Land Classification (ALC) report has been submitted with the planning application, to establish the classification of the fields contained within the application site. This is based upon a desktop study and fieldwork undertaken by agricultural consultants. The fieldwork included the digging of a number of trial holes to inspect soil characteristics such as soil depth and stoniness. Based upon this assessment, part of the site is Grade 4 (poor quality) and part is Grade 5 (very poor quality).
- 6.3.5 A number of comments have been received that the land is of a higher agricultural land quality than claimed, and that the land has previously successfully grown wheat and potatoes. The applicant has previously confirmed that the Defra guidance for undertaking land quality assessment advises that the particular grade attributed to land is determined by the most limiting factor present. On the basis of the evidence provided by the Agricultural Land Classification report the proposed development would not affect the 'best and most versatile' agricultural land (classed as land of Grade 1, Grade 2 or Grade 3a). The proposal would therefore be sited on poorer quality agricultural land.
- 6.3.6 It is noted that the land would remain in agricultural use, as it is proposed that sheep would graze between the panels. In addition there would be long-term biodiversity enhancements proposed by way of additional hedgerow planting and some tree planting, and the land would be reinstated at the end of the lifespan of the development. On this basis, it is considered that the proposed development is in line with planning guidance as set out in paras. 6.3.2 and 6.3.3 above.
- 6.3.7 Nevertheless it is noted that the Agricultural Land Classification report identifies limitations of the soil for agricultural use. It is considered that opportunities to undertake some improvement to the soil could be explored, such that the agricultural productivity of the land is increased over the lifetime of the solar farm development. A condition requiring that an assessment is submitted for approval which puts forward measures to improve the longer term quality of the land can be imposed.
- 6.4 **Local amenity and other considerations**
- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity.
- 6.4.2 Noise: A noise assessment report has been submitted as part of the planning application, based upon an assessment of background noise levels and the noise emitted by the inverters and transformers. This identifies that the nearest noise

sensitive receptors are at least 140 metres from the proposed development. However it should be noted that the distance between the noise generating equipment (i.e. the transformers and inverters) and the nearest properties is considerably greater than this. The noise report concludes that the noise level from the proposed solar farm would give rise to a low impact on noise-sensitive receptors in the area. The assessment indicates that it is unlikely that noise from the proposed solar farm would adversely impact upon the amenity of the nearest noise sensitive receptors.

6.4.3 The Public Protection Officer has advised that the proposal would not have a significant impact upon the amenity of the area. In relation to the previous application that was refused the Public Protection Officer undertook calculations of the likely noise levels and confirmed that the noise assessment conclusions are satisfactory.

6.4.4 Glint and glare: Planning practice guidance states that the effect on the landscape of glint and glare and on neighbouring uses and aircraft safety is a consideration when determining planning application for solar farms. It is considered that as the panels would be generally well screened by existing and proposed trees and hedgerows it is not anticipated that the proposal would result in adverse levels of impact upon local amenity due to glint or glare.

6.4.5 Decommissioning: Planning Practice Guidance on renewable energy recognises that solar farms are normally temporary structures and that 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 (para. 013). In addition SAMDev Plan Policy MD8 states that proposals for temporary infrastructure will be expected to include measures for satisfactory restoration of the site at the earliest practicable opportunity. The applicant has prepared a Decommissioning Statement setting out arrangements for decommissioning the development at the end of its life (anticipated to be 25 years). This states that at the end of this period the system would be completely dismantled and removed from the site, and the site restored to its preconstruction state. It is considered that, should permission be granted, this is subject to a condition requiring the removal of the panels and other structures within 25 years, or when no longer required for the generation of electricity, whichever sooner.

6.5 **Highways and access considerations**

6.5.1 Once construction has been completed the application states that traffic generation would comprise vehicles associated with the maintenance of the site. The application states that the site would only need to be serviced on a quarterly basis, accessed by a van or car. It is not considered that the level of traffic that would be generated during the operation of the solar farm raises highways issues. It is noted that the Highways Officer raised no objections to the previous refused proposal.

6.5.2 In terms of the construction phase, it is anticipated that this would last for 12 weeks and would result in 60 large vehicle trips (i.e. 120 movements) during this period. Details of proposed routing and other traffic management measures such as signage, construction hours and dust control, have been provided in a Traffic Management Statement. It is considered that detailed matters can be agreed as part of an appropriate plan. A suitable condition is set out in Appendix 1 below.

6.6 **Historic environment issues**

- 6.6.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan Policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.
- 6.6.2 The planning application is accompanied by a Historic Asset report which has considered the significance of historic assets in the area and the likely impacts of the proposal on these. This concludes that the impact of the development on the historic landscape would be minor, given that the site is screened by mature hedgerows, and the impact on the character of the historic landscape would be slight adverse.
- 6.6.3 The report identifies that the only settings issue is that relating to the intervisibility between the site and Ebnal Hall, a Grade II Listed Building to the north-west. It states that the solar panels may not be visible from Ebnal Hall and if they are they will only be glimpsed through intervening hedgerows and mature trees. As such the report considers that the magnitude of the impact is negligible at most.
- 6.6.4 It is considered that views of the proposed development from Ebnal Lodge would be obscured by existing intervening vegetation. As such it is not considered that the proposal would adversely affect the setting of this Listed Building. In relation to the previous refused application, which related to a significantly larger site, the Historic Environment Officer was of the view that the proposed development would have minimal impact on the significance of Ebnal Hall, and raised no objections. It is accepted that existing vegetation restricts views of the site from the Hall. Whilst it is accepted that such screening would reduce after leaf fall, it is noted that the Hall is approximately 370 metres from the site. Given this distance, and the limited viewpoints from the Hall, it is considered that there would be less than substantial harm to the asset. In relation to the requirements of para. 134 of the NPPF, it is considered that the public benefits of the proposal, particularly in relation to the generation of 10MW of renewable energy, outweigh any limited harm there may be to the setting of the Listed Building. Overall it is not considered that the application raises significant issues in respect of impact upon historic assets.
- ## 6.7 **Ecological considerations**
- 6.7.1 Core Strategy 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. It is noted that the application site does not form part of any statutory or non-statutory designated site for nature conservation. SAMDev Plan Policy MD2 requires that development

enhances, incorporates or restores natural assets.

- 6.7.2 Protected species: An ecology report has been submitted, based upon a survey for protected species and of habitats potentially affected by the proposals. This has identified that there are three ponds within 250 metres of the site, all of which lack features suitable for supporting great crested newts. The report advises that a small population of great crested newts has been observed in other ponds within 500 metres of the site. The Council's Ecologist concurs with the findings of the report that work should be undertaken in accordance with the Reasonable Avoidance Measures as set out in the ecology report, and a condition to this effect can be imposed should permission be granted.
- 6.7.3 In relation to badgers, the proposed layout provides for a minimum stand-off of 20 metres from the two badger setts on the site and for a gap under the deer fencing to allow for badger movement. A condition can be imposed to require that the method statement set out in the ecology report is adhered to (see Appendix 1 below).
- 6.7.4 Biodiversity management and enhancement: Existing trees, hedgerows and ponds within the site would be retained, and the gapping up of hedgerows would be undertaken. The landscape management proposals provide for the planting of 19 new trees to enhance existing field boundaries, and new mixed native species hedgerow along part of the northern boundary of the site. The submitted Biodiversity Management Plan recommends measures to be undertaken to improve the ecological value of the site. These include: sowing the 5 metre margins of the site with a species-rich wildflower and grass seed mix, and the management of these areas; the management of hedgerows to favour birds and other wildlife; the enhancement of ponds for Great Crested Newt; the provision of artificial structures including log, rock and stone piles, and bird and bat boxes.
- 6.7.5 It is considered that the proposed solar farm development offers an opportunity to provide significant biodiversity enhancements, and that it would be appropriate to agree detailed matters as part of a habitat management plan. It is considered that this should include provisions for long-term management of the site, in order to maintain and enhance biodiversity. A condition proposing the submission and approval of such details is included in Appendix 1 below.
- 6.7.6 It is considered that the implementation of the method statements, landscape management and planting proposals, and a habitat management plan would ensure that the proposal would provide significant ecological benefits and as such the proposal is in line with Core Strategy Policy CS17 and SAMDev Plan Policy MD2.
- 6.8 **Flood risk and drainage considerations**
- 6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. SAMDev Plan Policy MD2 requires that developments incorporate sustainable drainage techniques in support of Policy CS18. The submitted Flood Risk Assessment (FRA) confirms that the site lies entirely within Flood Zone 1, signifying areas with the lowest probability of fluvial flooding. The FRA states that the proposed development is located in an area which may be subject to a moderate risk of flooding from groundwater sources, however due to

the site topography, such flooding would be likely to be shallow and should not present a threat to the proposed development.

- 6.8.2 The FRA calculates that the proposed development would increase the impermeable surface area of the site by 0.05% and would have a negligible effect on surface water run-off. The proposal would not alter the topography of the land. The Council's Flood and Water Management team have advised that the proposal is unlikely to affect the surface water runoff characteristics of the area and has raised no objections to the proposal. As such it is considered that the proposal does not raise significant issues in relation to flood risk and surface water management.

7.0 **CONCLUSION**

- 7.1 The revised application for the installation of a solar farm at land at land near Rhosygadfa seeks to address the reasons for refusal of a previous proposal. The revised proposal would have 50% fewer panels and would be significantly smaller in size than the previous proposal. It would have a significantly lower impact upon the visual qualities of the area and would be less visible from residential properties. In addition the revised layout provides an increased buffer distance to the public right of way that runs through the site.

- 7.2 Potential impacts on heritage assets have been assessed and would not be significant. The proposal would not affect best and most versatile land and the site would remain in agricultural use. The panels would be removed after the end of their useful life or within 25 years, whichever sooner. The proposal would not result in adverse levels of noise, or have a significant effect on flood risk.

- 7.3 The proposed development would have some impact upon the local landscape character of the area, through the introduction of a man-made development across the three fields. However it is considered that the mitigation measures proposed are sufficient to ensure that this impact is reduced to acceptable levels.

- 7.4 The revised proposal would allow the generation of 5MW of renewable energy for export to the National Grid, and contribute to a reduction in carbon emissions which is one of the core planning principles of the National Planning Policy Framework and is also supported by local planning policies.

- 7.5 On balance it is considered that the level of environmental benefit that the proposal would provide, including those associated with renewable energy production and also significant biodiversity enhancements, outweigh any adverse impacts upon the landscape character and amenity of users of the rights of way network. On this basis it is recommended that the proposal can be accepted in relation to Development Plan policies and other material considerations, and that planning permission can be granted subject to the conditions as set out in Appendix 1.

8. **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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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 give 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. Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

This promotes a low carbon Shropshire by promoting the generation of energy from renewable sources (Strategic Objective 1)

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS8 (Facilities, Services and Infrastructure Provision)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets
- Policy CS18 (Sustainable Water Management)

10.1.2 SAMDev Plan

At the time of writing this report the SAMDev Plan had yet to be adopted. It is anticipated that the SAMDev Plan will be adopted following the Full Council meeting on 17th December 2015, following which full weight can be given to its policies.

- Policy MD2 (Sustainable Design)
- Policy MD8 (Infrastructure Provision)
- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): Amongst other matters, the NPPF: encourages the use of renewable resources (para. 17 - Core Planning Principles); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); advises that lpa’s recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve applications if its impacts are (or can be made) acceptable (para. 98); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11).

10.2.2 Planning practice guidance for renewable and low carbon energy (updated March 2015) states (para. 001) that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The PPG states that all communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy

automatically overrides environmental protections and the planning concerns of local communities (para. 003).

In relation to proposals for large scale ground-mounted solar photovoltaic farms, the PPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in 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 the local planning authority will need to consider in relation to solar farms include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 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 proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety
- 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.

The PPG refers to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013. This commented that the Government will focus deployment of solar panels on buildings and brownfield land, not greenfield, and that “where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation, incorporating well thought out visual screening, involving communities in developing projects and bringing them with you”.

It also refers to a Written Ministerial Statement made on 25th March 2015, which states that “meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land”. It also states that “any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence”.

The PPG gives guidance in relation to assessing cumulative landscape and visual impact, and states that in the case of ground-mounted solar panels it should be noted

that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

10.4 Relevant Planning History:

14/03946/FUL Construction of a solar farm comprising the installation of (circa) 40,000 ground mounted solar panels; 8 inverters; electricity substation; 2.4m high security fencing (revised description) **REFUSED** 13th July 2015

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The application ref. 15/03975/FUL and supporting information and consultation responses.

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Members
Cllr David Lloyd and Cllr Robert Macey (Gobowen, Selattyn and Weston Rhyn)

Appendices
APPENDIX 1 - Conditions

APPENDIX 1 - Conditions**STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until full details for the traffic mitigation measures indicatively presented within the Construction Traffic Management Statement have been submitted to and approved by the Local Planning Authority; and the development hereby permitted shall be conducted/constructed in accordance with approved details.

Reason: In the interests of highway safety.

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, 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 Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. Within three months of the commencement of electricity generation at the site a habitat management plan shall be submitted to the local planning authority. The plan shall include: a) Description and evaluation of the features to be managed; b) Ecological trends and constraints on site that may influence management; c) Aims and objectives of management; d) Appropriate management options for achieving aims and objectives; e) Prescriptions for management actions; f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) Personnel responsible for implementation of the plan; h) Monitoring and remedial/contingencies measures triggered by monitoring. The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

6. Notwithstanding the submitted details, the buildings hereby permitted shall not be constructed until details of their external materials, including colour, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

7. Within three months of the commencement of electricity generation at the site an agricultural land improvement scheme shall be submitted in writing for the approval of the local planning authority. The submitted scheme shall set out measures proposed to improve the quality of the agricultural land at the site over the duration of the solar farm development, to improve the potential productivity of the land. The scheme shall be implemented in accordance with the approved details.

Reason: To address identified deficiencies in the agricultural land at the site and ensure that the land is improved by the end of the solar farm development.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. Inverters shall be housed in a suitable structure which will ensure that noise at 1m from the façade of the structure shall be no greater than 76dBLAeq.

Reason: to protect the amenity of the area and that of nearby residential properties.

9. Work shall be carried out strictly in accordance with the Phase 1 Environmental Survey by Greenscape Environmental dated August 2015 and Drawing JPW0402-01.

Reason: To ensure the protection of great crested newts, a European Protected Species and badgers.

10. Work shall be carried out strictly in accordance with the Biodiversity Management Plan by JBA Consulting dated August 2015, unless otherwise required by conditions of this permission.

Reason: To protect and enhance features of recognised nature conservation importance.

11. All landscaping works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out within the first available planting season following completion of the development, or in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12. All existing trees, shrubs and hedgerows within and bordering the site shall be protected, retained and maintained to the satisfaction of the local planning authority for the duration of any development works and for 5 years thereafter.

Reason: To safeguard the visual amenities of the area.

13. (a) Within one week of the completion of the construction of the solar panels, written notice of the date of completion shall be given to the local planning authority.
- (b) Within 6 months of the cessation of energy generation from the site, or a period of 25 years and 6 months following completion of construction, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site.

Reason: To ensure that the solar farm development is removed from the site following the end of its operational life or within a reasonable period of time to protect the landscape character of the area.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. In determining this application the Local Planning Authority gave consideration to the following policies:
 Central Government Guidance:
 National Planning Policy Framework
 National Planning Practice Guidance
 Shropshire Core Strategy and saved Local Plan policies:
 Policy CS5 (Countryside and Green Belt)
 Policy CS6 (Sustainable Design and Development Principles)
 Policy CS8 (Facilities, Services and Infrastructure Provision)
 Policy CS13 (Economic Development, Enterprise and Employment)
 Policy CS17 (Environmental Networks)
 Policy CS18 (Sustainable Water Management)
3. 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.

4. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 20m of a badger sett without a Badger Disturbance Licence from Natural England.

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

5. 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 access road, parking area/ paved area
 - ' Greywater recycling system
- Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

6. Whilst works take place the applicant must also be aware of the following:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.
 - The alignment of the right of way must not be altered.
 - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to maintain public access along the footpath at all times whilst works take place, the applicant should apply to the Mapping and Enforcement Team for a temporary closure of the footpath (fees apply).