
Appeal Decision

Hearing held on 5 April 2016

Site visits made on 5 and 6 April 2016

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 June 2016

Appeal Ref: APP/L3245/W/15/3132946

Land to the west of Squirrel Lane, Ledwyche, Shropshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by KS SPV 39 Ltd against the decision of Shropshire Council.
 - The application Ref: 15/01472/FUL, dated 1 April 2015, was refused by notice dated 14 August 2015.
 - The development proposed is the construction of a solar park with attendant infrastructure including centre station, inverters, cameras, fencing and associated landscaping.
-

Preliminary Matters

1. The address of the appeal site has been variously described as being Henley Hall, Ludlow Road, and land to the west of Squirrel Lane. The latter is more appropriate and I proceed on that basis.
2. The proposed development was amended during its consideration by the Council and the area of the solar park was reduced by removing the area immediately adjacent to the southern boundary of Henley Hall Park. As a result the quantum of solar panels it is proposed to install has reduced to some 18788 from the previous total of almost 22000.

Decision

3. The appeal is allowed and planning permission is granted for the construction of a solar park with attendant infrastructure including centre station, inverters, cameras, fencing and associated landscaping on land to the west of Squirrel Lane, Ledwyche, Shropshire in accordance with the terms of the application, Ref: 15/01472/FUL, dated 1 April 2015, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

4. The main issues in the appeal are:
 - (a) The effect of the proposed development on the character and visual amenity of the surrounding landscape;
 - (b) The impact of the proposed development on the historic environment;
 - (c) The impact of the proposed development on leisure and tourism in the area;

- (d) Whether it has been shown that the proposed development is justified by reference to the quality of the agricultural land comprising the appeal site.

Policy Background

5. The decision notice issued by the Council contained policy references from the adopted Core Strategy (CS) which was adopted in 2011. However, since the appeal was lodged the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan has been adopted. I have been provided with policies from that document which sit alongside and complement CS policies.
6. Policy CS5 seeks to control development in the countryside in accordance with national policies, but is permissive of development on appropriate sites which (amongst other matters) maintain and enhance countryside character. Amongst other things Policy CS6 requires development to be designed to a high quality and to respond to the challenge of climate change whilst protecting, restoring conserving and enhancing the natural, built and historic environment taking into account local context. The policy also requires safeguarding of high quality agricultural land. Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change where this has no significant impact on recognised environmental assets, including the provision of renewable energy. Policies CS13 and CS16 include objectives to encourage economic growth and prosperity, encourage rural business and the tourism and leisure industry. Amongst other matters Policy CS17 requires all development to protect and enhance the diversity, quality and character of the natural, built and historic environment. In a general sense these policies follow the thrust of the National Planning Policy Framework (NPPF) which post dates the CS. However, some CS policies are worded in such a way that the balancing exercise inherent in NPPF policies is absent or diluted. This reduces the weight of CS policies in such cases.
7. SAMDev policies, on the other hand, were adopted after publication of the NPPF and therefore largely include the requirement to balance development proposals – weighing impacts against benefits. Policy MD8 is supportive of new strategic energy development (amongst others) where the contribution to agreed objectives outweighs the potential for adverse impacts. Policy MD12 (which refers back to CS Policies CS6 and CS17) seeks to avoid harm to Shropshire's natural assets. Any development with a significant adverse effect will only be permitted if there is no alternative or benefits outweigh harm. Policy S10 applies to the Ludlow area and seeks to ensure, amongst other things, that the importance of the town as an historic asset, and its setting, are recognised and protected.

Reasons

Character and Visual Amenity

8. The appeal site lies within National Landscape Character Area 65 (NCA 65) – Shropshire Hills. At a more local level it falls almost wholly within the Estate Farmlands Landscape Character Type (LCT) with a small proportion in the Principal Settled Farmlands LCT. There is overlap between the defining characteristics of NCA 65 and the relevant LCTs. In particular, landscape character is created by the interaction between irregularly shaped arable and pasture fields, hedgerow and tree belts, scattered woodland blocks, streams

and rivers with their intersecting valleys, all set within a rolling varied topography. Settlement is both nucleated in places, such as Ludlow, and more scattered and loose knit in smaller villages, with many isolated farmsteads and country houses. It is a diverse and physically attractive landscape, though it has no formal landscape designation. The Shropshire Hills Area of Outstanding Natural Beauty (AONB) lies a short distance to the north and east.

9. I do not see this landscape as exhibiting a character which could not accept development of the type proposed in principle. It would depend entirely on the location and design of the scheme in question. Indeed there is nothing in planning policy and guidance which indicates that greenfield land is not acceptable for solar development, though it is clear that brownfield land is to be preferred where possible. In this case I agree with the sensitivity analysis carried out on behalf of the Appellant, which indicates that the landscape character in this area is one of high sensitivity to change. But I bear in mind that there are features locally which detract from landscape character, including the large substation nearby, and the Park and Ride site to the west. The appeal site is sufficiently far from the AONB that there would be no noticeable impact on the character of that area.
10. In the context of LCA 65 and the local LCTs the magnitude of the effect of the proposed development, or its impact on landscape character, is mitigated by a number of factors. These include that the development would be sited on land which is quite well enclosed by topography and vegetation, resulting in the minimisation of the geographical impact of the development. Hence the impact on character is limited to a small part of both NCA 65 and the more local LCTs. That is not to say that there would be no impact. At close range the character of the landscape would be significantly affected by the rows of panels and associated infrastructure. But that impact would diminish very quickly with distance and as a result its overall effect on landscape character would be minor and adverse.
11. Just as the landscape character is sensitive to change, so I agree that it is visually sensitive. This reflects the fact that there are nearby residents and users of the local footpath network (including the Shropshire Way) who must be regarded as highly sensitive receptors (or viewers). Similarly tourists visiting the area for the purpose of following leisure pursuits in the countryside are sensitive receptors. There is no doubt that local residents and others value the landscape highly in spite of it not having any formal designation.
12. I was able to see the appeal site from many vantage points during my site visits. As I noted above the site is relatively well contained. There are some views into parts of the site, but in the main these are limited. From the west, at the Park and Ride site, or on the adjacent section of the Shropshire Way, there would be visibility of the panels and infrastructure on the higher part of the site. But this would be in the context of a view which takes in the large electricity substation in the foreground, and with the noise of the A49 close by, which reduces any sense of tranquillity. At this vantage point the distant views to Clee Hill dominate the visual experience.
13. Moving eastwards and dropping into the valley the site becomes less and less visible, and the substation becomes more so until it is left behind. The impact of the site here, from publicly accessible land, is very small. This is also true when the viewer continues through Lower Ledwyche and further along the

Shropshire Way. The trees and topographical undulations in the vicinity of Squirrel Lane mean that it is unlikely that the development would be perceived. There would, though, be visibility to some extent from Squirrel Lane itself. The solar panels closest to the lane would be seen through the lane side trees and across the grassland margin proposed. These localised views would interrupt the generally unspoilt nature of the countryside and would be seen as harmful to many people. But the panels would fall away to the west, restricting their visual impact. Taken overall I consider that the views into the site from the closest accessible public areas would be so restricted as to amount to no more than a minor adverse impact on the visual quality of the area. I deal with the views from private land later in this decision.

14. From further afield it would be possible to glimpse parts of the development from some of the extensive network of footpaths in the area. Of particular note are the footpaths on the rising ground to the south, culminating in the elevated viewpoint at Caynham Camp. Here there would be intermittent views into part of the site, depending on topography and vegetation. But even at its clearest I was not able to discern any location where there would be more than a limited visual impact caused by the higher parts of the site being in view at some distance. Again it is my judgement that the impact would be minor and adverse.
15. Even further afield the views from such locations as Mortimer Forest and Clee Hill would have a lesser impact. I firmly believe that it would be difficult to make out the development at all in most circumstances. The self contained nature of the site coupled with distance means that any visual impact from such locations would be negligible. I am also satisfied that there would be no material impact from the tower of the Church of St Laurence, Ludlow, which I visited as requested.
16. The fencing around the site, security measures, and cabinets within the site, would all have some visual impact though would not have any material effect on the character of the area. Fencing would be relatively tall, equivalent to the type of fencing around deer enclosures. This in itself would not be highly visible from most locations and could be mitigated by appropriate planting. Security measures would include CCTV sites on poles periodically around the enclosure and again would not be of significant visual impact given the limited nearby viewpoints. For these 2 items any impact would occur primarily in short distance views from Squirrel Lane, and here there is already much filtering vegetation.
17. The cabinets within the site may be a little more evident from the Shropshire Way, but in my judgement the fact that they would be set against rising ground would mitigate any such impact. The main control cabinets would be tucked away in a relatively inconspicuous location and would therefore have a minor visual effect at worst.
18. In cumulative terms there are currently no solar parks within the immediate vicinity which would be visible simultaneously with that proposed here. I note that the proposal at Whitton has been dismissed on appeal though the decision was still in the challenge period at the time of the hearing. I am therefore not aware of any possibility of cumulative impact even were Whitton to ultimately go ahead.

19. In summary on this issue it is my judgement that the proposed development would have a minor adverse impact on both the character of the area and its visual amenity. This finding is to be incorporated into the final balancing exercise.

Historic Environment

20. There is no dispute that there would be no direct physical impact on any heritage asset. It is therefore agreed that any impact would be to the setting of such assets. In my judgement the assets which come into play are Henley Hall Registered Park and Garden (RPG) together with the listed structures within the RPG, Caynham Camp Scheduled Monument (SM), and the general setting of the historic town of Ludlow.
21. Henley Hall RPG lies to the north of the 'red line' extent of the site. The amendments to the proposal referred to above removed solar panels from the area adjacent to this asset so that there is a relatively wide gap between the proposed panels and the RPG boundary. There would also be intermediate landscaping works carried out along the new northern boundary of the extent of the solar panels, and this would help to mitigate any impact on the setting of the RPG and the listed buildings within it.
22. In any event the setting of the RPG is very much self-contained. The southern boundary of the park is delineated by a strong hedgerow and tree line, and there are no obvious designed views either into or out of the park from the south. The advice of Historic England makes clear that this southern boundary could be reinforced to reduce any impact. That accords with my judgement that the significance of the RPG therefore appears to lie in its inward looking relationship with Henley Hall and other buildings inside the park. The proposal does include the opportunity to further strengthen the landscaping between the appeal site and Henley Hall. In this way the significance of the setting of the RPG and listed buildings would not be much affected by the proposed development. I am satisfied that the impact on the setting of the heritage assets at Henley Hall would be less than substantial.
23. Caynham Camp is a hill fort located to the south. Unlike Henley Hall it is obviously designed so that its flanks look outwards over the surrounding countryside and its elevated position gives it commanding views in most directions. There is a clear visual relationship with the surrounding land, possibly for defensive purposes. Whatever the exact reason for the location the setting of the camp clearly encompasses the extensive hinterland over which it has views. The reverse is also apparent, in that the higher ground of the camp is visible from much of the surrounding area. This interrelationship is an important element of the significance of the asset.
24. It is possible, when standing on the perimeter of the camp, to understand the nature of the place, build some appreciation of why it is located there, and recognise the important link between the camp and the land surrounding it. One sector of the views out from the camp includes the area around Ledwyche and the appeal site. But I was able to see at my site visit that views of the appeal site itself are severely limited by filtering vegetation and topography. From the majority of the camp there would be no views at all of the appeal site. Additionally the views out from the camp are such that the eye is drawn to more notable features, such as Clee Hill. Furthermore the development in the area around The Sheet, and the electricity substation to the south-west of

the appeal site are prominent features. This all leads me to a judgement that the appeal development, to the extent that it would be visible at all from Caynham Camp, would have a very limited impact. It would be low on the scale of less than substantial impact.

25. Ludlow is acknowledged as an important historic town. Its central historic core lies due west of the appeal site, but is separated from it by a ridge. This means that from Ludlow the appeal site is not visible. Ludlow patently has a relationship with its surroundings, and it is not difficult to understand that relationship. The Church of St Laurence and castle are focal points and the former in particular is prominent in some long views towards Ludlow. But the significance of the land to the east in the setting of Ludlow is diminished by the fact that it is separated by the A49 bypass, and by topography. Whilst the presence of the Church is apparent from some areas, it is by no means as prominent as from other directions.
26. I do not seek to diminish the historic relationship between Ludlow and the surrounding countryside, but in my view the relationship is weaker on the eastern side, and its significance much reduced. When passing through the area these 2 elements are perceived as separate – there is a strong sense of leaving Ludlow and being in the countryside to the east after crossing the A49, and the influence and significance of the relationship between the two quickly dilutes. The same is true in the opposite direction because Ludlow does not exert much influence until the viewer is almost upon it. In any event the appeal site is not a major component of this part of Ludlow's setting, and its topography means that it would play little, if any, part in the understanding of the relationship between town and country. As requested I visited the top of the tower at the Church of St Laurence but again the intervening topography and vegetation means that the appeal site would have negligible or no impact. I therefore find that any impact on the setting of Ludlow would be minor, would not affect the historic core (to which Policy S10 refers) and would be less than substantial in terms of the NPPF judgement required.
27. My duty under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. The NPPF also advises that great weight should be given to the conservation of historic assets, including registered parks and gardens and scheduled monuments. In the case of less than substantial harm to the setting of heritage assets, as here, that harm nevertheless attracts significant importance and weight in the planning balance, which I come to later.

Leisure and Tourism

28. I heard from a number of people who have concerns that the proposed development would deter visitors and negatively impact upon the leisure and tourism industry, which is an acknowledged and important part of the local economy.
29. It is necessary to treat any threat to the local economy seriously, but I am struck by the lack of substantive evidence of harm, either in this locality or elsewhere. I have been made aware of surveys which suggest little impact would result, but as these were carried out in other locations their relevance is limited. I do accept that some people who visit this locality for walking or

other country pursuits would not welcome the development, but I find it hard to accept that a development with the limited impacts described above would result in a decision to go elsewhere. It must be recognised that the development would affect a very small part of the extensive rural areas hereabouts. The site has no public access and any fleeting glimpses of the development would be unlikely to undermine enjoyment of the locality.

30. I heard that a neighbour of the site would like to establish a tourist focused facility, and that the development would put that at risk. However, there is no firm proposal before me of that facility, and whilst I accept that it is the firm intention to establish it, it would not be reasonable to preclude this appeal development (if otherwise acceptable) on the basis of another person's future plans.
31. Taken in the round I have insufficient evidence to be able to conclude that there would be any material impact on the tourism and leisure industry in this locality and as a result the concerns expressed cannot weigh against the proposal.

Land Quality

32. The NPPF is clear that in making decisions which impact on the natural environment the economic and other benefits of the best and most versatile (BMV) agricultural land should be considered. BMV land is defined as that of grades 1, 2 and 3a. In this case the Appellant's evidence is that the appeal site is formed of grade 3b land.
33. The investigations into land quality have been criticised, and I accept that there is some justification in that criticism in that there are inconsistencies in the reports prepared. Nonetheless the overall results are clear, and I have no grounds for doubting that the sampling and testing was carried out properly. I am therefore satisfied that it has been shown that the land is correctly graded as 3b. Even so, it has clearly been in agricultural production and the loss of productive land has been criticised. On the other hand the Appellant has explained the constraints to finding appropriate locations for solar farms, which includes avoiding BMV land. I accept that previously developed land is preferable in principle (as advised by Planning Practice Guidance) but the availability of such land in suitable locations is a further constraint to development.
34. Furthermore the PPG does not rule out the use of non BMV land (or even wholly rule out use of BMV land) and encourages continued agricultural use where greenfield land is utilised. That is the case here. I am also conscious of the fact that a solar farm, though intended to be established for a significant period, is capable of reverting to its former use.
35. Taking these matters as a whole I am satisfied that the land does not fall within the definition of BMV land, and that there is insufficient evidence to conclude that development should be refused on the grounds that it would reduce agricultural capacity.

Other Matters

36. I deal here with some other matters which have been raised in writing or at the hearing.

37. The immediately adjacent neighbour to the south-west breeds and keeps alpacas, and I understand the worries that the solar farm might have some impact on that business. However, there is no evidence which suggests that the static solar panels would be harmful to the alpacas. The main control building for the solar farm would be close to the common boundary but again I do not have any evidence that this would be harmful. It was clear to me that the solar farm would be visible from the fields associated with the keeping of alpacas, though filtered to some extent through existing vegetation. However, this boundary could also be the subject of further landscape mitigation and could be required by condition.
38. In relation to the living conditions of neighbours some concerns have been expressed in respect of potential noise disturbance and the possibility of glint and glare from the panels. So far as noise is concerned the control buildings are not expected to produce a sound level which would be detected at nearby property. This could in any event be controlled by condition. Glint and glare depend on the interrelationship between the light source and the angle of the panels. In this case the study carried out on behalf of the Appellant indicates that glint and glare are unlikely to be experienced.
39. The site has been shown to be of limited ecological value at present and the scheme before me would enable a good deal of enhancement to biodiversity. The panels would be surrounded by species rich grassland and new hedgerows of native species. Further planting is also proposed. Subject to the imposition of conditions controlling ecological matters, which would overcome any potential for harm to protected species, I am satisfied that the scheme would be of ecological benefit.
40. Transport matters could equally be controlled by condition. The access to the site is taken from a narrow lane, but the construction period would be relatively short. Thereafter visits to the site would be infrequent for maintenance purposes. I do not accept that transport matters should weigh against the proposal.
41. The western boundary of the site follows the Ledwyche Brook, but no panels would be located in the area where the banks may occasionally be overtopped. The panels would of course shed water during periods of rainfall, but that should be easily absorbed into the grassland between and beneath the panels. I do not see any potential for increased flood risk as a result of this proposal.
42. A number of other appeal decisions have been brought to my attention. I do not deal with them individually but it is clear that each responds to the particular circumstances of the case. In particular, the landscape judgements made reflect the situation local to the individual case, and the Inspectors concerned have addressed the merits of the cases in relation to their unique circumstances. I therefore find that these decisions are of limited assistance in this case.

Planning Balance and Development Plan Conclusions

43. I turn, then, to the overall planning balance.
44. The scheme is for a solar farm with a capacity up to 5MW. That has not changed even though the area over which the panels are proposed has been reduced. That is because the panels themselves can be installed with different

generating capacities. Hence the quantum of renewable energy generated has not diminished. However, I do accept that installed capacity does not equate to output. Even so, the production of renewable energy is a significant benefit and would assist in meeting the challenge of climate change and the requirement to meet international obligations for the production of renewable energy. The proposal gains support from Policies CS6 and CS8 in that it is seeking to respond to the challenge of climate change and provide renewable energy. There would also be some benefit in ecological terms, as I have pointed out above, and this would accord with Policy CS17 in that it would enhance diversity in the countryside.

45. Set against the principal benefit of producing renewable energy are the impacts I have noted above. The impact on the landscape character and visual quality would be limited but nonetheless cannot be regarded as following the requirements of Policy CS5, though any conflict is tempered by the lack of a balancing requirement in the policy. The impact is not significant and therefore I find no conflict with Policy MD12. The impact on heritage assets would be less than substantial though of great importance and weight. This is in conflict with Policy CS17, though again the lack of a requirement to balance harm and benefits reduces the weight of this policy. There is no conflict with Policy S10 insofar as it seeks to protect, conserve and enhance the setting and significance of the historic core of Ludlow. There are no other identified impacts which are sufficient to weigh against the proposal and I find no conflict with Policies CS13 and CS16 so far as impact on business, tourism and leisure is concerned, nor with that element of Policy CS6 which seeks to safeguard high quality agricultural land.
46. One of the core planning principles of the NPPF includes supporting the transition to a low carbon future by encouraging the use of renewable resources. It is recognised that even small scale projects can make a valuable contribution to cutting greenhouse gas emissions. This proposal is greater than small scale and therefore brings benefits commensurate with its scale. The NPPF goes on to indicate that applications should be approved if the proposal's impacts are (or can be made) acceptable. Planning Practice Guidance recognises that the impacts of a well planned and well screened solar farm can be properly addressed if planned sensitively.
47. Taken overall it is apparent that the development plan pulls in 2 directions. However, it is my judgement that the provision of renewable energy and the benefits associated with it, and the enhancement of biodiversity, when assessed against the low levels of impact identified, result in a proposal in which the benefits clearly outweigh the impacts. I am satisfied that there would be no demonstrable and significant adverse impacts which would be sufficient to outweigh the benefits of the scheme. As such the proposal accords with Policy MD8 which requires such a balanced assessment to be made.

Conditions

48. In the event of planning permission being granted a number of conditions were suggested and agreed by the Appellant and the Council. Because the plans were amended it is necessary to specify those on which this decision is based. In order to ensure a satisfactory standard of development, adequate landscaping mitigation, and appropriate protection of ecological features,

conditions are necessary which control all of those matters. In order to record any archaeology found on site a condition is required which establishes a suitable programme of work. To protect the living conditions of the nearest residents a condition specifying maximum noise levels is necessary, along with an agreed mechanism to deal with any complaints. In order to ensure that the land is returned to its current state a condition is also necessary which would ensure decommissioning of the development at the end of its intended life, or sooner if no longer operational. Where necessary I have amended the wording of conditions to improve precision.

Overall Conclusion

49. For the reasons given above I conclude that the benefits of the proposed development outweigh the impacts and as a result the appeal should be allowed.

Philip Major

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - P14-1450-EL01 – Location Plan
 - KS101-EM-01 – basic design 1 of 2 (8/7/2015)
 - KS101-EM-01 – basic design 2 of 2 (8/7/2015)
 - P14-EK01 – inverter station
 - P14-EK04 – centre station
 - P14-EK05 – security details
 - P14-EK06 – camera
 - P14-EK07 – access and maintenance roads
 - 14490 – topographical survey (5 sheets)
- 3) Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in which the route along the highway for the delivery of materials and plant shall be identified along with measures to minimize the impact on the local highway network.
- 4) Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The scheme required by this condition shall include measures for filling in localized gaps in the hedgerow defining the boundary between the site and the Henley Deer Park and ensuring a robust visual screen for the duration of the development hereby permitted and for strengthening other boundaries to minimise visual impact. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales.

- 5) Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with a scheme which shall be submitted for the approval in writing of the local planning authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the local planning authority in writing of the date when planting and seeding under the terms of condition 4 above has been completed.
- 6) All new planting within the site shall be subject to aftercare/maintenance for a period of 5 years following planting, including weeding and replacement of failures.
- 7) All existing trees on the site shall be retained throughout the development phase and shall be protected throughout the period of development works in accordance with BS5837: Trees and Development. No development hereby permitted, including ground disturbance, siting of plant, equipment, buildings or bunds, shall take place within 2 metres of any hedgerow, without the prior written approval of the local planning authority.
- 8) Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the local planning authority Tree Officer. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.
- 9) The approved measures for the protection of the trees as identified in the agreed tree protection plan (Tree report ref. 2069-24-A TSE) shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation shall be made from the approved tree protection plan without the written agreement of the local planning authority's Tree Officer.
- 10) Prior to the commencement of works an ecological management plan shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include the following:
 - i) The corridor/buffer strip along the length of the watercourse clearly showing distances separating the development from the watercourse;
 - ii) Measures to allow connectivity through the site for wildlife (i.e. additional new hedge planting, access points for terrestrial mammals along the fence line);
 - iii) A management plan using grazing to increase species diversity;
 - iv) Planting plans, including wildlife habitat and features;
 - v) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - vi) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties) in the wildlife areas;

- vii) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- viii) Ecological trends and constraints on site that may influence management;
- ix) Aims and objectives of management;
- x) A works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be reviewed every 5 years);
- xi) Personnel responsible for implementation of the plan;
- xii) Monitoring and remedial/contingency 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.

- 11) Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on a site plan submitted to and approved in writing by local planning authority.
- 12) Prior to the commencement of development, demolition or site clearance procedures, a Reasonable Avoidance Method Statement with respect to Great Crested Newts shall be obtained and submitted to and approved in writing by the local planning authority for the proposed work. The method statement should be prepared by an experience licensed ecologist. Work shall be carried out strictly in accordance with the approved scheme.
- 13) A minimum of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site in positions to be agreed with the local planning authority prior to first use of the proposed solar farm hereby permitted.
- 14) A minimum of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site in positions to be agreed with the local planning authority prior to first use of the development hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.
- 15) Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter be retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK. Work on site shall be excluded between one hour before sunset and one hour before sunrise.
- 16) Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference P14-EK05.
- 17) Site security shall be provided in accordance with the specifications detailed in the approved drawing reference PK14-EK06.

- 18) 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 local planning authority prior to the commencement of works.
- 19) The rating level of noise immissions from the solar farm, as measured at ground floor level of any existing residential property in free field conditions, shall be limited to a maximum of 5dBA above existing background noise during the operational phase of the development.
- 20) Prior to the development commencing the developer or operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the local planning authority. This shall include:
 - i) Investigation of the complaint;
 - ii) Reporting the results of the investigation to the local planning authority;
 - iii) Implementation of any remedial actions agreed with the local planning authority within an agreed timescale.
- 21) No replacement of any solar panels within the site at the end of their planned design life shall take place under the terms of this permission.
- 22) All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the site within 30 years of the date of this permission and the site shall be reinstated as an agricultural field, in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority within the 12 month period preceding the expiry of the 30 year period of this permission. The local planning authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.
- 23) In the event of the permanent cessation of the use of the solar farm, or if the solar farm has not produced electricity for a continuous period of six months, the solar farm and its ancillary equipment shall be permanently removed and the site restored to its former condition in accordance with a scheme submitted to and approved in writing by the local planning authority within 3 months of the cessation of use of the solar farm. The solar farm operator shall provide operational data for the solar farm to the local planning authority on reasonable request.

APPEARANCES

FOR THE APPELLANT:

Mrs H Nicholls MRTPI	Planning Manager, Laurence Associates
Mr I Matthew	Laurence Associates
Dr A Arcache	Kronos Solar
Mr C Bohne	Kronos Solar

FOR THE LOCAL PLANNING AUTHORITY:

Mr G French	Principal Planner, Shropshire Council
Mr M Lynch MRTPI	Consultant
Mrs S Stevenson	Business Support Officer

INTERESTED PERSONS:

Mr A Boddington	Shropshire Councillor, speaking in a personal capacity and on behalf of 3 other Councillors
Mr P Norman	Local resident
Mrs P Atkinson	Local resident
Mrs M Giles	Local resident
Mr P van Duijvenvoorde	Local resident
Mrs J Benbow	Local resident
Mrs K Norman	Local resident
Mrs J van Duijvenvoorde	Local resident
Mr Turner	Shropshire Councillor

DOCUMENTS HANDED IN AT THE HEARING

DOC 1	Transcript of representations from Mr Norman
DOC 2	Copy of SAMDev Policy MD8 from the Council
DOC 3	Copy of SAMDev Policy MD12 from the Council
DOC 4	Copy of SAMDev Policy S10 from the Council
DOC 5	Appeal decision APP/L3245/W/15/3019429 from the Council
DOC 6	Appeal decision APP/L3245/W/15/3014413 from the Council
DOC 7	Agricultural Land Classification Report of 3 June 2015 Version 3 from the Appellant
DOC 8	Appeal decision APP/L3245/W/15/3022913 from the Appellant
DOC 9	Bundle of photographs from the Appellant