Committee and date
Southern Planning Committee
22nd August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/05424/EIA	**Parish:**	Berrington PC
Proposal: Proposed Solar Farm (40MW), 12MW co-located battery energy storage facility with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access from A4117		
Site Address: Proposed Solar Farm SE of Rock Farm, Rocks Green, Ludlow		
Applicant: Anglo Renewables Rock Farm Ltd		
Case Officer: Grahame French	**email:** graham.french@shropshire.gov.uk	

Recommendation:- Approve subject to the conditions set out in Appendix 1

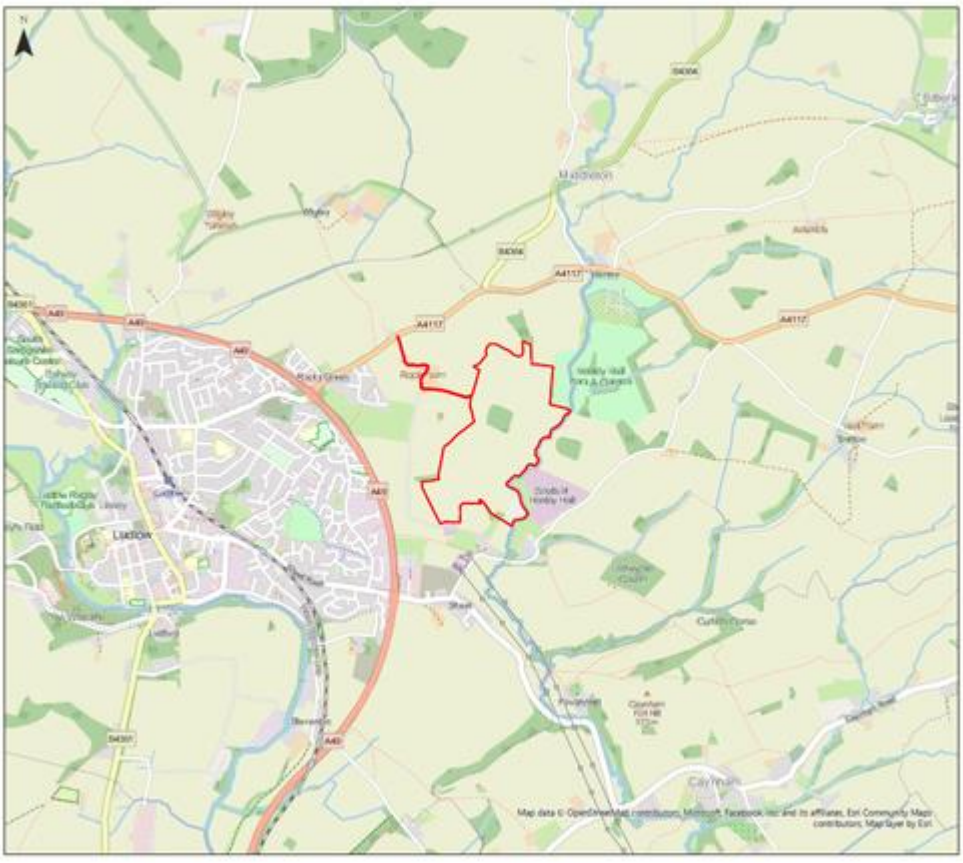

Fig 1 location

REPORT

1.0 THE PROPOSAL

1.1 The application is for a ground mounted solar generating facility with a capacity of 40 megawatts and 12MW of co-located battery energy storage. The facility would also include a sub-station, ancillary buildings, structures, landscaping, associated infrastructure, internal access roads, security, perimeter fencing and CCTV access from the A4117.

1.2 The solar arrays would be laid out in multiple parallel rows running east-west across the site covering c80% of the site. The panels would have a tilt of 20 degrees from the horizontal with a maximum height of 3.3m and a minimum ground clearance of 0.8m to allow sheep grazing. They would be coated to minimise glare. Rows would be separated from each other by a minimum of 5m. The frames would either be pile driven or screw anchored into the ground to a typical depth of approximately between 1-1.5m.

1.3 Access to the site, during both the construction and operational phase, would be gained via the existing access to rock farm from A4117 linking to a new internal access track (see fig 2).

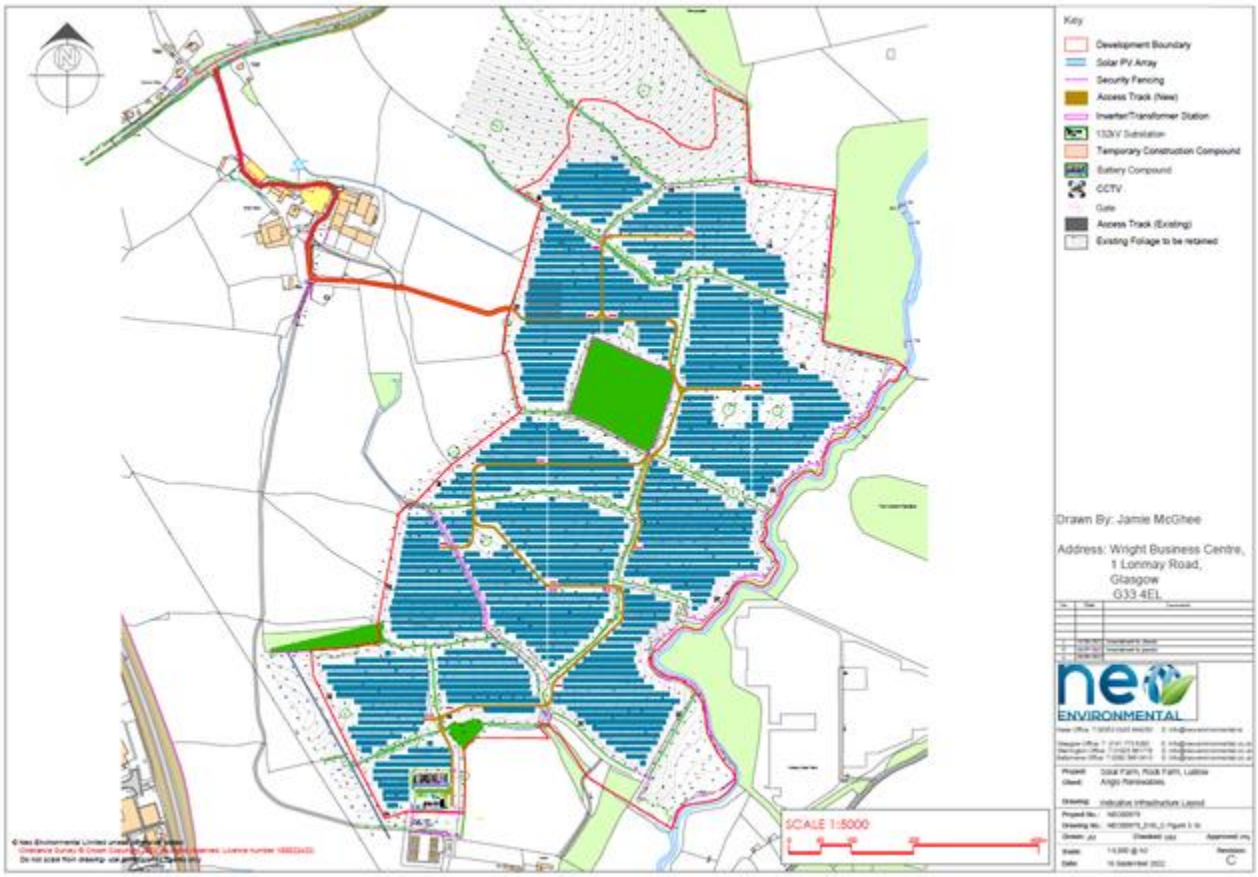

Fig 2 – Site layout

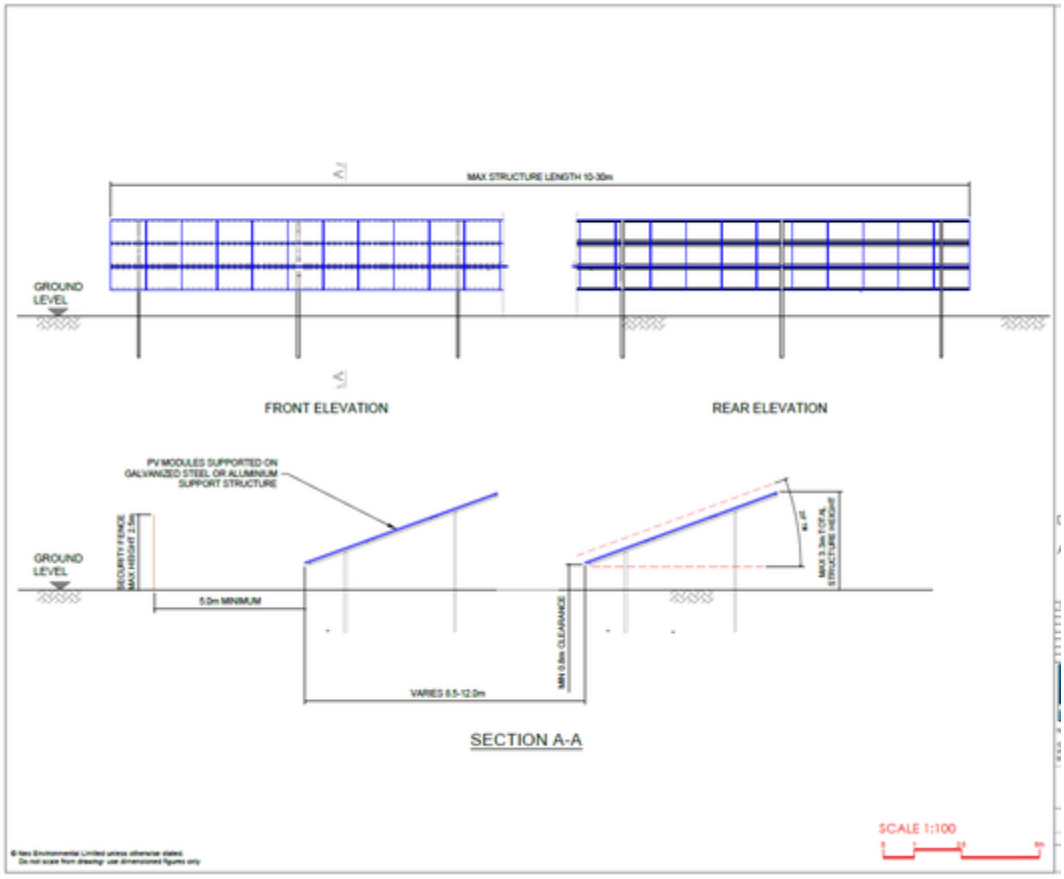

Fig 3 – Panel plans

1.4 The proposals include the following built elements:

- Inverter/Transformer Stations: Fourteen Medium Voltage Power (MPV) stations, each typically measuring 10 m x 2.9 m x 2.45 m would be distributed evenly across the Site and housed in green metal containers.
- Battery-based electricity storage containers will allow the store of energy at times of low demand and release to grid at times when demand is high or when solar irradiance is lower. They will typically measure 13.9 m x 3.07 m x 3.11 m.
- Security fencing would be installed around the perimeter of the Site at a height up to approximately 2.5 m with the entrance gate of similar construction and height. Clearances above ground, or the inclusion of mammal gates will be included to permit the passage of wildlife.
- Grid connection and cabling will extend from the onsite substation to the Western Power Distribution (WPD) substation to the south of the Site, to the west of Squirrel Lane. This cable will be underground.
- A 132 kV substation compound will be located in the south-west portion of the Site and will measure 51 m x 20 m at its maximum extent. Items of equipment within the compound would extend to a maximum height of 6.8 m.
- Security would be via motion sensor Closed-Circuit Television (CCTV) cameras erected around the Site perimeter on poles at a height up to approximately 2.8 m to allow offsite monitoring. The security cameras would use Passive Infra-Red (PIR) technology, which would provide 24-hour surveillance and avoid the need for night-time lighting at the Site.

1.5 The proposals incorporate a landscape mitigation plan including the following measures:

- Species rich grassland and ecological mitigation area.
- Grazing areas for livestock beneath solar panels.
- Visual screening and retention of existing trees
- The installation of bird and bat boxes.

1.6 Construction would take approximately 6 months and would be controlled under a Construction Method Statement with restricted working hours and a Construction Environmental Management Plan. Construction traffic would avoid peak times for other road users. The site would become operational a month after construction and would have an operational life of 40 years, after which it would be decommissioned, and the agricultural land would be reinstated. Traffic would generally be limited to occasional light vehicles during the operational period.

1.7 The applicant states that the proposals would produce enough electricity to power c. 11,300 households annually, saving up to 19,200 tonnes of carbon dioxide per year. There would be a substantial biodiversity net gain and a total investment exceeding £26m with corresponding benefits to the local economy.

1.8 The applicant states that consultations with the local community have resulted in the following amendments being made prior to submission of the application:

- Concerns regarding run-off and flooding arising from the existing solar farm into Squirrel Lane which is affecting some of the properties in Lower Ledwyche. The scheme was amended with solar panels removed from the SE field. This also reduced visual impact to these properties.
- Addition of woodland planting mitigation along southern site boundary.
- Extend woodland mitigation planting in the north of the site.
- Amended positioning of inverter equipment and other noise generating equipment to avoid impact on residential amenity.
- Removal of second access to A4117.
- Addressed concern expressed about the visual impact of the scheme when viewed from Henley Hall and that the coppice in the centre of the site is being left in an “isolated” position with the layout ensuring that habitat connectivity is retained and mammal gates fitted to fences.
- Allowing for larger tree protection areas around veteran trees.
- Allowing 10 m ecological buffer along watercourse.
- Allowing 250 m ecological buffers around nearby ponds for newts.
- Allowing 30 m ecological buffer around badger setts.
- Allowing 10 m ecological buffers around woodland.
- Include area of orchard for visual mitigation, landscape enhancement and ecological enhancement.
- Include new tree planting along existing hedges, allow existing hedges to grow and be maintained at no lower than 3 m in height.
- Include resowing of whole site area with species diverse meadow grass and flower seed for landscape and ecological enhancement.

- Site hedges along western site boundary be allowed to grow and managed to a minimum height of 3 m.

1.9 The application is accompanied by an Environmental Impact Assessment which has been submitted voluntarily by the applicant under Regulation 5 of the 2017 Environmental Impact Assessment Regulations.

2.0 SITE LOCATION / DESCRIPTION

2.1 The Site is located south of Rocks Green/Ludlow Road (A4117) and east of the A49. It is approximately 1 km east of Ludlow and 1.7 km east of the town centre. The Site is bounded by the A4117 to the north, Ledwyche Brook to the east and open fields to the south and west. An existing solar installation (planning application reference 15/01472/FUL) is located to the immediate south-east of the Site.

2.2 The Site comprises approximately 56.52 hectares of relatively flat agricultural fields enclosed by intermittent mature hedgerows and occasional trees with nearby woodland blocks. Access to the site is obtained through Rock Farm which, in turn, has a direct access on to the A4117. This road connects to the A49 via a roundabout junction.

2.3 To the east of the site, beyond the block of woodland and Ledwyche Brook are the grounds of Henley Hall and the registered parkland (it is to be noted that the registered parkland is in separate ownership).

3.0 REASONS FOR COMMITTEE DECISION

3.1 The application has been referred to the committee by the local member and agreed by the Head of Planning Services or the Team Manager (Planning) in consultation with the committee chairman or vice chairman to be based on material planning reasons.

4.0 COMMUNITY REPRESENTATIONS

4.1.i Bitterley Parish Council: Objection. The principal objections are the proposed site's close proximity to Grade II* listed Henley Hall and Grade II registered garden and deer park, the major impact to the setting of an ancient monument at Caynham Camp and the lack of proper consideration of the cumulative impact and change to this rural and historic landscape from such a large area of industrial development, if all solar farm applications are taken into account. The potential detrimental effect to wildlife of Rocks Covert woodland preventing the migration of deer in from nearby woodland cover is another key factor.

ii. We support consultee Historic England's request that developers Anglo Renewables consult with SC Conservation to seek a solution to Henley Hall and ESP Ltd's request that the Landscape and Visual Impact Assessment (LVIA) is improved to ensure results are reliable, including an analysis of the cumulative effect of relevant solar farms and to comply to Local Plan policy, before this application is considered by Shropshire planning.

iii. Heritage Assets. 1. Grade II* listed Henley Hall and Grade II Registered Park and Garden - This application neglects the precedent set by the existing Henley 1 Solar Farm where, Shropshire Council recommended the solar farm be moved at least 300m away from the boundary of Grade II* listed Henley Hall and Grade II registered gardens and deer park to protect this heritage asset. The two-storey Park House built to take in the views to the south and is also listed Grade II. The Heritage Impact Assessment fails to consider the importance of the listed assets in their surroundings. The report concentrates on the views from the assets and fails to understand their importance in the setting and considering the views towards Henley Hall and grade II listed assets from the surrounding fields.

iv. The Landscape and Visual Impact Assessment concentrates on the impact to visiting guests and residents of Henley Hall and gardens. It states that views are along a "designed vista" and that there are no "designed vistas" into the solar panels. In fact, there is no 'designed vista' as such, and this is challenged by the owners of Henley Hall and consultee Historic England. Woodland planting is proposed by developers to hide the solar panels effectively blocking important views to the west of the estate. Historic England states that its open view is part of the setting and the heritage assets connection to the surrounding landscape.

v. Henley Hall attracts business as a wedding venue, yoga retreat and holiday accommodation at a beautiful historic country estate set in unspoilt countryside. The development is likely to have a negative impact directly affecting this business, local jobs, services, and tourism in the area. Details of the issues with the proximity of the site to Henley Hall have also been clearly outlined in the objection by the property owners Sebastian and Helen Phillips in their objection.

vi. Heritage Assets 2. Caynham Camp - The impact on the classified ancient monument at Caynham Camp, located 1.25km south of the site, is largely dismissed in the reports. This Iron Age hillfort is significant to the application as the whole 56ha development site will be clearly visible, imposing a significant permanent development in the landscape. The view is described in the LVIA p51 as the "worst case scenario" and it should be given proper consideration and to what extent this impact could be moderated. Ref: Ancient Monuments and Archaeological Areas Act 1979. Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF section 12 and 16.

vii. Cumulative impact and Landscape and Visual Impact Assessment (LVIA) - The cumulative impact of Rock Farm 56.5ha (proposed), Henley 10.5ha (existing) and Ledwyche 21ha solar farms near Ludlow if approved will have a major impact on the rural and historic landscape character of this area. It has not been included in the LVIA report or other assessments. The visual impact from the new housing sites at Henley Grange and Ledwyche Rise have also not been included. Further details of a landscape mitigation scheme are required unless they are included in planning conditions. The LVIA requires amendment in order to comply with current Local Plan policy as described in the report by ESP Ltd and a cumulative visual impact

assessment has been recommended by the company. Other recommendations include clearly defined study areas and boundary lines and site boundaries need to be clearly marked on illustrative plans and photographs.
Note: Brick House Farm has recently been granted planning permission and Ledwyche Solar has been allowed at appeal.

viii. Rocks Covert - Rocks Covert is approximately 2ha of woodland to the north of the site easily identified by its contrasting trees in a square shape within the surrounding fields. Currently deer migrate between Rocks Covert and nearby woodland at the Colonel's Plantation, Ledwyche coppice and Henley deer park. Despite the developers claims that local concerns have been taken into account in the Design and Access statement, the site and Rocks Covert will be surrounded by deer fencing (differing from 2.5m to 3m high in the application), if current proposals go ahead they will no longer be able to access this woodland.

ix. Land area of the site - The site survey areas and development site in the various reports are unclear and varied in number of hectares. Bitterley Parish Council recommend that these are made clear and well defined before the application is considered. The application form refers to 49ha and the design access statement refers to 56.5ha. The supporting planning statement shows 2 areas of land ownership and development. It refers to the application site at 56ha.The Landscape and Ecological Management Plan refers to 49ha and the Agricultural Land Classification to 48.6ha. The areas under consideration should be defined clearly.

x. Best Most Versatile Land - In the Agricultural Land Survey the land declared as grade 2 best most versatile to the south/south west of Rock Covert is 3.6ha or 7.4% of the site. Referring to the report Grade 2 land areas 8,9,10, 24 and 18 have been omitted using MAFF guidance on pattern limitation. These areas could easily be included giving a total area of 10ha around Rock Covert. However, if the report is to be taken at face value consultee Natural England has stated that 3.6ha is not likely to lead to a significant permanent loss of good quality agricultural land as described in national planning guidelines. (Note green hatched area declared in the agricultural report, black outlined area is larger area. Areas 8,9,10 24 and 18 could all be excluded easily from the application by moving the outer boundary fences)

xi. Site selection and connectivity - The site selection report limits potential sites to a maximum of 3km from the Ludlow substation. No electricity generator has to be close to a substation to connect to the grid. The national grid is designed to bulk transfer power around the country from generators to bulk supply substations. Ludlow is fed electricity via a 132Kv line from Bishops Wood and a 66Kv line from Hereford. The Rock Farm proposal is to connect 40MW to the 132Kv line as there is limited capacity on the 66Kv line. Rock Farm Solar could select a site to connect anywhere down this 30km 132Kv line. Limiting the connection zone to 3km of the substation is not a technical requirement to deliver 40MW of power to the grid, anywhere down that 30km line would suffice. To underline this point Greete solar farm is connecting to that 132Kv line 5km from this substation. To give proper consideration to a suitable site the search area could extend down the 132Kv line and 3km either side of it. The

application states that the solar farm will be connected from the solar panels via the onsite substation to the Western Power Distribution substation to the south of the site and west of squirrel lane. A plan is required to indicate where these underground cables are located and clearly show through what route they will be connected to the grid. Only approximately 10% of this site appears on the LUC renewable energy mapping, commissioned by Shropshire Climate Action Partnership (SCAP), to indicate suitable locations for solar farm development and encourage informed decisions.

xii. Community consultation - Although Bitterley Parish Council recognises that £26 million is a significant investment unfortunately it is unclear what benefit the development offers local residents. Public consultation for Rock Farm solar began in March 2022. Local residents concerns and recommendations particularly regarding the site's proximity to the boundary of Henley Hall and deer park and gardens appear not to have been taken into account. The noise impact of pneumatic pile driving and other associated adverse impacts during construction 7am to 7pm for locals remains a major concern having experienced the construction of Henley 1 solar farm. It is unclear in the documentation whether construction is planned from Monday to Friday or Monday to Saturday. The screening opinion document described solar panels 3M high, and this application specifies solar panels of 3.3M high. The timeframe for constructing this site is unknown. There is no Construction Management Plan included in this application.

xiii. Although a community benefit fund was mentioned in the initial consultation it has not been included in the final application and there has been no consultation with Bitterley Parish Council since the application was presented on the Council's portal. Local employment or direct economic benefit from the solar farm for local people seems unlikely.

xiv. Conclusion - Although there are significant objections to Rock Farm solar, it is generally felt locally that if the above objections were taken into account and the site configured accordingly the development could be made acceptable to the majority of the local community. The planning site is in an area of general housing, warehousing and solar development close to the A49 and Ludlow. The site is further away in the landscape than Ledwyche solar farm and not isolated in the landscape so as not to cause such a significant impact on the AONB. If the site could be reduced in size, much reducing its overall impact, by removing the north section it would help resolve issues around Henley Hall and Rocks Covert. By removing the north section the impact on Caynham camp would also be significantly reduced particularly as the south section is better mitigated by existing mature trees and vegetation.

4.2. Ludford Parish Council (Adjoining Parish) – Objection. Ludford Parish Council accepts the need to ensure proper provision for sustainable energy but has grave reservations regarding the impact of such infrastructure on the historic built and natural environment. These elements are as follows:

i. Henley Hall and its listed parkland. The Ledwyche Brook forms the boundary between Ludford Civil Parish and Bitterley Civil Parish with Henley Hall and its

parkland to the east within Bitterley Parish and all areas to the west within Ludford Parish. Consequently, concerns relating to safeguarding the wildlife corridor between Rock Covert and Ledwyche Brook, protection of the water quality in Ledwyche Brook are common to both parishes. The gardens are recorded in the 19th Century whereas the Deer Park was recorded in 1770. The position of Henley Hall, together with the rural setting of these listed assets present a strong sense of place; providing a unique example with untouched vistas and scenery. Section 12 of the NPPF states that a strong sense of place should be retained, achieving this is not possible if rural fields are altered to an industrial landscape. The Hall is a venue for hospitality and wedding celebrations with a strong emphasis on its tranquil and unspoilt setting; these commercial activities provide employment and contribute to the local tourist economy. Consequently, any potential harm for the retention and continued long term future viability of these important historic assets is to be avoided and all efforts should be made to retain them, mitigating avoidable harm.

ii. The design and layout of the panels has not taken into account the recommendation that a 300 meter buffer zone should be in place from the boundary of a protected , listed parkland or historic building. This issue should be resolved by moving panels to the east of Rock Covert in a westerly direction towards the A49.

iii. Archaeology - Currently Shropshire Council Archaeologists require the applicant to undertake a geophysical survey and trenching exercise There are recommendations and comments included in the specialist reports relating to all of these areas. Further information regarding the duration and methods of construction requires further clarification. Ludford Parish Council had concerns relating to the second entrance to the site and recognises that this has now been omitted.

iv. Site Construction and maintenance - Concerns have been expressed regarding run off from the panels, the use of permeable surfaces and soakaways, control of construction processes and cleaning materials, panel layout and drainage or flooding issues. Many of these items relate to maintenance of the site over the 40 years of its lifespan, most particularly that no harmful chemicals should be used for the annual if not more frequent, washing of the panels in order to prevent any damage to the water quality of Ledwyche Brook.

v. Conclusion - Ludford Parish Council recognises that the installation of a solar farm has a likely life span of some 40 years, after which the installation would be decommissioned and the land would be restored to its previous usage. The positive aspects of this technology are that it provides energy and is reversible, essentially being a temporary installation, there is minimal disturbance to the surface of the land and the benefits of the extended period of leaving the land fallow, the lack of intrusion from vehicles, and a low level of noise to residents (post construction.). Since the inception of the SAMdev plan Ludford Parish Council has been subjected to considerable changes culminating in 3 large residential developments on green field sites. Once completed, these will benefit the local economy and are a permanent extension to the urban landscape. However, Ludford Parish Council believes that the civil parish area requires time to adjust to its altered state. The proposed solar farm

is located between two of these residential developments, and whilst the Parish Council accepts the need for the provision of sustainable energy, we suggest that the buffer zone to minimise the impact upon the heritage assets suggested by Historic England is incorporated into the plans, and the panels moved in a westerly direction to the east of Rock Covert and towards the A49. Thus, allowing for a noticeable separation between the existing developments.

4.3. Historic England:

i. Summary - Historic England is concerned that the current application is insufficient to enable a full analysis of the impact of the proposed solar farm. In order to assist your deliberations, we would therefore recommend that further archeological assessment, including geophysical survey and trial trenching, be undertaken prior to the current application being determined. We would also recommend that the applicant works with your conservation team to bring forward a scheme that omits those solar panels harmfully impacting on the significance of the Registered Park and Garden and its setting.

ii. Historic England Advice - As demonstrated by the presence of the Caynham Camp hillfort Scheduled Ancient Monument to the south, and other well-preserved hillforts surviving in the wider area, this part of Shropshire is of considerable archeological interest in aiding our understanding of the organization and regional structure of Iron Age society.

iii. The application site is also of specific historic interest due to its position directly to the west of the 18th century Grade II* Henley Hall and its historic grounds and parklands. The park at Henley Hall, which is separately designated as a Grade II Registered Park and Garden consists of two distinct, but connected, parts separated by a ha ha - the landscape park around the Hall and gardens, and the deer park to the south. It is thought that Thomas Knight may have created the deer park when he purchased the manor of Henley in 1770. The formal gardens around the house largely date to the late 19th century when the Hall and park were sold to Edmund Thomas Wedgewood Wood. Park House, an 18th century two-storey brick summerhouse, is located in the north of the deer park and was intended to provide an eyecatcher when looking southwards from the Hall. This structure is separately listed Grade II.

iv. The Heritage Impact Assessment (HIA) identifies that there is a historical relationship and functional association between the application site and registered park and garden, with the site forming part of the wider estate of Henley during the post-medieval period. As such it makes a positive contribution to our understanding and appreciation of this important nationally designated heritage asset. Although now in separate ownership the Hall and park and garden, with its numerous associated separately listed buildings and structures, represents a surviving example of a country estate set within a far older historic rural landscape. The current application relates to the creation of a large 56 ha solar farm on what is currently agricultural land with pockets of woodland. The extent of the proposed solar farm, and associated infrastructure, therefore, has the potential to dramatically alter the existing and historic character of this area from open, rural fields to a much more industrial appearance.

v. Policy Considerations - This is clearly a highly sensitive site and any new development requires very careful consideration. We would therefore draw your attention to the requirements of the Ancient Monuments and Archaeological Areas Act 1979, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework. As you will be aware the 1990 Act specifically requires local authorities to have special regard to the desirability of preserving listed buildings or their settings. Section 12 of the NPPF further emphasise the need for development to be sympathetic to local character and history, and to maintain a strong sense of place. Section 16 of the NPPF goes on to require that any harm to the significance of a designated heritage asset, including from development within its setting, be clearly and convincingly justified. Furthermore, when considering the impact of a proposed development great weight should be given to the asset's conservation, irrespective of the level of harm to its significance. Where harm is considered to occur, this must be weighed against public benefits regardless of whether that harm is considered to be substantial or less than substantial.

vi. Henley Hall and Environs - As noted within the HIA, the industrial nature of the proposed solar farm would appreciably change the character of the application site which has, since the post-medieval period been in agricultural use, and was part of the wider estate of Henley Hall. We also note that the solar panels in the northern part of the development site will be visible from the deer park, as illustrated in the LVIA and HIA. It is also acknowledged in the application that this will cause harm to the significance that the registered park and garden derives from its setting.

vii. A belt of woodland planting is proposed along the western edge of the registered park and garden as mitigation. This proposed planting, however, would block views to the west of the surrounding historic estate landscape, which contribute positively to the setting of the registered park and garden. This being the case, the resulting loss in openness and connection to the surrounding landscape would in itself result in a degree of harm to the significance that the registered park and garden derives from its rural landscape setting. We note that the application indicates that the proposed panels are temporary and reversible. However, 40 years is not an insubstantial amount of time and this large solar farm will necessitate a range of associated infrastructure.

viii. As you are aware, in 2015 Historic England commented on proposal for a much smaller site to the south of Squirrel Lane (application reference: 15/01472/FUL). That scheme, also for a solar farm, similarly harmfully impacted on the significance of Henley Hall, the register park and garden and their settings. In that instance, following discussions between your Authority and the applicant, the solar panels were omitted from the boundary with the park and garden leaving a 'buffer zone' between the two sites. We would encourage the same approach here. Clearly there will be some public benefits from this scheme, which your authority will need to weigh against the harm caused to the historic environment. However, we would note that the NPPF emphasises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. A such this weighting should be carefully undertaken - and the bar high.

ix. Archaeological Considerations - We note that the HIA has been informed by a Desk Based Archaeological Assessment (DBAA) by Ecus consultants. This assessment identifies a low potential for all remains prior to the post-medieval period, and that any such remains are likely to be of low archaeological value. Further work is recommended, including geophysical survey, to be secured by condition of permission. However, in our view the potential for remains is greater than that indicated by the DBAA/HIA. This is due to recorded sites, including aerial photographs, on the Historic Environment Record and also the known proximity of monuments, including Caynham Camp Iron Age hillfort. Therefore, whilst we agree that additional work should be undertaken including geophysical survey and trial trenching, we would recommend that this be undertaken prior to the application being determined. In our view such work is required to enable your Authority to be satisfied that it has sufficient information to make an informed decision, as required by NPPF paragraph 194. In policy terms our view is that insufficient information regarding the potential impact upon significance of archaeological assets affected has been provided at this stage, and the application therefore does not comply with paragraphs 194 and 195 of the NPPF.

x. Recommendation - Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

4.4 Environment Agency - No objection. The following comments are made:

i. Site Context: The site is bound along its eastern extent by the Ledwyche Brook. Several unnamed Ordinary Watercourses are present across the site, which convey water towards the Ledwyche Brook. All watercourses in the vicinity of the site are designated Ordinary Watercourses and therefore Shropshire Council is the relevant risk management authority.

ii. Flood Risk: Based upon the Flood Map for Planning the site is predominantly situated within Flood Zone 1, an area at lowest risk of fluvial flooding. However, small areas of the site along its eastern boundary are located within Flood Zone 2 & Flood Zone 3, associated with the adjacent Ledwyche Brook. The Flood Map at this location is based on national generalized modelling (JFLOW) and the extent of the Flood Zones should not be regarded as definitive. We hold no records of any Environment Agency-maintained or third party-maintained assets in the vicinity of the site. The proposal is classed as 'essential infrastructure' (Annexe 3 NPPF) which according to the Flood risk vulnerability and flood zone 'incompatibility' matrix (table 2 NPPG) is compatible with flood zone 1 & 2 but would need to meet an exception test for development within flood zone 3.

iii. Flood Risk Assessment: A Flood Risk Assessment (FRA) has been prepared by BWB Consulting (September 2022). Due to there being no modelled data available an assessment has been made of EA flood zone extents against existing site levels. These assessments indicate flood depths between 0-350mm across areas of the site within Flood Zone 2, and depths of between 350-660mm across areas within Flood Zone 3. The FRA highlights that the layout of the site is designed so that no

development would be located within Flood Zone 3, and that all ancillary equipment and the Battery Energy Storage System compound would be located entirely within Flood Zone 1, with a few instances of minor encroachment into Flood Zone 2 by the solar panels Part of the security fence running along the eastern site boundary would be located within Flood Zone 2.

iv. Climate Change: The FRA presents no flood data for future climate change levels, however, acknowledges that these values are likely to increase throughout the 40-year lifetime of the development. Given the nature of the development and minor encroachment into Flood Zone 2, we would not expect modelling to be undertaken.

v. Finished Floor Levels: All solar panels will be raised above ground level by a minimum of 0.8m.

vi. Easement: The FRA states that the development has been set back by a minimum of 8m from the Ledwyche Brook, and 5m from all unnamed Ordinary Watercourses, in line with local guidance.

vii. Flood Storage: There is a negligible loss of floodplain storage. The solar panels are raised above ground level by at least 0.8 m on narrow frames and security fencing will be permeable to flood waters.

viii. Access & Egress: This appears to be via routes situated in Flood Zone 1 and should remain free of flood waters.

ix. Recommendations: The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is minimised.

4.5i. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

i. Protected Landscapes – Shropshire Hills AONB -

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

ii. Soils and Agricultural Land Quality - Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the description of the development this application is likely to affect 3.6 ha of BMV agricultural land. We consider that the proposed

development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.

iii. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:
'Planning policies and decisions should contribute to and enhance the natural and local environment by:
recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'
Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

iv. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

v. Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

vi. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required should assess the application carefully as to whether the proposed development would have a commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed , we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather. The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed. We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

4.6 Ministry of Defence – No objection.

4.7 Shropshire Hills AONB Partnership – Standard comments on the need to protect the AONB and its setting.

4.8i Climate Change Task Force: Support. Full comments available online. Reference is made to the national and local policy context which supports renewable energy and decarbonisation. The climate crisis is a serious threat to the lives of millions of people globally, nationally and locally. The mitigation of greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes.

iii. It's recognised by the Climate Change Task Force that the development would contribute to bridging the gap between increasing energy demand and self-sufficiency for Shropshire as detailed within the Marches Energy Strategy and Zero Carbon Shropshire Plan. Whilst the increase in renewable electricity generation supply to the national grid is improving the contribution of solar generation represents a significant saving of carbon emissions, helping towards Shropshire's ambition of reaching net zero by 2030.

4.9i. SC Conservation: The application relates to the construction of a proposed Solar Farm (40MW), 12MW co-located battery energy storage facility with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access from A4117 at land SE Of Rock Farm, Rocks Green, Ludlow. The application site lies within the setting of nearby heritage assets, in particular the Scheduled Ancient Monument of Caynham Camp Hillfort which lies to the south-east, the Grade II* listed Henley Hall and associated Grade II listed buildings to the north east and the Grade II Henley Hall Registered Park and Garden which abuts the application site to the north east. The EIA has been accompanied by a Heritage Impact Assessment (HIA) which has assessed the impact upon these assets. In relation to Henley Hall, its associated listed buildings and the Registered Park and Garden (RPG) the HIA notes the historic relationship between the site and Henley Hall and the existing visual

relationship between the site and the RPG. The HIA concludes in relation to Henley Hall RPG and listed buildings, that the development would result in less than substantial harm (lower end). It is noted that this conclusion takes into account the proposed mitigation planting to the western edge of the RPG.

ii. Whilst the conclusions of the HIA are noted, taking into account the close visual relationship and the historic relationship between the site and the designated heritage assets at Henley Hall and the RPG, we would consider that impact upon the setting of the aforementioned designated heritage assets will equate to less than substantial harm. The National Planning Policy Framework (NPPF) paragraph 202 states 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 including, where appropriate, securing its optimum viable use. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings. This requires that 'special regard' has to be given to 'preserving the [listed] building or its setting', in effect a higher test than would normally apply. In this case less than substantial harm has been identified to the Grade II* Henley Hall, its associated Grade II listed buildings and the Grade II Henley Hall Registered Park and Garden, therefore considerable weight should be given to preserving the setting of these assets in any balancing exercise.

iii. We would note and concur with Historic England's comments and suggestion for a buffer zone to minimise the impact upon the aforementioned heritage assets. We would welcome discussion on revisions to the plans to accommodate this.

iv. In relation to the impact upon the setting of Caynham Camp Scheduled Ancient Monument and the direct archaeological impact of the proposals, we would defer to Historic England and archaeological colleagues in that regard.

4.10ai. SC Archaeology (5/01/23): The Historic Environment Record (HER) records a single ditched circular cropmark enclosure of possible Iron Age to Roman date (HER PRN 02159) within the development site, c.370m north of Little Ledwyche Farm. A number of other non-designated heritage assets relating to prehistoric and later activity are also located within the immediate area. The development boundary also lies immediately adjacent to the boundary of Henley Hall Grade II registered garden (National Ref. 1001124) which contains a number of listed buildings including the Grade II* Henley Hall and attached walls, balustrades and steps of mid-18th century date (National Ref: 1383667) and Park House, an 18th century garden house (National Ref: 1383672). Issues of setting may therefore arise. In a wider context issues of setting may also affect other designated and non-designated heritage assets, including Caynham Camp, a large univallate hillfort 700m north west of Caynham (National Ref: 1010313).

ii. An archaeological desk-based assessment has been submitted with the planning application (ECUS, September 2022). This concludes that there is a low potential for remains of prehistoric, Romano-British and medieval date to be present within the site, with any such remains likely to be associated with agricultural activity and be of low heritage significance. The report also concludes there is a moderate to high potential for post-medieval buried archaeological remains relating to agricultural activity to be present. A review of LiDAR imagery identified the presence of potential post-medieval ridge and furrow within the site and such remains were considered at most to be of low to negligible (local) heritage significance. The report recommends that a programme of archaeological works can be secured via an adequately worded planning condition.

iii. We note that Historic England have been consulted on this application and that a separate Heritage Impact Assessment has been submitted. We would request that we are re-consulted once Historic England have provided their consultation response, and we will be able to provide further advice in relation to the impact upon the significance of heritage assets as a result of development within their settings. The following interim advice therefore only relates to the archaeological interest of the proposed development site.

iv. In our pre-application advice, it was recommended that a Heritage Assessment to include an archaeological desk-based assessment and the results of a field evaluation (geophysical survey and trial trenching) should be submitted with any subsequent planning application in accordance with Paragraph 194 of the NPPF and Policy MD13. The desk-based assessment has been submitted without the results of a field evaluation. In relation to the cropmark postulated to be of Iron Age and/or Romano-British date (HER PRN 02159) the desk-based assessment indicates that no evidence of this cropmark was noted during the site visit or on available imagery, including LiDAR and Google Earth imagery. However, this site has been identified on an oblique aerial photograph held by the Shropshire HER, as well as vertical aerial photography held by Shropshire Council, and vertical aerial photography available on Google Earth (Dec 1999 & Dec 2006). In this respect the desk-based assessment is considered deficient and should be updated to reflect the available evidence.

v. A review of these photographs indicates a circular cropmark feature. Although the form is not typical of an Iron Age to Romano British enclosure site, it could potentially be a Bronze Age ring ditch based on its form and size. Given that this feature has been identified on multiple aerial photographs we would argue that there is moderate to high potential for archaeological remains with in the development site, of potential prehistoric date. In view of this we do not concur with the conclusions of the desk-based assessment, particularly in relation to the cropmark enclosure, and the assessment of low potential for remains of prehistoric/ Romano-British date.

vi. It is considered that there is not currently enough evidence available to determine what impact the proposed development will have upon the significance of the archaeological interest on the proposed development site. This in turn means that it is not possible to make a fully informed decision as to whether or not features of archaeological interest are worthy of preservation in situ, such that the site layout needs to be adjusted to accommodate them, and/ or whether securing further archaeological mitigation by condition is an acceptable approach. Consequently, it is

advised that the applicant should submit the results of a geophysical survey and archaeological trial trenching evaluation in relation to Policy MD13 of the Local Plan and Paragraph 194 of the NPPF. There should be no determination of the planning application until this additional information has been provided or it should otherwise be refused.

vii. Further advice in relation to the impact of the development site upon the significance of heritage assets as a result of development within their settings should be sought following submission of Historic England's consultation response. Please re-consult us at the appropriate time.

4.10bi. SC Archaeology (30/07/23): No archaeological objection. Following on from our previous consultation of 5 January 2023, the results of pre-determination archaeological evaluation (geophysical survey and phase 1 trial trenching) have been submitted for our consideration. The geophysical survey, undertaken across the entire proposal site, identified anomalies of possible archaeological origin in two of the fields (Field 12 and Field 13). Whilst not identified as an anomaly by the geophysical survey, Field 13 also contained the 'single ditched circular cropmark enclosure of possible Iron Age' Roman date' recorded on the Historic Environment Record (HER PRN 02159). As noted in our previous consultation, this cropmark would be better described as a 'ring-ditch', possibly the remains of a Bronze Age burial mound.

ii. Pre-determination trial trenching has now also been completed across Fields 12 and 13 (ECUS, 2023). Two of the trial trenches encountered the ring ditch and several other undated archaeological features in its vicinity. A further phase of trial trenching across the remainder of the site is required post-determination to identify any further archaeological remains which may be present. The results of the trial trenching will determine a proportionate mitigation strategy, which could include preservation in-situ or preservation by record through archaeological investigation. The latter may comprise an archaeological excavation or a watching brief on groundworks, dependent upon the significance and complexity of the archaeological assets to be impacted and the nature, depth and extent of groundworks.

iii. Designated Heritage Assets - This recommendation relates solely to the potential impacts to the Scheduled Monument, Caynham Camp, a large univallate hillfort 700m north west of Caynham¿ (NHLE no. 1010313). We would defer to Historic England and the Conservation Officer regarding listed buildings and the registered park and garden. The Heritage Impact Assessment (ECUS, 2022), which accompanies the application, has assessed the contribution of the setting to the heritage significance of Caynham Camp, and any potential impacts arising from the proposed development. The Heritage Impact Assessment concludes that whilst there would be glimpses of the site from the Scheduled Monument, particularly during the winter months, it would not result in harm to its heritage significance. We note that Historic England in their response dated 12 January 2023 raised no specific comments regarding the potential impact of the proposals upon the setting of the Cayham Camp Scheduled Monument. Without prejudice to any further comments which Historic England may raise, we would have no comments to make upon the conclusions made by the HIA in regard to the Scheduled Monument.

iv. Non-designated heritage assets (buried archaeological remains) - In view of the above, and in relation to Paragraph 205 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. The archaeological requirements will comprise:

1. Written Scheme of Investigation (WSI) for a second phase of trial trenching across the remainder of the proposed development site.
2. An Archaeological Mitigation Strategy (AMS) based upon the results of the trial trenching (phase 1 and phase 2).

The AMS will detail the proposed archaeological mitigation strategies across the site. This will include the methodologies for the preservation of identified archaeological remains, where required, and set out details of further archaeological investigation or monitoring where there is the potential for groundworks to impact upon identified archaeological remains. Such archaeological investigation may take the form of excavation and/or a watching brief. Any subsequent intrusive archaeological investigation required to mitigate the impacts of the development will require a further WSI to be submitted for approval by the LPA prior to commencement of the works. (An appropriate condition is included in Appendix 1)

4.11i SC Trees: On behalf of Shropshire Council Tree Team there is no objection to this application on arboricultural grounds. We agree with the findings and conclusions of the Arboricultural Survey, Impact Assessment and Protection Details (mhp Arboricultural Consultants, V2, 04.07.2022) in that no significant trees need to be removed to facilitate the development, and retained trees and hedges can be adequately protected from inadvertent damage during construction given suitable measures to protect them, as identified in the Tree Protection Plan. The minor level of hedge removal required to enable construction of the internal access road network can be compensated by new hedge planting, which along with new tree planting and woodland creation, can be secured through an appropriate scheme of landscaping under condition of planning permission.

ii. Long term protection to important trees and groups of trees, notably the recorded veteran trees (which are irreplaceable and afforded special consideration within the NPPF), can be secured through the creation by the LPA of a Tree Preservation Order. The Tree Team is considering the expediency of making a TPO the protect such trees at this site.

iii. From an arboricultural perspective, the Tree Team supports the tree and hedge planting and woodland creation indicated on the Landscape Strategy (21190.101-Fig3.11 Rev G), and maintenance proposals within the Landscape and Ecological Management Plan (mhp Design Ltd, Sept 2022), but notes that final details on the initial planting specification and protection and support for newly planted trees have yet to be provided.

iv. It is therefore recommended that tree protection and landscaping conditions be attached, should planning permission be granted (included in Appendix 1).

4.12 SC Drainage: No objection. The layout has successfully avoided the Flood Zones 2 and 3 within the development area. Watercourse easements as set out in Section 4.5 of the FRA must be adhered to for maintenance purposes. 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.

4.13a. SC Ecologist (19/05/23): On review of the LEMP prepared by MHP Design (September 2022) the following information of the Biodiversity Net Gain - on-site provision condition does not appear to have been included:

i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
iii) Details of species composition and abundance (%age within seed mix etc.) where planting is to occur.

These points will need to be addressed.

Officer Note: The applicant's ecologist responded as follows to these matters on 19/05/23):

i) This is probably better achieved via condition closer to construction. We do not have a start on site date, and soil condition could change dependent on agricultural operations during the intervening period. The soil condition can be assessed prior to construction and agreed with your ecologist prior to habitat creation works.
ii) This is best dealt with in the CEMP and would be best dealt with via condition, once there is more certainty regarding the build there are various methods to avoid compaction so should not impact on the determination.
iii) This is listed on the Landscape Strategy (G).

4.13b SC Ecology (22/05/23 – responding to the applicant's ecologists' response) "Yes, I think that's perfectly reasonable, and I am happy with the species composition".
Officer Note: Conditions to cover the above matters are included in Appendix 1.

4.14 SC Environmental Protection: No comments received.

4.15 SC Highways - Shropshire Council as Highway Authority raises no objection to the granting of consent. However, it is recommended as outlined within the submitted Transport Statement that a Construction and de-commissioning plan is submitted for approval prior to the commencement of the development. in view of the location, it is considered that this is not required to be submitted prior to determination but may be of overall benefit if a draft Construction and Decommissioning Management Plan is submitted and forms part of the approved documents.

4.16i. SC Landscape advisor (22/06/23): No objection. Following our report dated January 2023, which reviewed the May 2022 LVIA prepared in support of this planning application, we have now checked the Feb 2023 update to this assessment. We find that our recommendations have generally been addressed. The updated LVIA has been undertaken following a methodology which is generally clear, proportionate and compliant with the best practice set out in GLVIA3 and satisfies the policies within the Development Plan regarding landscape and visual amenity.

ii. The Landscape Strategy is a comprehensive and well-considered scheme which would help to mitigate any landscape and visual effects over time. Detail is required for the proposed planting, which could be secured through planning condition, to supplement the detail already included in the Landscape Strategy. This should include plant numbers and densities, method of cultivation and planting and means of protection. Planting works to the site perimeter should be undertaken within the first available planting season following grant of planning consent (rather than waiting until commissioning) to integrate the site more rapidly into its surroundings. All other planting within the site should be completed within the first available planting season following commissioning.

iii. The Landscape and Ecological Management Plan has been updated following our comments in January 2023 and would promote the proper management of existing habitats and successful establishment of the proposed habitats.

iv. We support the SC Trees comments dated 19 May regarding the provision of a TPO for the long term protection of important trees on this site.

4.17 SC Rights of Way – No comments.

4.18i. Councillor Viv Parry – Has been informed of the proposals and has referred the application to committee.

Public Comments

4.14 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. At the time of writing there have been 7 representations objecting to the proposals and one in support. The main issues of concern of objectors can be summarised as follows (Full documents are available online):

- Economic damage from visual impact: The visual impact of this proposed development, in conjunction with the existing solar farm and two housing developments, could have a damaging effect on tourism and thus the local economy which is heavily tourist dependant. Loss of attractive views. Cumulative impact with other recent development. Visibility of plant within the site. We run an events, conferencing and wedding venue business at Henley Hall plus holiday lets. In the last year we have had well over 2500 people on site and anticipate that figure to grow in 2023 and beyond. The applicant has underestimated the importance of the Hall as a tourist asset. The Park House was designed specifically as a place for people to come to and enjoy the views. The maturity of the trees in this area of land underline the age and importance of this original

design. The proposal will mean that you will now look onto a bank of panels running up the slope towards Rocks Covert rather than beautiful virgin countryside interspersed with veteran specimen trees. As the proposal stands we will experience a complete wrap-around of solar arrays enveloping our property with no visual break between the solar farms due to the cumulative effect.

- Effect on biodiversity: Damage to soil structure. Contamination of Ledwyche Brook from panel cleaning chemicals. Fencing will sever wildlife corridors. The developers have stated that they will employ mammal gates. I fail to understand how such gates will differentiate between a small deer, badger, fox or sheep.... or vandals.
- Effect on agricultural land: Some of the proposed panels are on grade 2 BMV land.
- Questioning location: There is no technical necessity for this solar farm being located as proposed: connection could be made to the grid at any point on the power lines radiating from the substation.
- Heritage: Insensitive location with respect to heritage assets at Henley Deer Park and Caynham Camp. Clear precedent has been set by Henley 1 solar site for keeping development at least 300 metres from important listed heritage assets. The option of moving the most visually encroaching elements beyond Rocks Covert is not considered at all despite there being plenty of spare land owned by the developer in that location.
- Glint and glare impact.
- Flooding: Concern of increased flood risk at Ledwyche Brook from increased run-off. Post Henley 1 we had severe flooding for the first time since we've been here that we attributed to run off from the panels and which caused that Henley1 to carry out remedial heavy duty groundwork post flood.

- Other: No mention of a Community Benefit Fund. This should be a planning condition and should reflect the impact on the households most directly impacted by the development. Much concern could be mitigated if the proposed farm was moved up and away from Ledwyche Brook and Henley Hall boundaries and nearer the A49. This would a) protect the setting of the Grade II listed asset in its surroundings, b) protect the view from the asset to its surroundings, c) open up Rock Covert to wildlife, especially deer, d) remove some of the grade 2 BMV land from the development, which would form part of the 'wildlife corridor'.

4.15 The representation in support of the proposals raise the following points:

- As a neighbouring property we feel the positives outweigh the negatives.
- The land has always been used for grazing cattle and is of poor quality. This scheme proposes extensive planting of trees, hedgerows, orchard and wild flowers which would only enhance the land and improve the ecology.Biodiversity: Promotion of biodiversity.
- No houses have ever been affected nor could they be as they are all sited much higher up. Any increase in river levels, we attribute to global warming, wetter winters and lack of maintenance along the water course.
- The solar farm would stop the potential sprawl of further housing of which we feel Ludlow has had its fair share.

- It seems that most objections are regarding the view but we need to look at the bigger picture for our future generations. If we don't address climate change, the view will be the least of our concerns.
- Our only real concern would be Rock Covert which appears on the plans to be completely fenced in. Hopefully there would be some sort of green corridor to allow free passage for the deer that inhabit it.

5.0 THE MAIN ISSUES

- Policy context
- Benefits of the proposed development
- Justification for the development (incl. agricultural land and energy need)
- Environmental considerations (incl. visual, ecology, highways, heritage, drainage)
- Other matters (incl. Timescale / decommissioning).

6.0 OFFICER APPRAISAL

6.1 Policy context

6.1.1 National policy: Paragraph 158 of the NPPF advises that 'when determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
b) approve the application if its impacts are (or can be made) acceptable.'

This is a clear instruction in national policy that renewable energy development should be approved where impacts can be made acceptable.

6.1.2 Development Plan Policy: Policy CS8 supports 'positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation.'. Policy CS5 advises that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.

6.1.3 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, 'where this has no significant adverse impact on recognised environmental assets'. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. 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. The proposals would respond to climate change, but it also necessary to protect the rural environment.

6.1.4 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:

i. Residential and other sensitive neighbouring land uses;
ii. Visual amenity;
iii. Landscape character and sensitivity, including impacts on sensitive skylines;
iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
vi. Noise, air quality, dust, odour, and vibration;
vii. Water quality and resources;
viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
ix. Cumulative impacts.

6.1.5 Policy MD12 (the natural environment) aims to conserve, enhance and restore Shropshire's natural assets, and to ensure that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets including biodiversity and visual amenity. Policy MD13 (the historic environment) provides equivalent protection for heritage assets.

6.1.6 In considering the current proposals it is necessary to assess:

- The characteristics of the site and the nature of any impacts to the local environment, soils, landscape, heritage assets and amenities.
- Whether any identified impacts are capable of being satisfactorily mitigated.

6.1.7 If there are no unacceptable adverse impacts after mitigation has been applied and / or the benefits outweigh any residual impacts, then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158. However, if any unacceptable adverse effects remain after mitigation and outweigh the potential benefits then the development would not be sustainableThe acceptability of the proposals in relation to these policies is assessed in succeeding sections.

6.2 Benefits of the proposed development

6.2.1 Climate Change: The applicant states that the site would generate enough electricity to power approximately 11,300 homes annually giving a CO2 saving of approximately 19,200 tonnes per annum. This is consistent with calculations provided by applicants at other recent solar farm sites.

6.2.2 Ecological enhancements The applicant has produced a biodiversity metric which indicates that the proposals would deliver biodiversity net gain (BNG) of 159% for habitat units and 49% for hedgerow units.

6.2.4 Economic benefits:

- Jobs being created directly or via the supply chain plus indirect benefits in additional worker spend on hospitality in the local economy.
- A total investment in excess of £26 million pounds.
- The Proposed Development would result in business rates contributions to the Council of over £80,000 per year (based on an assumed £2k/MW, per annum), which could be invested in local services.

This is consistent with calculations provided by applicants for other recent solar farm sites.

6.3.1 Justification for renewable energy

6.3.2 One of the key factors determining the suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network. The applicant states that Shropshire now has very few substations with sufficient capacity to accommodate a utility scale solar farm like the one proposed.

6.3.3 When selecting a specific site, the Applicant has considered a range of criteria including:

- Proximity of a grid connection
- Availability of grid capacity to export, with no constraints on the grid connection
- The financial viability of grid connection costs
- Sufficient land area available for the installation
- A willing landowner
- A suitable site access for construction, operation, and decommissioning
- A site free of statutory or non-statutory landscape/heritage designations

6.3.4 The south-eastern half of the site falls within a solar opportunity mapping area identified by the Zero Carbon Shropshire Plan (2021) based on a combination of relevant locational criteria including proximity of a grid connection. Whilst not a Planning Policy document this is a Council plan. The north-western part of the site is not included in the opportunity mapping area. It is understood that the opportunity mapping exercise used provisional agricultural land classification maps which did not differentiate between grade 3a and 3b land and excluded all grade 3 land. The applicant's soil survey indicates that only a small part of the land not included in the opportunity mapping area is in fact of best and most versatile quality.

6.4 Agriculture / Best and Most Versatile Land:

6.4.1 The application includes an agricultural land quality report. This finds that 92.6% of the site is of grade 3b quality (not best and most versatile quality) with 7.4% (3.6ha)

being best and most versatile ('BMV') quality. The report advises that the production levels of the farm that is the subject of the application will not change significantly if the solar farm is constructed. It concludes that the loss of BMV land is minimal and the land under and around the panels is not lost or downgraded. The proposed tracks would only affect 0.1ha of BMV land.

6.4.2 Overarching Energy National Policy Statement (NPS) EN-1 states that on agricultural land (at paragraph 5.10.8): "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. It also states. "The IPC [now the Secretary of State] should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification.

6.4.3 6.4.4 NPPF Paragraph 174 advises that 'planning policies and decisions should contribute to and enhance the natural and local environment by' amongst other matters b) 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.

6.4.4 Paragraph 175 advises that Plans should: distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework;.

6.4.5 Footnote 58 of Paragraph 175 states that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. However, Paragraph 175 refers specifically to plan making rather than decision-taking. As such, the NPPF does not require a sequential test to be applied when determining proposals affecting B&MV land (footnote 58).

6.4.6 The requirement to 'recognise' the 'economic and other benefits of the best and most versatile agricultural land' (Para 174) does not amount to an instruction to refuse all applications affecting B&MV land. There is no additional national guidance on the weight to be given to protection of B&MV land. It is a matter for the decision taker to weigh up against other matters such as renewable energy benefits as part of the planning balancing exercise. A recent PINS decision to allow an appeal on a nearby solar farm site south-east of Squirrel Lane considered loss of BMV land. The appeal site had a much higher proportion of BMV land (97%) than the current proposals (7.4%). The Inspector recognised the need to protect such land but found that the loss was not permanent and was outweighed by the renewable energy benefits of the scheme. It is not considered that the limited impact on BMV land in the current proposals would be sufficient to sustain a planning objection.

6.5 Landscape and visual impact:

6.5.1 Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment, taking into account the potential effects on the local landscape character and existing visual amenity value.

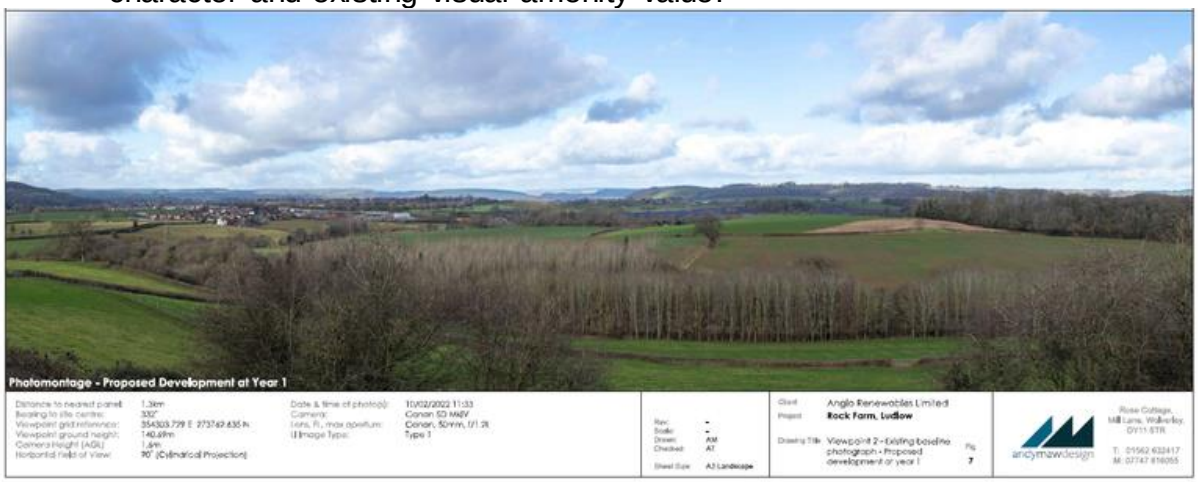

Figure 4 – Viewpoint, Caynham Camp, Year 1

Figure 5 – Viewpoint, Within Henley Park, Year 1 winter

Figure 6 – Viewpoint, Within Henley Park, Year 1 summer

6.5.2 NPPF Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia): protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

6.5.3 The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared in accordance with Landscape Institute guidelines. The conclusions and methodology of the LVIA have been supported by the Council's landscape consultant. The LVIA assesses the baseline landscape and visual context at the site and identifies mitigation measures to reduce the effect of any identified impacts. The assessment considers an area of up to 6 km in radius from the Site which was determined through a combination of desktop study, production of a digital Zone of Theoretical Visibility (ZTV) and site survey.

6.5.4 The LVIA concludes that there would be minor to moderate adverse change to the landscape character of the Site and minor adverse landscape effect on the contextual area. Proposed landscape mitigation measures during the operational phase are assessed to result in an overall residual minor to moderate adverse harm on landscape character. This is not considered significant under EIA Regulations. There will also be a direct change to views of the Site resulting in an overall residual minor to moderate adverse harm on visual amenity. No harm is identified to the setting of the Shropshire Hills AONB.

6.5.5 Embedded mitigation measures are effective from the commencement of the operational phase. New mitigation planting will require a period of establishment up to 8 to 10 years to become fully effective. However, the LVIA concludes that this is not considered significant under EIA Regulations. The Landscape Strategy plan sets out the management principles and concludes that effects of landcover and topography beyond the boundaries of the site will also contribute to limiting both landscape and visual effects of the proposed development. No residual cumulative landscape or visual effects are assessed to arise from the Proposed Development.

6.5.6 Following some amendments to the LVIA the Council's landscape adviser has supported the LVIA methodology and conclusions that the proposals can be accepted in terms of visual and landscape effects. The renewable energy benefits of the proposals must also be taken into account, as highlighted by the Council's climate change task force. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13). Visual impact is considered further below in relation to heritage matters.

6.5.7 Visual impact – AONB – The Inspector at the Letwyche appeal site to the south-east of the current site made the following comments with regard to the setting of the AONB:

24. The proposal would not affect any views across the AONB. There are some vantage points near and to the west of the appeal site where it would be possible to see some of the proposed solar farm with parts of the AONB on the higher ground in

the background. The most significant of these views would be from more elevated vantage points within and to the west of Ludlow where the solar farm would comprise a small element in distant views towards the AONB. The proposed development would not have an unacceptable adverse impact on views into the AONB.
25. The appeal site is part of the gently rolling lowland and valley floor landscape that is some distance from the AONB. It does not form part of the fringe slopes that rise up towards the AONB. In views from the AONB and its higher fringes the appeal site has a greater association with the nearby built development and infrastructure within Ludlow than it does with the AONB. It was apparent from my site visits that in these distant views the countryside to the immediate east of Ludlow makes a negligible contribution to the setting of the AONB. Notwithstanding that parts of the proposed development would be visible from some vantage points within the AONB and its setting, I find that the appeal scheme would have a negligible impact on the setting of the AONB.

The current application site is further from the views described above and additional vegetation in the intervening area provides a further screening function. From the Inspector's conclusions on the Ledwyche appeal it follows that the current site which is more distant from the AONB views would not have a material adverse effect on the setting of the AONB.

6.5.8 Visual Impact – Cumulative Impact – The Inspector at the Letwyche appeal found as follows with regard to cumulative impact issues when considering the appeal site and the current Rock Farm scheme:

27. Considering the quality of the landscape prior to the construction of the Henley solar farm, the area to the east of Ludlow was largely rural and characterised by arable fields interspersed with pockets of woodland. There is nothing to indicate that this area was recognised as having any specific characteristics or features over and above those that exist more generally in the open countryside of Shropshire. I find nothing in this case to justify applying a combined effects assessment and so have focussed on the additional effects of the appeal scheme.

28. There is an outstanding application for a 56.5 ha solar farm at Rock Farm to the immediate west of Henley solar farm and within some 340 m of the appeal site.6 The effects of the Rock Farm scheme would need to be assessed having regard to the relevant baseline at the time that application is determined. That is not a matter for me in dealing with the current appeal. Nevertheless, the PPG advises that the information to inform landscape and visual impact assessments can usefully include applications received.7 I have, therefore, taken both the Henley scheme and the Rock Farm application into account in assessing cumulative impact, and had regard to both in undertaking my site visits.

29. The addition of the appeal scheme to a baseline that included the Henley and Rock Farm solar farms would adversely affect the fabric of the landscape to some extent because of the nature and scale of the development proposed for the appeal site. However, key characteristics of the landscape, including the field pattern and scattered woodland, would remain as significant landscape receptors. The additional effect of the appeal scheme would cumulatively have some impact on landscape character, but it would not result in the creation of a different landscape character

type or sub-type. I consider that the addition of the appeal scheme to a landscape that included the existing Henley and proposed Rock Farm schemes would result in a cumulative landscape effect of minor significance over and above that which would result from the appeal scheme itself.

30. Cumulative visual effects can be either combined, where the observer can see two or more developments from one viewpoint, or sequential in that the observer would have to move to another viewpoint to see the development.9 It was apparent from my site visits that opportunities to see both the appeal site and the Henley solar farm from one viewpoint are very limited. Such combined visual effects of the appeal scheme with the Rock Farm proposal would also be restricted by the local topography and woodland. However, it would be possible to see parts of these schemes from the same viewpoint at various locations on the higher land to the north-east, in the vicinity of Farden. The cumulative combined visual effect would be limited given the considerable viewing distances and wide panoramic view from these elevated viewpoints….

32. I find that the addition of the appeal scheme with other development in the locality would result in a cumulative visual effect of minor significance over and above that which would result from the appeal scheme itself.

Therefore the Inspector did not consider that the current application site would have a significant visual effect when seen in combination with the Letwyche appeal site.

6.5.9 Visual impact – glint and glare: A Glint and Glare assessment has undertaken within 1km of the site. Geometric analysis was conducted at 35 individual residential receptors, 25 road receptors and one rail receptor, as well as four runway approach paths and an air traffic control tower (ATCT) at Shobdon Aerodrome. The initial bald-earth scenario identified potential impacts as High at nine receptors, Medium at seven receptors, Low at 13 receptors and None at the remaining six receptors. Upon reviewing the actual visibility of the receptor, glint and glare impacts remain High at one receptor, Medium at three receptors, Low at two receptors and reduce to None at all remaining receptors. Once mitigation measures were considered, impacts reduce to None at all receptors.

6.5.10 Solar reflections are possible at 19 of the 25 road receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 19 receptors and None at the remaining three receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at remaining receptors. Solar reflections are possible at the one rail receptor assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at one receptor. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at all receptors.

6.6 Heritage

6.6.1 Section 194 of the NPPF advises that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 197).

6.6.2 When considering the impact of a proposed development on the significance of a designated heritage asset, special regard should be paid to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 199). 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, including securing its optimum viable use. (NPPF 202). Where harm is considered to occur, this must be weighed against public benefits regardless of whether that harm is considered to be substantial or less than substantial, with great weight being given to the asset's conservation. The Planning (Listed Buildings and Conservation Areas) Act 1990 specifically requires local authorities to have special regard to the desirability of preserving listed buildings or their settings.

6.6.3 A Heritage Assessment assesses the significance of the historic environment and archaeological resources at and surrounding the site, including the effects of the development on heritage assets and their setting. The Proposed Development would result in a change to the setting of the Grade II Registered Park and Garden Henley Hall which comprises several Listed Buildings. The assessment concludes that as a result of embedded and proposed mitigation, the effects are not considered significant under EIA Regulations. The applicant states that the design of the Proposed Development has sought to avoid impacts on the historic environment through layout and dimensions. The landscaping strategy will further assist with offsetting visual effects and settling of the Proposed Development in the landscape.

6.6.4 Historic England and the Council's Conservation team have advised that the proposals would result in less than substantial harm to the setting of Henley Deer Park and this should be given significant weight in the decision-making process. Bitterley and Ludford Parish Councils and some local residents have asked for a 300m stand-off to the margin of the Deer Park as was the case for the Henley 1 solar park located to the south of the Deer Park. They advise that panels could be relocated nearer to the A49 by-pass.

6.6.5 This has been put to the applicant who has advised that the proposals take account of setting issues within the Deer Park by providing a planted buffer zone of between 70 and 140m wide between the park and the nearest arrays. The owner of Henley Hall advises however that views of open countryside beyond the deer park are important to appreciate the setting of the deer park which the proposed landscape buffer would remove. The applicant's heritage consultant advises however that the structures within the deer park do not indicate that the views out to the west of the deer park were an important factor in the original design of the park.

6.6.6 Figures 5 and 6 above show example views westwards from within the deer park at year 1, before any landscape planting has taken effect. The officer considers that the proposed solar arrays would be a relatively minor component in such views given the

extent of existing intervening vegetation before mitigation planting becomes established. The landscape beyond the deer park cannot be described as open given the significant number of mature trees within it.

6.6.7 Planting the proposed buffer zone would lead to greater enclosure and would over time reduce visibility of the mature oaks which are currently visible. However, grassed areas within the deer park would preserve some sense of openness and mature oaks within the deer park would remain clearly visible from such internal views.

6.6.8 Significant weight must be given to the effect on the setting of the listed deer park in accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990. There must be a public good justification for any identified impacts, no matter how limited.

6.6.9 Historic England and the Council's Conservation Team have highlighted the issue of setting to the deer park whilst not formally objecting. The effect on the setting of the deer park has been classified by Historic England as 'less than substantial' rather than 'substantial'. This invites the Local Planning Authority to consider under The Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF whether the public benefits of the proposals are sufficient to justify any such harm. Given the visual considerations referred to above the officer considers that any visibility of the solar arrays from within the deer park would take the form of subtle and intermittent glimpse views. It is considered that this intermittent visibility does not necessarily equate significant harm to heritage setting.

6.6.10 The NPPF also explicitly recognises the benefits of renewable energy and requires such schemes to be approved where any potential adverse effects can be satisfactorily mitigated. Production of renewable energy is capable of qualifying as being in the public good for the purposes of the NPPF and The Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would produce 40 Megawatts of renewable energy, enough to power 11,300 households annually, saving up to 19,200 tonnes of carbon dioxide per year. It is considered that the need for renewable energy significantly and demonstrably meets the public good test set by the above heritage policies.

6.6.11 Ludford Parish Council has suggested that the 300m stand-off provided from the deer park for the Henley 1 solar Farm establishes a precedent which should also apply for the current proposals. However, Henley 1 is in a different orientation relative to the deer park, being due south, and the applicants for that scheme did not propose a 70-140m thick planting belt. Also, the need for renewable energy and to address climate change has become even more pressing since the Henley 1 application in 2015, prompting Shropshire Council to declare a climate emergency in 2018. Hence, the setting and context of the current proposals differs materially from the situation which applied for Henley 1. It is concluded that the proposals can be accepted in heritage terms subject to the recommended conditions. Core strategy policy CS15 and SAMDev Policy MD13.

6.6.9 Archaeology: The Application is supported by an Archaeological Desk Based Assessment 'ADBA' which recommends that a programme of archaeological mitigation be undertaken prior to construction comprising a geophysical survey in the

first instance followed by further mitigation as appropriate. The ADBA advises that the scope and methodology of mitigation will need to be agreed with the Archaeological Officer and secured as a planning condition. The Archaeological Officer has however advised that additional archaeological field investigation is required before the application is determined. This work has subsequently been undertaken. A such, the Archaeological Officer has withdrawn their holding objection and has recommended an archaeological investigation condition which is include in Appendix 1. Subject to this the proposals can be accepted in archaeological terms.

6.7 Other environmental considerations

6.7.1 Noise and amenity: A noise assessment concludes that the proposed development would be passive and would not generate any significant operational noise, other than from occasional visits by maintenance/service vehicles and intermittent tracking of the sun by the solar panels. There would be some intermittent noise during operation as the solar arrays move to track the sun over the course of a day. However, the noise associated with such activities would not exceed existing background noise levels in accordance with BS4142 and World Health Organisation Guidelines. A construction management plan condition has been recommended in Appendix 1. Subject to this it is concluded that subject to this the proposals can be accepted in relation to noise.

6.7.2 Access / traffic and construction: Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe". SAMDev Policy MD8 (Infrastructure Provision) states that applications for strategic energy provision will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts, including with respect to noise, dust, traffic, odour and vibration.

6.7.3 The application is supported by a Transport Statement which sets out the strategy and options for site access, routing for construction traffic, construction vehicle size and frequency and mitigation. Construction access would be taken of the A4117. Swept path analysis confirms the suitability of the access to accommodate construction traffic. Once operational, the site would generate just one or two visits per week for regular maintenance and inspection purposes. The Transport Statement finds that the existing strategic road network has sufficient capacity to accommodate this. Overall, the Highways Statements finds that the proposal is acceptable and would pose no harm to the safety of the users of the public highway network.

6.7.4 There has been no objection from SC highways. They have recommended a Construction management plan condition to allow traffic to be appropriately managed during the temporary construction period (included in Appendix 1). It is considered that the proposals can be accepted in relation to Paragraph 111 of the NPPF and Core Strategy policies CS5, CS6, CS7 and CS8.

6.7.5 Ecology: The planning application includes a Preliminary Ecological Appraisal which concludes that the proposed development will have a positive impact on the environment through the provision of biodiversity net gains within the Site. The

proposal will seek to enhance local habitats by implementing measures such as creating and enhancing existing site boundaries with native species, providing wildflower mix across the site and taking the site out of intensive crop production.

6.7.6 The site is dominated by fields of modified grassland bordered by hedgerows. There is also a small area of broad-leaved woodland. Ledwyche Brook is adjacent to the eastern site boundary. Great crested newt breeding ponds are within 250 m of the site, with no significant barriers to dispersal. It is recommended that works are undertaken following a reptile and amphibian method statement. Multiple trees were recorded on site with bat roost potential. If trees are to be felled to facilitate the development, then further survey should be undertaken as appropriate to determine the presence or likely absence of roosting bats. It is also recommended that nesting bird checks are undertaken prior to works or vegetation is cleared outside of breeding bird season. As a precautionary measure it is advised that a pre-commencement badger check is carried out.

6.7.7 The proposed landscape plan includes enhancement of the grassland on site and new woodland/scrub and hedgerow planting, and it is considered that the development will enhance the site for wildlife and will achieve a large measurable Biodiversity Net Gain (habitat units +158.99%, hedgerow units +49.34%).

6.7.8 SC Ecology has not objected and appropriate conditions linked to habitat / biodiversity management / enhancement have been included in Appendix 1. Some local residents express concerns that a small woodland within the application site would be enclosed by fencing which would prevent access to deer. The applicant has responded that proposed new planting would create a woodland area which is much larger that the woodland to be enclosed and that the deer would continue to have free access to significant foraging areas within the wider landscape.

6.7.9 It is concluded that the Proposed Development complies with relevant planning policy regarding ecology / biodiversity (CS6, CS17, MD12).

6.7.10 Arboriculture: A tree appraisal report advises that the development is acceptable because:

- No significant trees shall be removed to enable the construction of the proposals.
- Tree protection measures can be put in place to ensure that construction works do not result in damage to the retained trees.
- New hedge planting can be carried out to mitigate effects of necessary hedgerow removal.

6.7.11 The Council's tree service has accepted the findings of the tree survey and has recommended conditions to protect existing trees and hedgerows during the construction phase. These are supported and are included in Appendix 1.

6.7.12 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the majority of the site and all ancillary equipment falls within Flood Zone 1 (lowest flood risk). No development is located within the small area of Flood Zone 3 within the site. All ancillary equipment would be raised by 150mm above the external level to discourage water ingress. The proposed development will only alter the

impermeable area on site by a small amount, resulting in a negligible increase in surface water runoff. No additional drainage measures are required provided the surface beneath the arrays remains grassed as proposed.

6.7.13 The FRA concludes that the proposal would not involve the construction of inappropriate development in an area of high risk, nor would the proposal result in increased flood risk elsewhere. The Council's drainage team has not objected, and it is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

Timescale and decommissioning:

6.7.14 Current solar photovoltaic arrays have a design life of approximately 40 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future agricultural use is reinstated. A decommissioning clause would also be included in the applicant's tenancy agreement. The value of the solar equipment at the end of its design life would provide a further incentive for effective decommissioning.

Leisure and Tourism

6.7.15 Core Strategy Policy CS16 (Tourism, Culture and Leisure) seeks to deliver high quality, sustainable tourism, and cultural and leisure development. Amongst other matters the policy seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment.

6.7.16 The applicant's visual appraisal supports the conclusion that the site is capable of being effectively screened and would not give rise to any unacceptable visual impacts, including from the AONB. No detailed evidence has been presented to support the conclusion that any residual views of the site would be prominent from or would have a significant impact on any local leisure / tourist interests.

6.8 Other matters:

6.8.1 Community engagement: The applicant has carried out a pre-application exercise with the local community and other key stakeholders. The applicant has sought to respond to concerns from the local community with amendments to the design of the proposals.

7.0 CONCLUSION

7.1 The proposed solar development would operate for a temporary period of 40 years and would be fully restored as agricultural land after decommissioning. Relevant policies and guidance support the transition to a low carbon future and encourage the use of renewable resources.

7.2 The 40MW development would power 11,300 homes annually giving a CO2 saving of approximately 19,200 tonnes per year. The proposals would deliver biodiversity net gain (BNG) of 123.5% in primary habitat and 76.4% for hedgerow units.

7.3 Under 8% of the site is located on best and most versatile quality land. National policy does not preclude the use of such land for solar farm developments. It is considered that the applicant has provided sufficient evidence to justify this choice of site. The proposals will provide an essential source of diversified income allowing the farm unit to invest in other farming operations within the unit.

7.4 Heritage consultees have not objected, whilst highlighting the need to give great weight to protecting the setting of the listed deer park. It is assessed that there would be less than substantial harm to the deer park setting. The officer considers that the relevant policy tests are met as the proposals would be in the public interest given the renewable energy they would generate and the benefits of this for energy security and climate change. The extent of any 'less than substantial harm' can be further mitigated by the applicant's substantial landscape mitigation proposals.

7.5 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S158). It is concluded that the proposals are sustainable.

7.6 There have been no outstanding objections from technical consultees such as highways, trees, ecology and drainage. Detailed planning conditions have been recommended to ensure a high level of control of the development. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan. Overall, it is considered that the public benefits of the proposals including renewable energy provision are sufficient to outweigh any identified residual impacts and permission should be granted subject to the conditions set out in Appendix 1.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or

perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

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

8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS:

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

10.0 BACKGROUND:

10.1 Relevant planning policies:

10.1.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, "Shropshire will be recognised as a leader in responding to climate change. The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims "to promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management". Relevant Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where

- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS16 - Tourism, Culture and Leisure
- Policy CS17 - Environmental Networks

10.2 Site Management and Allocation of Development Document
Relevant Policies include:

- MD2 - Sustainable Design
- MD7b - General Management of Development in the Countryside
- MD8 - Infrastructure Provision
- MD11 - Tourism facilities and visitor accommodation
- MD12 - The Natural Environment
- MD13 - The Historic Environment

10.5 Other Relevant Guidance

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

10.6.2 Planning practice guidance for renewable and low carbon energy (2015). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided specifically with regard to the large-scale ground-mounted solar photovoltaic farms:

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

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

given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect'.*

11.0 RELEVANT PLANNING HISTORY:

11.1 There is no planning history associated with the application site.

12.0 Additional Information:

View application:
https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RM87INTDKU500

List of Background Papers: Planning application reference 22/02441/FUL and plans.
Cabinet Member (Portfolio Holder): Councillor Chris Schofield
Local Member: Cllr Viv Parry
Appendices: Appendix 1 – Conditions.

APPENDIX 1

Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. This date is referred to hereinafter as 'the Commencement Date'. Written notification of the date when electricity is first exported from the solar farm hereby permitted to the electricity grid shall be submitted to the local planning authority no later than 14 days after the event. This date is referred to hereinafter as 'the First Export Date'.

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

   Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with the application form dated 29th September 2022 and the accompanying Environmental Statement and supporting documents and plans.

   Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Reference NEO00979_029I_C Figure 1.2), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Highways

4. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of how traffic will be managed during the construction phase to minimise any damage / disturbance to the highway network. Construction shall be carried out in accordance with the approved CTMP.

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

5. The sole access to and from the Site during the construction and decommissioning periods shall be by means of the route through Rock Farm shown on the approved site location plan.

Reason: To ensure that a safe and suitable standard of vehicular access is provided throughout the construction and decommissioning period of the development.

Arboriculture

6. All pre-commencement tree works and tree protection measures as detailed in Section 5.2 (Tree Protection Plan) and Appendix 2 (Arboricultural Impact Assessment and Tree Protection Plan) of the approved Arboricultural Survey, Impact Assessment and Protection Details (mhp Arboricultural Consultants, V2, 04.07.2022) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

7. The development shall be implemented in accordance with Section 5.2 (Tree Protection Plan) and Appendix 2 (Arboricultural Impact Assessment and Tree Protection Plan) of the approved Arboricultural Survey, Impact Assessment and Protection Details (mhp Arboricultural Consultants, V2, 04.07.2022). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

Landscape and Ecological Mitigation Plan

8. No development shall take place until a detailed soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

i. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate, in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version,
ii. details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support, planting period or phasing of planting and date of completion, and measures for post-planting maintenance;
iii. details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.
iv. Creation of wildlife habitats, features and ecological enhancements
v. Written specifications for establishment of planting and habitat creation;
vii. Programme for implementation

The scheme shall relate to all grassed areas, tree, shrub, and hedgerow planting and 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 6a above has been completed.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design including satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

9. The approved tree planting scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

<u>Ecology</u>

10. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
iii. Requirements and proposals for any site lighting required during the construction phase;
iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
v. The times during construction when an ecological clerk of works needs to be present on site to oversee works;
vi. Identification of Persons responsible for:

- Compliance with legal consents relating to nature conservation;
- Compliance with planning conditions relating to nature conservation;
- Installation of physical protection measures during construction;
- Implementation of sensitive working practices during construction;
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 180 of the NPPF.

11. No development shall take place (including ground works and vegetation clearance) until a Habitat Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

i. Description and evaluation of the features to be managed
ii. Ecological trends and constraints on site that may influence management
iii. Aims and objectives of management
iv. Appropriate management options for achieving aims and objectives
v. Prescriptions for management actions
vi. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually)
vii. Personnel responsible for implementation of the plan
viii. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality
ix. Possible remedial/contingency measures triggered by monitoring
x. The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

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

12. No development shall take place (including ground works and vegetation clearance) until a badger mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the actions to be taken during the works, including the temporary closure of sett 3. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

13. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (available at https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/). All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To minimise disturbance to bats, which are European Protected Species [and other species].

Archaeology

14. 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.

Reason: The site is known to hold archaeological interest.

Complaint procedures scheme

15. Prior to the Commencement Date the developer shall submit for the written approval of the local planning authority a Complaint Procedure Scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints 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 approved by the local planning authority within an approved timescale. The approved scheme shall be adhered to for the lifetime of the development hereby permitted.

Reason: To protect the amenities of the local area.

16. Prior to the Commencement Date the developer shall submit for the approval in writing of the local planning authority a scheme setting out the measures which shall be

undertaken to facilitate sustainable sheep-grazing between the solar arrays, including grass sward specification and potential stocking type and density, for the duration of the operational life of the development. The scheme shall be implemented in accordance with the approved details and confirmation that the approved measures are being implemented shall be provided to the local planning authority upon prior written request.

Reason: To facilitate sheep grazing use in association with the permitted solar farm scheme in accordance with the approved details.

17. No development shall take place until a sustainable drainage scheme (SuDS) has been submitted to and approved in writing by the local planning authority. The SuDS scheme shall:

i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
ii. Include a timetable for its implementation; and,
iii. Provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that sustainable drainage is delivered within the permitted development.

18. Prior to the Commencement Date the developer shall convene a local Community Liaison Group (CLG) to consist of representatives on behalf of the developer, Bitterley Parish Council and the local planning authority. The CLG shall meet virtually or physically at intervals to be agreed by CLG members during the construction of the solar farm hereby permitted and then during the first five years of its operational life. The CLG shall facilitate dialogue and interaction between the developer and the local community, with a main focus on assisting the local planning authority to monitor the implementation of this permission, including:

i. The approved Construction Traffic Management Plan (Condition 4);
ii. The approved Landscape and Ecological Mitigation Plan (Condition 8) and the related aftercare/maintenance condition (Condition 9);
iii. The approved Construction Environmental Management Plan (Condition 10),and ;
iv. The approved Habitat Management Plan (Condition 11);
v. The approved Complaint Procedure Scheme (Condition 15).
vi. The approved Sheep Grazing scheme (Condition 16)

Reason: To provide an appropriate stakeholder / community engagement mechanism within the construction and operational stages of the development.

19. The development hereby permitted shall be removed from the Site if the solar farm is no longer in use or after a period of 40 years from the First Export Date, whichever occurs earlier. No later than 6 months before the end of the 40-year period from the First Export Date, or within 6 months of the solar farm being no longer in use, a decommissioning and site restoration scheme, including a timetable for its implementation, shall be submitted for the written approval of the local planning authority. The scheme shall make provision for the removal of the solar panels and associated works approved under this permission, and for the reinstatement of the land within the Site so that with aftercare it is of the same grade of agricultural quality as when this permission was granted. The scheme, as approved, shall be implemented in accordance with the approved details.

Reason: To facilitate restoration to an appropriate agricultural use at the end of the operational lifespan of the permitted site.

Notes:

Design life

i. *The typical design life of modern solar panels is up to 40 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.*

Drainage (Shropshire Council Drainage Team comments)

ii. *For the transformer installation, the applicant should consider employing measures such as the following:*

- *Surface water soakaways*
- *Water Butts*
- *Rainwater harvesting system*
- *Permeable surfacing on any new driveway, parking area/ paved area*

Environment Agency comments

iii. *The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is minimised.*

Highways

iv. *This planning permission does not authorise the applicant to:*
- *construct any means of access over the publicly maintained highway (footway or verge) or*
- *carry out any works within the publicly maintained highway, or*
- *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
- *undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway*

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/

Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

v. *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*

Ecology

vi. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

vii. *Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.*

- *If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.*
- *Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.*
- *The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.*

- *All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.*
- *Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
- *Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.*
- *If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*
- *Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.*

ix. *Where it is intended to create semi-natural habitats (e.g. hedgerow / tree / shrub / wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*