



Committee and date

South Planning Committee

10 February 2015

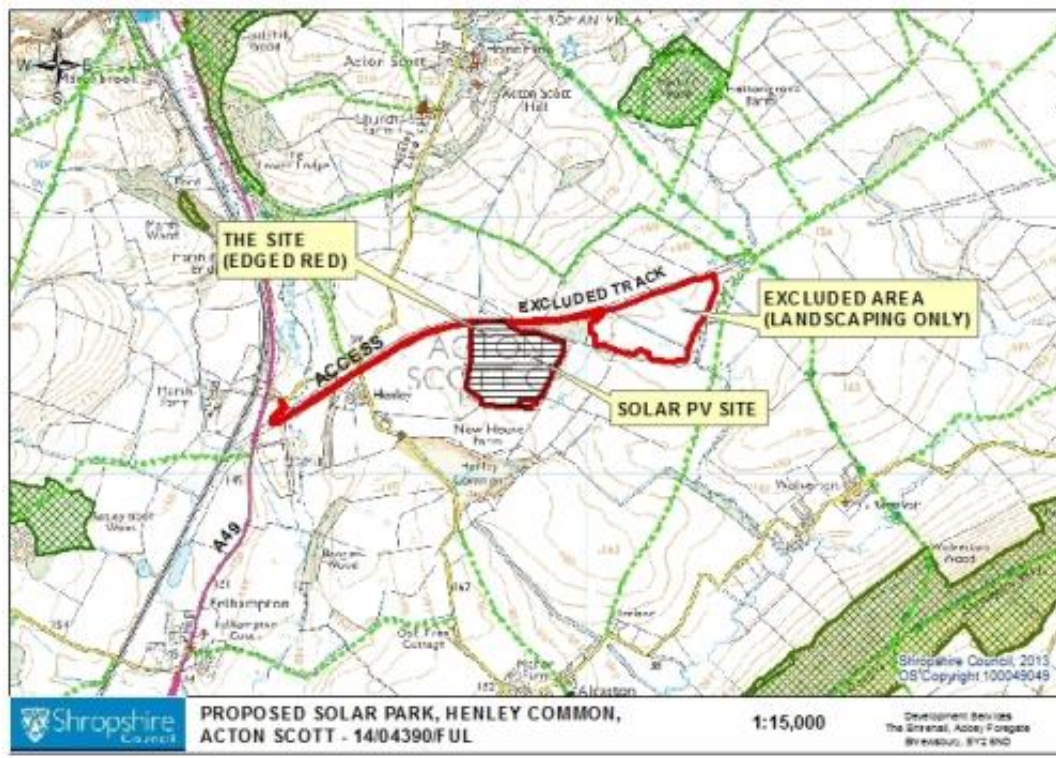
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 14/04930/FUL	Parish:	Acton Scott Parish Council
Proposal: Continued use of land for agricultural purposes and the installation of up to 5 MW of solar photovoltaic panels and ancillary works.		
Site Address: Land North of Henley Common, Henley Lane, Acton Scott		
Applicant: Maddox And Associates Ltd		
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk	

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



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

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with pre-application advice by the authority and has provided further clarification in response to issues raised during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended conditions.

REPORT

1.0 THE PROPOSAL

- 1.1 Introduction: Members considered a previous planning application to erect a solar park of up to 6.5MW on land within the current application site was on 14th October 2014 (reference 14/02807/FUL). The committee resolved to refuse the application for the following reason:

The proposal would have a detrimental impact upon the environment, character, landscape and visual quality of the Shropshire Hills Area of Outstanding Natural Beauty. Accordingly, the proposal would be contrary to Paragraphs 116 of the National Planning Policy Framework and Core Strategy Policies CS6 and CS17 whereby the adverse impacts would significantly and demonstrably outweigh the benefits.

- 1.2 The current application is a re-submission but with a significantly reduced operational area (10.99ha as opposed to 18.58ha) and a slight reduction in the level of energy production (to 5MW from up to 6.5mw). The scheme as originally proposed involved the use of two fields to the immediate south of a disused railway embankment. It is now proposed that just the western field is used in connection with the solar park development. The eastern field is excluded and would remain in pasture use. In all other respects the scheme would remain as per the original application. The same access is proposed and the previous landscaping / biodiversity enhancement scheme would continue to be employed, including with respect to the excluded eastern field area. The same community betterment package would also apply.
- 1.3 The 5 Megawatt facility would export enough renewable electricity to meet the equivalent annual power consumption of 1,450 homes. Following construction, the site would be seeded with an appropriate grassland mix and would become available for grazing. Construction would take 4 months.
- 1.4 The scheme would involve the use of 19,608 individual photovoltaic panels. These would be mounted on frames and laid out in rows running from east to west. They would be oriented south and angled at 25 degrees to the horizontal with a maximum height of 2.4m (minimum 0.8m). The mounting frames would be matt

finished galvanised steel with 200mm diameter steel posts. The posts for the panel frames would be driven into the ground up to a depth of 1.5m.

- 1.5 The proposed development would require the construction of two inverter cabins at the centre of the site and two ancillary electrical cabins at the northern end of the field either side of the access (DNO Substation and Main MV Container). These would convert the electricity to a form suitable for export to the distribution network at the appropriate voltage. The invertors convert solar energy from Direct Current (DC) to Alternating Current (AC) and would sit on concrete bases to ensure stability. The applicant has applied to the network operator Western Power Distribution for preliminary connection information, and it has been confirmed an on-site connection is feasible.



- 1.6 Security fencing (2.4m high palisade fencing) would be installed around the substation. There would also be 2m high deer netting supported by timber in the area surrounding the site. The land would continue to be used for agricultural pasture purposes following the installation of the panels.
- 1.7 Landscaping: Landscape planting is proposed along the northern and south eastern site boundaries. The applicant states that sensitive colouring of the inverter substations and other on-site components would also reduce any visual effects.
- 1.8 Access and construction: The construction of the solar panel arrays would result in the temporary generation of construction traffic over a period 4 months. It is envisaged that there would be up to 80 HGV deliveries in total transporting the panels and array structures to the site. The most intense period would be likely to equate to 2 HGV deliveries per day (4 individual movements). Wherever possible deliveries of materials would take place between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. There would be no deliveries on Sundays or Bank Holidays.

- 1.9 During the construction phase, a new temporary access would be constructed along the former railway track to the west. This would itself be accessed from Henley Lane across a field in ownership of the applicant. Up to 20 staff would be on site during the construction period, depending on the phases of the construction schedule. It is envisaged that staff trips would be mainly made by private vehicles (LGVs). Once the site was operational, there would be no staff based on the site although routine twice monthly visits would be required. Following the completion of construction works, all areas subjected to temporary works including any access tracks and other temporary infrastructure would be re-instated to a condition in keeping with the quality of the areas before works had commenced.
- 1.10 Decommissioning: The operational lifespan of the solar park is stated to be 30 years. After this all equipment and tracks would be removed from the site and arable productivity could be resumed.
- 1.11 Community benefits: The previous application was linked to a separate voluntary commitment to fund the installation of solar panels on a modern farm building next to the Acton Scott visitor centre with profit going to the Centre and the Parish Council. A viewing area for the solar park and a renewable energy display were also to be provided at the visitor centre. Some Members were however concerned that the benefits of the scheme might not be evenly distributed to the local community. In response, the applicant is now proposing instead to set up a community fund of equivalent value (£5,000 per installed megawatt) so that benefits from the scheme can be delivered to the local community. This would be in the form of an escrow account overseen by a fund management group, initially comprising representatives for the applicant, the Council and the Parish Council. The fund would be open for groups and individuals to bid for on a first come first served basis, provided specified location and community benefit criteria were met. These criteria would be defined in a legal agreement (Unilateral Undertaking) which the applicant would complete prior to the issue of any permission.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The site (area 22.25ha) comprises 2 pasture fields (Grade 3b and 4) at Henley Common approximately 1km to the south of the village of Acton Scott. As stated above however, the eastern field is now excluded from the solar development. The remaining field area proposed for the solar development is 9.5ha. The nearest buildings are on Henley Common, approximately 0.2km to the south. There is no nearby housing. The A49 between Church Stretton and Craven Arms runs 1km to the west.
- 2.2 The site is located in a valley, surrounded by an undulating landscape with woodland areas which provides screening. A disused tree-lined railway line runs in an east-west direction to the north, passing from an embankment in the north east to a deep cutting in the north-west. The land within the site is low-lying and is not visible from much of the surrounding area. It slopes from north-west down to south-east. The excluded eastern part of the site is lower and was historically marshland.

2.3 The site lies outside of a flood plain but within the Shropshire Hills Area of Outstanding Natural Beauty ('AONB'). A power line crosses the site, providing an opportunity to transport renewable energy to the national grid.

3.0 REASONS FOR COMMITTEE DECISION

3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Area Development Manager.

4.0 COMMUNITY REPRESENTATIONS

4.1 Acton Scott Parish Council: Objection due to location in Area of Outstanding Natural Beauty (voted 5 for 11 against).

4.2 Eaton Under Heywood Parish Council (adjacent parish): Objection (majority vote).
1) The development would have a detrimental impact upon the environment, character, landscape and visual quality of the Shropshire Hills Area of Outstanding Natural Beauty.
2) The development would be contrary to paragraph 116 of the National Planning Policy Framework and Core Strategy Policies CS6 and CS17, whereby the adverse impacts would significantly and demonstrably outweigh the benefits.

4.3. Natural England:

i. Designated landscapes: Objection.

The application site lies with the Shropshire Hills Area of Outstanding Natural Beauty (AONB), a designation of national importance with the highest status of protection in relation to landscape and scenic beauty. In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty (AONB), all public bodies, local planning authorities and Natural England, have a duty to have regard to the statutory purpose of AONBs, which is the purpose of conserving and enhancing the natural beauty of the area (Section 85 Countryside and Rights of Way Act, 2000). Local planning authorities are required to take such action as appears to them to be expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty and amenity of an AONB to the extent that it lies within their area (Section 84(4) Countryside and Rights of Way Act, 2000). It is against this duty, and with regard to national and local planning policy, that this proposal must be measured. We note that the Shropshire Hills AONB has objected to this application and we recommend your authority have regard to their position. Natural England has assessed this application. From the information available Natural England is unable to advise on the potential significance of impacts on the Shropshire Hills Area of Outstanding Natural Beauty (AONB). In our response to the previous planning application for a solar farm in this location, Natural England expressed concerns about the visual impact and effects of the proposal on landscape character and asked for further clarification from the applicant in relation to their Landscape and Visual Impact Assessment (LVIA). We note that this submission does not appear to have a LVIA in support of the applicant and one should be undertaken to reflect the changes to the development. This is necessary due to the site being within a nationally

designated landscape. (*Note: an LVIA was submitted after the application was registered and relevant consultees including Natural England were reconsulted*)

- ii. Designated sites: No objection. This application is in the vicinity of Wolverton Wood and Alcaston Coppice, Prince's Rough and Marsh Wood Quarry Sites of Special Scientific Interest (SSSI). You should note that it does not appear that any information to assess ecological impacts of the proposal have been submitted. However, these SSSIs are unlikely to be affected by development such as a solar farm. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.
- iii. Protected species: As stated above, we have not been provided with any information to understand the impacts of this revised proposal on ecology. We therefore have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.
- iv. Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

4.5 Highways Agency: No objection.

- 4.6i. AONB Partnership: Objection on the basis that the development would introduce an industrial scale installation into a high quality rural landscape, changing its character fundamentally and causing unacceptable harm to the special qualities of the AONB. The full comments of the AONB Partnership are included in Appendix 2.
- 4.7i. Campaign to Protect Rural England: Objection. This is to introduce many thousands of large industrial solar panels, cabins, inverter sheds and netting crowded into 27 acres (10.9Ha) in alien ranks on a gently sloping ancient and productive agricultural field - in full view from the nearby & much visited Wenlock Edge, also from nearby hills, the Shropshire Way and from Flounders Folly – all of which nestle inside the Shropshire Hills Area of Outstanding Natural Beauty. On behalf of CPRE South Shropshire I want to object to this application for the following planning reasons:-
- ii. Shropshire Core Strategy
 Objective 3: Employment Opportunities: - none: short or long term:
 Objective 6 (Sustainable economic development & growth): This is not sustainable.
 Objective 7 (Support sustainable tourism): – This will spoil views, lessen tranquillity & introduce an industrial landscape.
 Objective 10 (Create safe accessible & attractive places which contribute to local distinctiveness): - Not by providing ugly off-the-shelf panels, kiosks & fencing
 Objective 11 (Respects landscape character, biodiversity, heritage & local distinctiveness) - This application does the reverse.
 Policy CS5 (Countryside & Green Belt) - New development will be strictly controlled to protect the countryside on appropriate sites which maintain & enhance countryside character & bring local economic & community benefits. This will do the opposite & have negative impacts.
 Policy CS6 (Development will be of high quality & respects & enhances local distinctiveness...and protects, conserves & enhances the natural environment & is appropriate in scale & design) - This application is rushed, flawed, destructive, lacking in detail & not high quality.
 Policy CS8 (where development has no significant adverse impact on recognised environmental assets) - This has a hugely negative impact – it would create an industrial landscape.
 Policy CS16 (To deliver high quality, sustainable tourism & leisure development that benefits local communities & visitors, & is sensitive to Shropshire's intrinsic natural & built environmental qualities) - It is vital that all tourism cultural & leisure facilities in rural areas are compatible with their location so that their unique character & tranquillity is retained.
 Policy CS17 (Development will identify, protect, enhance Shropshire's environmental assets – protects natural environment – doesn't harm the visual, heritage or recreational values & functions – does not have an adverse effect or create barriers – secures financial contributions) - This application threatens to do the opposite. It is a greedy application.
- iii. National Planning Policy Framework
 Para 7 (Economic offer) - This will damage tourism (social offer) – Alien fencing & structures 'keep out' – (environmental offer) - negative visual effects & alien landscape...no economic offer to benefit residents is in evidence.

Para 14 (a presumption in favour of sustainable development) - This isn't. 25 years is temporary.

Paras 18 & 28 (to support sustainable economic growth) - This isn't. As above, it will only benefit the landowners over the lifespan of the panels.

Para 27 (allows for continued agricultural use) - Not proven: glint & glare is a possibility: security lights & fencing will be exclusive & alien:

(conservation of heritage assets & impact of large-scale solar farms on such assets) - will affect nearly all the local listed buildings – screening –takes some 8 years to become effective: energy potential is limited to the Acton Scott Estate.

Para 98 (approve the application if its impacts are or can be made acceptable) - no real effort seems to have been put in place for this to happen.

Para 109 (protecting & enhancing valued landscapes) Not so: this tries to do the opposite.

Para 110 (Minimise pollution & other adverse effects on the local & natural environment) - Not so. This will produce severe adverse effects on both the local & natural environment.

Para 111 (Encourage reuse of brownfield land) - No attempt here to do so.

Para 112...Should seek to use areas of poorer quality land in preference to that of a higher quality... the reverse: the west is the better land (Grade 3) ;the east is marshy & of lower quality Grade 4).

Para 113...Protection of landscape areas commensurate with their protected status. This application does the opposite and can only harm a lovely rural landscape.

Para 115...Great weight should be given to conserving landscape & scenic beauty in AONBs. If this really was the case then this 2nd application would not have been allowed. Hopefully the Planning Committee will provide such conservation.

Para 116...Planning permission should be refused for major developments except in exceptional circumstances & where they are in the public interest. This IS a major development of over one hectare. Need is NOT established. Elsewhere? No apparent alternative site has been offered. Public interest: this would have a detrimental effect on environment, landscape & recreational opportunities.

Para 122...Whether the development is an acceptable use of the land & the impact of its use: a loss of agricultural land & the impact of its use in an Area of Outstanding Natural Beauty Is NOT acceptable to the SHAONB, the CPRE or to the many who object to this application.

Para 123...Identify & protect areas of tranquillity which have remained relatively undisturbed by noise & are prized for their recreational & amenity value for this reason. This application proposes the reverse.

iv. SAMDev

Policy MD 2...particular regard should be paid to the SHAONB Management Plan 2014. This application has clearly not paid such regard – and we hope the Planning Committee will do so.

Policy MD 12...where public benefits clearly outweigh the value of any assets affected...social or economic benefits must be clearly stated...level of protection to natural assets. This application seems to have ignored public benefits, not clearly stated any social or economic benefits to the community, and has failed to offer protection to the natural assets.

v. Conclusions:

CPRE is broadly in favour of green energy initiatives but not in the wrong place – in this case on greenfield land, firmly in the SHAONB, close to houses & heritage sites, where public footpaths and visitors are affected, where tourism is threatened, and where the wishes of councils, local residents and the AONB are not being given the importance & protection they deserve. We urge the Planning Committee to refuse this speculative and poorly presented application, which we consider is largely a rehash of the original application that was firmly rejected by you. It would have a detrimental and visual impact on the environment, character and landscape of the Area of Outstanding Natural Beauty whereby the adverse impacts would significantly and demonstrably outweigh the possible benefits.

Internal Comments:

4.8 S.C.Historic Environment (Conservation / Archaeology):

- i. The development proposal involves land to the east of Henley Common and south of the Garden and Grounds of Acton Scott Hall (HER PRN 07718) and the former Much Wenlock, Craven Arms & Coalbrookdale Railway (Wenlock No. 1) (HER PRN 08447). The Grade II* listed Acton Scott Hall (National Ref: 483623) is located approximately 1km north of the proposed development. A Heritage Desk Based Assessment (Cotswold Archaeology Report May 2014) and Landscape and Visual Impact Assessment (Cordell Design) produced for a previous application has been submitted in support of this application and is considered valid for the current application as are the results from the geophysical survey. In terms of direct impact on known or unknown archaeological remains the Heritage Desk Based Assessment supported by a geophysical survey concluded that any archaeological remains within the development boundary are unlikely to be of a sufficiently high level of significance to preclude development. It acknowledges the fact that, given the existing evidence for prehistoric and Roman settlement within the surrounding area, the potential for remains from these periods to be located within the development boundary cannot be discounted, especially in light of the less successful results from the geophysical survey in the current application site.
- ii. With regard to the impact of the development on the setting of designated cultural assets within the wider landscape the report concludes that none of the designated heritage assets that fall within the ZTV have a direct line of site to the proposed development site therefore there would be no negative impacts on the setting of these assets. This was checked during a field inspection carried out as part of the assessment. Both of these findings are accepted. Recommendations submitted 08/01/15 and 10/12/14 remain un-changed.
- iii. Non-intrusive construction methods (concrete shoes and above ground cable trays) or realignment of the arrays to avoid archaeological remains should be applied in all areas where significant archaeological remains are identified and tested by evaluation. A condition should be considered requiring the extent of the areas requiring alternative construction methods to be confirmed in writing during the course of the development.

- 4.9 S.C. Highways: No objections. The scheme in principle does not raise any highway concerns, because once built it will not have any effect on the highway and only generate one or two light van visits to the site each week for maintenance

purposes. I am however concerned that the delivery of the materials and plant to the site during the construction phase will cause highway difficulties. In the D&AS it has been acknowledged that the junction off the A49 Trunk Road into Henley Lane will cause problems for delivery vehicles and it is stated that discussions regarding this will be taking place between the applicant and the Highways Agency, under whose control the A49 is. From Shropshire Council's Highway Authority point of view the movement of materials along Henley Lane will be the main difficulty and the method of doing this will have to be agreed and defined in the Construction Management Plan prior to the scheme commencing. My initial thoughts regarding this are that a nearby site should be sought by the applicant that could be used as a transfer station to load the panels onto small vehicles for the final leg of the journey.

4.10 S.C.Arboriculture: No objection subject to the following comments:

- i. There are a number of mature trees (some veteran trees) and established hedgerows on the site; these are an integral part of the local landscape and landscape character and an important part of the areas ecological network of green corridors and stepping stones. In the design and access statement, the site design plan and in the habitat management plan (Ref: Bloom-239-107-02) the applicant has indicated that mature trees and hedgerows form important screening and will be retained and enhanced where appropriate. Section 4.1.1 makes a clear statement that trees and hedgerows will be protected in line with BS 5837:2012 Trees in relation to design demolition and construction; recommendations. On the submitted plans and Habitat management plan (Ref. Bloom-239-107-02) the site layout appears to provide a reasonable distance between the arrays and most key landscape features, but elements of the plan that have not been discussed in detail could impact upon retained trees (E.G. the route of cables for CCTV and for linking the arrays to transformers, storage of materials during construction, road construction and the construction/erection of the boundary fence). Details of tree protection measures would need to complement this proposal if it is approved.
- ii. The habitat management plan gives a rudimentary indication of proposed hedgerow planting and renovation but the application lacks specific detailed planting schedules and planting and after care specifications.
- iii. Taking into consideration the above points the Tree Service would need to see that any approved application can deliver the promised tree protection and landscape/habitat improvements. This could be addressed through the provision of:
 - (a) basic tree protection plan and a generic arboricultural method statement (AMS) for working in the proximity of trees, a key element of which would be that all site workers (during construction) would need to be made familiar with the AMS before commencing work. (NB we are not asking for a basic tree survey but an informative method statement to be used when working in the proximity of trees).
 - (b) Detailed landscape specifications and planting schedules.

4.11i S.C.Ecology: No objection subject to the following comments. A map is required showing the area within the Disused Railway Line Local Wildlife Site accessible to construction vehicles. Tree protection plan and condition required. Conditions and informatives should be attached to any consent.

- ii. Protected sites: The 'Disused Railway Line Acton Scott' Local Wildlife Site (LWS) is immediately to the north of the site and is proposed to be used for construction traffic. Shropshire Wildlife Trust have asked for reassurance that there will be no long term negative impacts from the use of the LWS as an access road and details of surfacing. I have visited the site and consider that temporary access of regular sized tractors and trailers using the western section of the track should not harm the special interest of the Local Wildlife Site. There should be no need for construction vehicles to go into the eastern section of track as there are internal field access points to all the fields. If we can get written confirmation that the eastern section of LWS will not be accessed by construction vehicles then my concerns re the LWS would be met.
- iii. Protected species: The results of the eDNA survey for GCN was that Ponds 1 and 2 (which are actually linked) have confirmed presence of GCN. Pond 3 was found to be dry. At my site visit in September 2014 the accessible ditches and marshy grassland were also dry. Avian Ecology (2014) have provided updated risk avoidance measures. If strictly followed these are considered adequate to reduce the risk of harming GCN. The following condition and informative are recommended:
- Bats: FPCR (2013) consider that three trees had medium to good bat roosting potential (T1, T2 and T3). These trees are indicated for retention and lighting on tree lines is not necessary. As the proposals show retention of hedgerows and trees there should be no impact on bat foraging and commuting activity. Any other operations affecting trees such as road construction and boundary fencing will need to take impacts on trees into account. The Tree Officer has requested a tree protection plan.
- Nesting birds: Nesting birds are likely to use the hedgerows and trees on the site and also possibly the grassland. Avian Ecology (August 2014) recommend that if any ground works or vegetation removal will take place during bird breeding season that an ecologist should carry out a hand search of the area and an exclusion zone set up around any nest sites. The following informative should be attached to any consent.
- 4.12 S.C.Public Protection: – No comments received.
- 4.13 S.C.Rights of Way: – No objection. No recorded public rights of way are affected by the proposals.
- 4.14 S.C.Drainage: - No objection. 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. A Flood Risk Assessment should be produced. (Note: the FRA has been received)
- 4.15 Councillor Cecelia Motley has been informed of the proposals.

Public Comments

- 4.16 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified.

4.17 There have been 72 representations objecting to the proposals and 12 in support. The main concerns of objectors can be summarised as follows:

- i. Impact on AONB / visual impact. This application if approved will create a significant Industrial Installation, complete with CCTV surveillance systems, security fencing, inverters and of course acres upon acres of glass, sited within an Area of Outstanding Natural Beauty. This proposed development would obviously be unsightly and utterly incompatible with its surroundings. It would have a severe and detrimental impact on the AONB. The AONB attracts tourists who bring much needed income into a rural economy. A development of this sort, visible from walking routes used daily by tourists, would damage a natural asset on which many local people rely for their income. There seems to be nothing in the plans to justify such damage. There are many more sites in the UK in which solar panels can be located without causing any harm to the natural environment. The Shropshire Hills is defined as 'a precious landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. What is the overwhelming justification for this application? The site targeted by the applicant is in the heart of the Shropshire Hills Area of Outstanding Natural Beauty. The impact of such a hideous, industrial installation of 20,000 panels and the cabins, fencing, security lighting and structures required for it's support would not only be dramatic in the immediate area but would set a precedent for all the Shropshire Hills. This would not be offset by the minimal contribution of energy for a few hundred homes. The statement that the solar complex will not be visible from the north and east; this is incorrect as it will be visible from a number of vantage points. The perimeter fence is expected to be 2m high deer netting supported on timber stakes but maybe the insurers will require something completely different, who knows? Does this mean the fence could be significantly taller, not there at all, made of completely different materials? This area is a fantastic place in the evening and night time with virtually no light pollution, so when all the security lights come on when the owls foxes and badgers are looking at these panels in disgust it will be like a small town at night in the next field. It would still be located in the Shropshire Hills Area of Outstanding Natural Beauty. There will still be many thousands of huge metal and glass panels covering 27 acres. It will thus be detrimental to the appreciation of this beautiful landscape. The applicant has not demonstrated any exceptional circumstances. This is a time when the government is announcing the removal of many of the eyesores of energy infrastructures in National Parks and AONBs, such as removing pylons in Snowdonia and burying the cables. This is not the time to desecrate the Shropshire Hills with solar panels. The LVIA states that the site is not visible from the North and the East. From these aspects it most certainly is visible from Henley Lane, Acton Scott Amble, Wood Acton and sections of Henley Common. The visual impact will shock and they will be highly visible from the surrounding hill tops and a number of other viewpoints. Their bright blue colour will make them particularly stand out from the existing green countryside. The fact that these sites are important visitor and tourist destinations such as Flounders Folly, The Shropshire Way and The Ridgeway reinforces the inappropriate nature of the application. 80% of Shropshire is outside the AONB. We read all the time about so many other solar installations being applied for and Shropshire councillors must have the ultimate responsibility and indeed privilege to ensure the AONB is protected as it's designation requires. The AONB is designated for the Nation's

enjoyment and this application imposes the ultimate local responsibility with Shropshire Planning Councillors. I have no objection to alternative energy sources, however, beautiful landscape such as ours, should not be destroyed in order to achieve this objective, especially not when there are plenty of artificial structures such as existing rooftops, in the area which could be adapted to take solar panels without destroying green fields.

- ii. Tourism impact: South Shropshire and particularly areas such as this are committed to promoting the intrinsic beauty to enhance tourism for the local community. Such an ugly developments as this proposal counteracts, in my opinion the ethos of what this beautiful area promotes and threatens the conservation of the countryside at the expense of what is now considered a questionable financial benefit. We need tourism in this Area and Acton Scott has relied heavily on it for 40 years plus - supported by the Shropshire County Council. Many of those who live and work in this area depend upon tourism, and the need to preserve the landscape which tourists come to admire and enjoy must be a paramount consideration. This application does not provide any extra employment in the area and could, in fact, have a detrimental impact on local employment. People and businesses associated with the tourist trade will not be required if visitors decide this is no longer the beautiful and tranquil place that they currently choose to visit. A 'solar farm' is not what visitors to Shropshire expect to see. The general understanding of an AONB is that it is an area of high scenic quality that has statutory protection in order to conserve and enhance the natural beauty of its landscape. The proposed development will not in any way 'conserve and enhance the natural beauty' of the Shropshire Hills. Within the Shropshire Hills AONB, 27% of employment is in agriculture with a further 11% in tourism. There is a high dependency on low paid seasonal employment in agriculture and tourism. The two industries are interlinked, and I believe that it is completely counter-intuitive to take an agricultural decision that will impact so heavily on tourism. Reduced levels of tourism will have a devastating effect on an industry that is made up of a large number of generally small enterprises. The application suggests there will be no local personnel employed.
- ii. Planning Policy: As recently as April last year, the Minister for the Department of Energy, said 'It would be a grave mistake of monumental proportions for the Solar Energy Industry not to heed the concerns expressed regarding solar pv developments on Greenfield land. The Department for Energy and Climate Change Solar Strategy Document, stresses the need to move the growth for solar energy away from Large Solar ?Farms?, instead focus on opening up the solar market for the UK?s estimated 250000 hectares of south facing commercial roof tops. This application is within the boundary of the previous application (14/02807/FUL) which was rejected by the Shropshire South Planning Committee because: 'The proposal would have a detrimental and visual impact upon the environment, character and landscape of the Area of Outstanding Natural Beauty. Accordingly, the proposal would be contrary to Paragraphs 116 of the National Planning Policy Framework and Core Strategy Policies CS6 and CS17 whereby the adverse impacts would significantly and demonstrably outweigh the benefits.' This application should be refused for the same reasons. National planning policy framework, paragraph 116, which states: 'Planning permission should be refused for major developments in these designated areas (National Parks and AONBs)

- which have the highest status of protection' except in exceptional circumstances and where it can be demonstrated that they are in the public interest?. The tests which need to be satisfied include: 1. The need for the development, 2. The cost of, and scope for, developing elsewhere, or meeting the need for it in some other way, 3. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. The developers have created a flimsy selling document in which they fail to persuade that these points are satisfied. Renewable energy does not 'trump' protective policies. These tests of exceptional circumstance are not met. The Shropshire Core Strategy, gives a high profile to the AONB in terms of quality of landscape beauty, geodiversity and biodiversity, and as an important asset for tourism. It recognises the need for development to be of higher quality in the AONB, stating that: "proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which erode the character of the countryside "will not be acceptable". The proposal is not appropriate in scale, density, pattern and design taking into account the local context and character. The proposal does not protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. The proposal does not deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy. The proposal is not sensitive to Shropshire's intrinsic natural and built environment qualities. Therefore the proposal is not consistent with Shropshire Planning Policies CS5, CS6, CS8 and CS16. The April 2014 DECC Strategy for Solar PV Part 2 issued new guidance to encourage the placing of solar panels on the roofs of commercial, industrial, many Government buildings, hospitals ,up to 24,000 schools and other buildings and brownfield sites.
- iii. Precedent: The application should not be supported as it would set a precedent for such a development in the Shropshire Hills ANOB and would be the thin end of the wedge for future such applications.
 - iv. Decommissioning: I am concerned about the fate of the panels at the end of their useful life, which is no more than 30 years.
 - v. Ecology: Despite answering 'no' to the question regarding priority and protected species, I can confirm that the proposed site is in close proximity to a nesting barn owl, a species on Schedule 1 of the Wildlife and Countryside Act, 1981. In addition, the area is home to buzzards and red kites and I have received a report of the sighting of a merlin along the dismantled railway in recent years. Mammals in the locality include badgers, foxes and hares.
 - vi. Agriculture: Although the site area has been reduced from 22.25ha to 10.99ha, the output has only been reduced from 6.5MW to 5MW. This suggests an increased density of panels, which will surely impede the light reaching the vegetation. Therefore, is the claim that the land will have continued use for grazing valid? Why is consideration even being given to the taking of 27 acres out of agricultural production when this is exactly what Liz Truss says should not be happening. The construction of this solar farm will industrialise agricultural land that has a valuable productive role in food production. The panel density has been increased with the panels now being really crammed in, so much so, that I cannot see that there will

- be much space for sheep to graze. Suggestions that the land would continue to support productive agriculture are unfounded.
- vii. Alternatives: There are other, far more appropriate methods of meeting the demand for alternative sources of energy.
 - viii. Other: As it appears financial benefits for these schemes are soon to change one wonders at the haste to get planning permission for this. Struggling farmers may need to consider diversification from traditional agriculture. However, I believe that this applicant has substantial resources at his disposal. He does not contend that he is driven by economic necessity to make this application. Solar Farms generally don't produce as much green energy as they claim. Peak generation only happens on the sunniest days of the year. Current solar technology is already being superseded with new ways of producing green electricity.
 - x. Supporters to the scheme make the following comments:
 - i. Renewable energy and climate change: The proposals are a practical and sensible contribution to sustainable energy generation. The community of Church Stretton and the surrounding villages consume a considerable amount of energy, and generate none except for the households with solar panels. This is an exciting development for Shropshire in terms of the county's transition to low carbon energy generation. Shropshire's core strategy (p13) notes that climate change is possibly the greatest threat facing the world today - turning down this application will only add to that threat. With the growing weight of evidence and best judgements that the most serious adverse climate change is in progress, it is imperative that every opportunity is delivered to reduce carbon emissions and dependency. Carbon should remain in the ground and every form of alternative energy generation should be developed and delivered. The climate is changing now as a result of human activity since the 1970s. It will continue to worsen over the next fifty years irrespective of what we do today, because those changes are already locked in; but the decisions taken today will determine whether those changes and those that follow - are merely unpleasant or catastrophic. There is no 'Business as Usual' option; business will be different. There is a real danger that the adverse impacts of our collective failure to remove fossil fuels from our energy diet will be the creation of an Area of Outstanding Desert. In this context the mantra touted so often by opponents, 'I agree with renewables, but not here' is not just ill - considered but irresponsible.
 - ii. Efficiency: While rooftop systems make a useful contribution, they are nevertheless (a) generally more visible than modest solar farms like the one proposed; and (b) they are much less efficient, since each array requires an independent and expensive inverter. Solar farms make a significant contribution to the lowering of the costs of renewable energy, and the Henley Common proposal has the potential to meet a significant proportion of the energy needs of the local area.
 - iii. Lack of visual impact: Wind turbines in areas of outstanding natural beauty attract reasonable objections, but the visual impact of solar arrays is negligible by comparison, and they have been permitted in AONB's elsewhere in England. In this particular case the proposal has been modified and reduced in scale since the first

application which was rejected. The Landscape Impact Appraisal (LVIA) shows that the site is already screened by mature trees, and further landscape planting is proposed. The site is not generally visible by the public and will not deter visitors to the AONB. the site is well screened from nearby minor highway and dwellings; nor will the views from paths on Wenlock Edge (possible in winter) be that different from at present for the few that enjoy walking in this area. The proposer has provided a number of mitigating proposals to ensure that the site has minimal impact on the nearby landscape and it is difficult to see how this seriously compromises the landscape value of the Shropshire Hills AONB. The scheme would not generate 'glint and glare'. Solar panels are designed to absorb sunlight, not reflect it. This particular AONB is not an unspoilt wilderness, to be left forever in an undisturbed state; it is a working agricultural landscape. A viewer looking from Flounders Folly (a building that we can confidently assert would never get planning permission today) can apparently see nine counties; one can certainly see hundreds of fields. Some contain silos and large sheds; some contain large numbers of bales swathed in white or black polythene. Some will be green, others brown, yellow or even blue. It would hardly ruin the AONB or destroy the tourist industry if one of these was green with grey stripes.

- iv. Agriculture: Contrary to some suggestions the land will continue to be available for agricultural purposes by sheep grazing, where indeed the panels offer the advantage of sheltering the animals from the weather, in particular keeping fresh grass available in snowy conditions. It has been suggested that public policy should be to confine solar arrays to roofs. This is a good use of poor agricultural grade land. The land is poor quality, fit only for sheep grazing, but in any case 95% will still be used for that purpose; the sheep and ground nesting birds will benefit from increased shelter provided by the arrays, and other wildlife species will benefit from the improved bio-diversity measures offered.
- v. Decommissioning: Two committee members seemed unable to believe their officers' assurance that at the end of their life the panels would be removed and the site returned to its former state. Apart from the Council's ability to serve an Enforcement Order on the landowner, members will be interested to know that the value of the panels and infrastructure as scrap makes decommissioning a net profit exercise. 98% of the materials are recyclable.
- vi. No precedent would be established: Each application must be assessed in the context of any cumulative effect so it should become progressively more difficult to approve subsequent applications, not less. In the case of this application, there will be insufficient grid capacity for a second solar farm in this locality, let alone a string of them.
- vii. Other: Recent polling carried out on behalf of DECC has shown wide spread public support for solar farm proposals. Whilst there will always be critics of virtually any planning scheme, poll after poll has shown support for solar farms.
- x. South Shropshire Green Party: We support this application, as we supported the larger development on this site, (which was rejected). It is a necessary and, in our view, responsible proposal for renewable energy. It includes an element of community gain that recognises the importance of associating the development

with a financial contribution to be spent on community facilities. We like the plans to promote biodiversity and ecology in this area of the AONB, and the proposals for sheep to graze and shelter among the panels. Solar farms don't make a noise and don't smell. They are not dirty or dangerous. They protect, and can also enhance the countryside. We have to get real about climate change in Shropshire, and make our own important contribution to renewable energy. We cannot in all honesty leave the job to other regions, less fortunate perhaps in their geography. Our grandchildren will not thank us for less.

- x.i. Stretton Climate Care (support): In principle we support the development of low carbon sources of electricity as the adverse climate and impacts of excessive greenhouse gas from fossil fuels are established. There are policies in the NPPF and the Core Strategy to support such development. This revised scheme is reduced by half in its lateral extent but its impact on the landscape is reduced much more significantly. The revised Landscape Impact Assessment has recently been submitted, and demonstrates that the visibility of the proposed solar farm is very limited; when the mitigation planting has been established, the site will generally not be visible from public vantage points. There will remain a fleeting view from the access on the permissive path along the disused railway and from the Shropshire Way. There will also be a reduced and distant view from the top of Flounders Folly. The Folly was designed to have a view of everything so this is not surprising. It is only open for between 12 and 18 days a year and following visits by our officers to both the site itself and the surrounding area, including the top of the Folly, we conclude that the view gained from the top will not be significantly altered, in particular because of the wooded backdrop to that part of the array. Our view is that this proposed development will not cause any significant harm to the landscape of the Shropshire Hills AONB, nor dissuade tourists. We would not support it if we thought otherwise. Many of the objectors to the scheme appear not to have actually studied the previous landscape assessment. We hope that they will study the revised submission, and in particular take note of the absence of any view of the proposed array from the public footpath (VR17) We believe that this site now takes advantage of a fortuitous set of circumstances that amount to a probably unique opportunity to generate low-impact renewable energy within the Shropshire Hills AONB reasonably close to its largest settlement, Church Stretton.
- ii. The AONB is itself vulnerable to the impacts of climate change. There is amongst many people an understandable reluctance to acknowledge or even talk about the fact of climate change, but it is occurring now, and it is getting worse. We will see impacts on habitats and infrastructure as droughts and floods occur. Extreme weather will bring landslips and trees that we cherish felled. New plant and animal diseases will spread and biodiversity will be affected as plant life and animals go out of synchronisation. Council Officers are already drawing up plans to respond to local implications, but unless everyone takes action to reduce emissions, climate change will worsen to the point where we shall be unable to adapt to its effects and we are collectively on course for that catastrophic scenario at present. Existing power stations are going out of commission and will need to be replaced. Whatever replacement systems that are proposed will have some impact, but, as a nation and as a species, we will need to wean ourselves off fossil fuels as soon as possible. We have already seen a strong reaction in Shropshire against proposals

for wind turbines, fracking or coal bed methane. Energy from waste plants and bio-digesters have also been resisted.

- iii. Solar farms are by their nature very low impact developments which are ideally suited to provide some of the renewable energy we need. They sit low on the ground lower than almost any building; they give off no pollutants; there is practically no noise and no light pollution. We in Shropshire have a responsibility to contribute to the generation of renewable energy when suitable opportunities arise, and this proposal provides one such opportunity. The proposed site is on poor quality agricultural land that will continue to be managed for grazing with conservation in mind. Experience has shown that grass growth is often enhanced by installation of the solar panels because of the benefits of partial shading in hot weather, and sheep and ground nesting birds also benefit from the shelter provided. No new electricity poles or wires will be needed off site and the development will not have any implications for creating additional flooding nor be affected by foreseeable flooding problems. The scheme also provides bio-diversity benefits as assessed by Shropshire Wildlife Trust who are supporting the scheme. We note the bio-diversity improvements planned for the former east site will still be made. The development will not cause problems of glint or glare as solar panels are designed to absorb light, not reflect it. In any case it will be screened from public viewpoints as set out above. At the end of the permission term, the planning authority will have powers of enforcement against the landowner, but in any case, the residual value of the equipment as scrap value will provide an incentive for their removal.
- iv. To conclude, there are:
- Slight adverse effects on the landscape, but from most public vantage points, the site is already screened or can be fully screened by the mitigation planting.
 - Significant benefits from the generation of clean renewable energy, which is needed to replace power generated from ageing and polluting power stations.
 - No external effects from operation of the solar farm as it can operate with no lighting or noise outside the site boundary, and without creating glint or glare
 - Benefits from a financial package to be provided for Shropshire Council to assign to local community assets.

In making these comments we have had regard to the NPPF, the Shropshire Core Strategy and The Shropshire Hills AONB Management Plan. We urge the Planning Committee to grant permission for this development.

- x. Clerk to Church Stretton Town Council (objection): The developers appear to think that by reducing the area of this industrial installation to the size of 16 football pitches it will in some way fit appropriately into the pastoral idyll, which is Henley (Acton Scott). The area, which is at the centre of the tourist trail within the Shropshire Hills AONB, is surrounded by the Shropshire hills from which there would be all-round, full or partial views of the installation. What might work in Norfolk or Lincolnshire where the land is flat, would not work in the SHAONB. No matter how much planting or screening would be provided, the area of glinting panels would still be visible. This solar plant with all the additional buildings and lighting towers would constitute a 'major development' as it would have an area of

1 hectare or more and by reason of its scale, character and nature would have the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by the AONB.

The NPPF says in Para 116 that 'Planning permission should be refused for major developments in these designated areas [AONBs] except in exceptional circumstances and where it can be demonstrated they are in the public interest.' Para 116 sets out criteria against which the application should be assessed to meet the 'exceptional circumstances' test.

1. The need for the development including national considerations and the impact of permitting or refusing it on the local economy. The installation would equate to a grain of sand on a beach in terms of the national grid. As the local economy is agriculture and tourism the effect on the local economy would be negative.

2. The cost and scope for developing elsewhere outside the designated area or meeting the need in some other way. As the sun shines everywhere there is no need for the installation to be specifically in the AONB. The Government is at present going away from ground based solar installations in favour of panels on brownfield sites and on buildings in industrial landscapes. Proof would be needed that there is no possibility of putting the installation elsewhere in the country.

3. Any detrimental effects on the environment, the landscape and recreational opportunities. The site comprises ancient agricultural land forming part of an historic estate in the heart of the SHAONB. The loss or alteration of any of the field & hedgerow patterns would have a detrimental effect on the landscape and environment. The effect of turning this part of the AONB into an urban area through the installation itself, plus the supporting infrastructure, is obvious. The last solar farm proposed for this site, was rightly rejected by the planning committee on the grounds that it was contrary to NPPF 115 & 116 as well as to CS6 and CS17. As nothing has changed (it is still a major development) it follows that this planning application should also be rejected. The developer seems to have difficulty in accepting that CS17 is relevant (I am unclear how the policy relates to Henley Solar Park in any specific way?) CS17 says 'ensuring that all development:

Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual or recreational values and functions of these assets, their immediate surroundings or their connecting corridors..

Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape such as the Shropshire Hills AONB

The developer should ask the question 'does the solar park comply with the above requirements'?

CS5 sums things up well when it says '..proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development or which may either individually or cumulatively erode the character of the countryside, will not be acceptable.?

The DECC Minister Amber Rudd has warned that solar farm projects are now 'unwelcome around the UK' and that the government's ambition is to move to rooftop projects 'ground-mounted solar farms are not particularly welcome as we go forward ..they should be on roofs, buildings.. and not in beautiful green countryside'.

5.0 THE MAIN ISSUES

- Policy - renewable energy, climate change and AONB;
- The justification for the use of this particular site;
- Environmental effects and mitigation:
 - Visual / landscape impact / AONB;
 - Ecology;
 - Construction Traffic;
 - Noise;
- Tourism / Liesure;
- Timescale / decommissioning;
- Conclusions on AONB policy tests

6.0 OFFICER APPRAISAL

6.1 Policy context:

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

National policies:

6.1.2 The National Planning Policy Framework (NPPF) is a key material planning consideration providing the strategic framework for development plan policies. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development whilst Paragraph 98 emphasises that “even small scale (renewable energy) projects provide a valuable contribution to cutting greenhouse gas emissions”, therefore “planning authorities should not require applicants to demonstrate the need for renewable energy and should approve the application if its impacts are (or can be made) acceptable”. It follows that the NPPF requires that planning permission should be granted for renewable energy development (paragraph 98) unless:

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

National planning policy therefore establishes a general presumption in favour of renewable energy development unless the level of harm would ‘significantly and demonstrably’ outweigh the benefits.

6.1.3 The proposal is however located within the AONB where specific policies apply. Paragraph 115 of the NPPF advises that ‘great weight should be given to conserving landscape and scenic beauty in AONB’s, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 states that ‘planning permission should be refused for major developments in these

designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Decision makers should assess three criteria in determining applications for major development in AONBs:

- 1) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- 2) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- 3) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

6.1.4 The proposal qualifies as ‘major development’ and hence requires to be assessed in relation to the above exceptional circumstance tests. However, it is recognised that the characteristics of solar development mean that, once installed it would be passive in nature, not creating any emissions or significant traffic, would allow agricultural uses to continue within the site and would be decommissioned at the end of its design life.

6.1.5 The support for renewable energy in NPPF97 and 98 does not outweigh the protection afforded to AONB’s. Nor however does NPPF116 require all major development in AONB’s to be refused. The policy tests in NPPF116 define the specific circumstances in which major development may be acceptable within the AONB. Whilst a high burden of proof is demanded, the committee has approved a number of major schemes recently within the AONB (i.e. poultry units) where the policy tests in NPPF116 were met. Similarly, the applicant has cited examples of a number of recently approved solar park schemes in or adjacent to AONB’s in Cornwall and elsewhere in the country.

6.1.6 The Government has published a planning practice guide on renewable and low carbon energy to accompany the NPPF. This advises that “*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*”. The guide encourages use of previously developed land or allows for continued agricultural use with biodiversity enhancements around arrays. It recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site. This preference for developing brownfield sites is noted. However, Shropshire is a predominantly rural county and there is insufficient suitable brownfield land to allow relevant policy objectives for renewable energy to be met.

Local policies:

6.1.7 The Shropshire Core Strategy contains a number of policies relevant to the development which must be taken into account in applying the strategic policy test set out by the NPPF116. These policies relate mainly to the assessment of the

environmental effects of the proposals and are therefore most relevant to the final test set by NPPF116 (effects on the environment).

- 6.1.8 Overall the Core Strategy 'has the principle of sustainable development at its heart' and a key objective is 'responding to climate change and enhancing our natural and built environment'. Key Objective 9 states that Shropshire will be a leader in addressing climate change. The Strategy seeks to protect the countryside and Green Belt (CS5) whilst positively encouraging infrastructure, where this has no significant adverse impact on recognised environmental assets and that mitigates and adapts to climate change (CS8). Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, including in rural areas where the importance of farm diversification is recognised. Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets, including the AONB.
- 6.1.9 Whilst not a statutory part of the Development Plan the AONB Management Plan is also a material consideration. The plan sets out detailed criteria for management of land and control of development within the AONB. The Plan acknowledges the need for the AONB to contribute to renewable energy targets. "We need to play our part in shifting to a low carbon economy and way of life, conserving energy and developing appropriate small-scale renewables."; "The local production of renewable energy should be increased, but in ways compatible with the AONB." "...seeking to limit or prevent wind energy to "encourage the focus nationally of wind energy development outside protected landscapes, and for proactive work on more compatible forms of renewables in the AONB." [p31/32]. It is therefore necessary to identify such 'compatible' forms of renewable energy. Policy MD12 of the emerging SAMDev also recognises the special qualities of the AONB.

Policy context – summary:

- 6.1.10 The current proposals for a major renewable energy scheme in the AONB must be assessed against the exceptional circumstance policy tests in NPPF116. If these tests can be met then the development would be 'sustainable' under the NPPF as a whole and the renewable energy application should be approved (NPPF para. 98). If however any unacceptably adverse effects remain after mitigation and/or the other AONB policy tests cannot be met then the development would not be sustainable and refusal would be appropriate. These tests are considered in succeeding sections.
- 6.2 AONB Test 1 - Need for the development (any national considerations, and the impact of permitting it, or refusing it, upon the local economy)
- 6.2.1 The proposed facility would generate 5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1450 homes. Over the lifetime of the facility over 67,500 tonnes of Carbon Dioxide emissions would be saved, assuming the UK's current average energy generation mix. This is compliant with section 97 of the NPPF and related policies and guidance, including strategic objective 9 of the Core Strategy. Friends

of the Earth have supported other solar photovoltaic developments in Shropshire as preferable to other forms of renewable energy such as large scale biomass burning. This message is reiterated for the current application by Church Stretton Climate Change. Solar installations reduce the dependence of local economies on energy imports. The installation and maintenance of these facilities can also generally be provided by local workers.

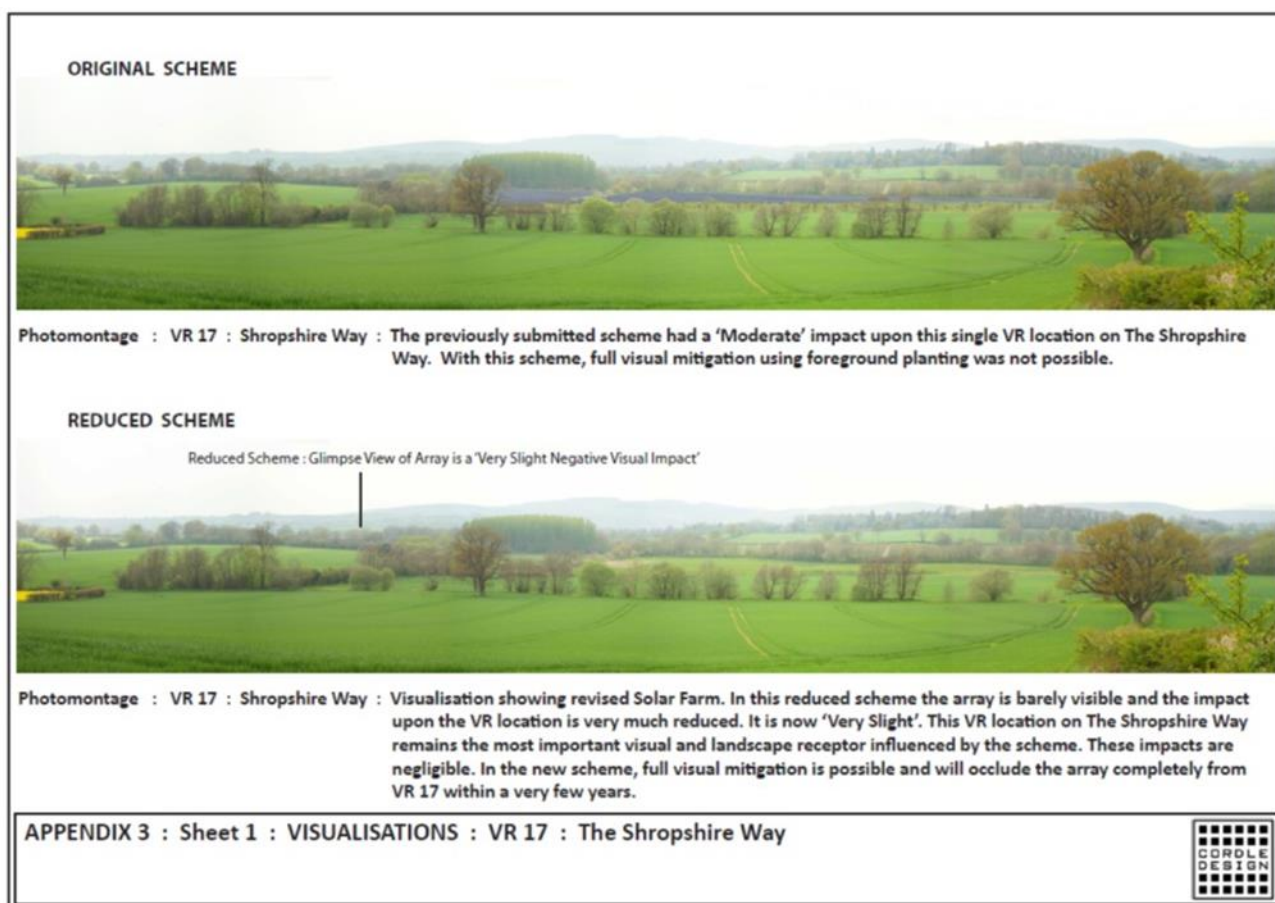
- 6.2.2 The proposals are also capable of contributing in principle to the sustainability of rural communities by bringing local economic and community benefits, including through farm diversification and delivering sustainable economic growth and prosperous communities. If the scheme were not to progress then the ability of the local area to contribute towards local and national renewable energy and climate change policy objectives and the potential economic benefits of the scheme would be lost. It is considered therefore that the first test set by NPPF116 can clearly be met. (Core Strategy Policies CS5 and CS13).
- 6.3 AONB Test 2 – Alternatives (the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way)
- 6.3.1 The first test in NPPF116 asks whether equivalent renewable energy benefits could be produced at an alternative site outside of the AONB. Section 97 of the NPF advises that 'local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'. And this goal is supported at a local level by Key Objective 9 of the Shropshire Core Strategy.
- 6.3.2 AONB's occupy 15% of the total land area in England and Wales. AONBs make up 15% of the land area in England and Wales. As such they cannot be reasonably exempted from the need to provide sustainable energy for use within their own bounds as part of a long term sustainable development strategy. The Shropshire Hills AONB occupies 23% of Shropshire (802km²). As stated above, the AONB Management Plan recognises this responsibility. For example, "The local production of renewable energy should be increased, but in ways compatible with the AONB."
- 6.3.3 Shropshire (excluding Telford & Wrekin) has made significant progress with renewable energy in the last 5 years (excluding domestic and / or roof mounted schemes). There are currently 12 operational anaerobic digestion facilities, one larger scale solar farm and two others currently in construction. A number of smaller solar schemes (up to 5ha) have also been permitted in other areas of the county. The recently operational energy from waste facility at Battlefield in North Shrewsbury is producing 12MW. Other renewable developments such as landfill gas generators and wind turbines are currently producing approximately 4MW. This represents a countywide total of approximately 62MW (excluding roof mounted installations) which is equivalent to the domestic energy requirement of approximately 18,000 properties or approximately 14% of the County's total domestic electricity requirement. Renewable heat energy is also being produced from these schemes and there has also been a significant increase in biomass boilers utilising renewable heat energy in the last 4 years. A small percentage of this renewable energy from non-domestic schemes (probably less than 1%) is

currently being produced within the AONB. Solar park schemes with a total of 40MW have recently been refused by this committee, including the previous application for the current site.

- 6.3.4 Church Stretton is centrally located and is the largest settlement within the AONB (@3000 people). The current proposals for a 5MW solar park offer the opportunity for Church Stretton and the AONB generally to make a meaningful contribution to the county's renewable energy production in accordance with national energy policy. If the solar park was located outside of the AONB then, by definition, any such contribution would not be attributable to the community of Church Stretton.
- 6.3.5 In terms of the site selection process the applicant undertook a review of a number of sites across the UK to assess the potential for the development of solar PV energy projects. This exercise took account of key criteria required to develop a solar park including site availability, solar resource, size, distance to sensitive receptors (such as residential properties and wildlife sites), distance to the Local Distribution Network, the availability of a grid connection and vehicle access. The current site was identified as having significant potential to accommodate a solar PV development. In terms of solar resource, the site generally slopes gently to the south, is un-shaded and is unaffected by any environmental designations except the AONB. The applicant advises that initial surveys identified that relevant environmental criteria could be met and that subsequent detailed application surveys support this conclusion. Environmental issues are considered in succeeding sections. There are other sites which may appear superficially as suitable in the surrounding area, but none have the same combination of attributed required for solar development. Elsewhere in Shropshire initial interest in potential sites has been abandoned due to lack of a sufficient grid capacity. This highlights the complications of finding suitable sites.
- 6.3.6 If the development were not to proceed then the ability of the local community and the AONB to make a material contribution to meeting Shropshire's renewable energy objectives would be lost. It is unlikely that equivalent renewable energy could be produced locally in another way. The amount of renewable energy which the site would provide would be equivalent to that of ten 80m tall wind turbines or twenty 45m turbines or alternatively it would require the installation of 4.5kw solar panels on the roofs of all the properties in Church Stretton. It is considered that the site benefits from a particular combination of technical and geographical criteria which would be very difficult to reproduce at other locations within the AONB. It is concluded on this basis the alternative sites test in NPPF116 can be met, provided there would be no unacceptably adverse environmental impacts.
- 6.4 AONB Test 3 – Environmental issues (Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated).
- 6.4.1 Landscape and visual impact: In determining the previous application Members expressed concerns about the potential visibility of the site, and particularly the eastern field, from elevated land at Wenlock Edge to the south. The current application seeks to address these concerns by omitting the eastern field and

halving the surface area of the site. A visual appraisal concludes that any visual impacts would be further reduced and would be acceptable.

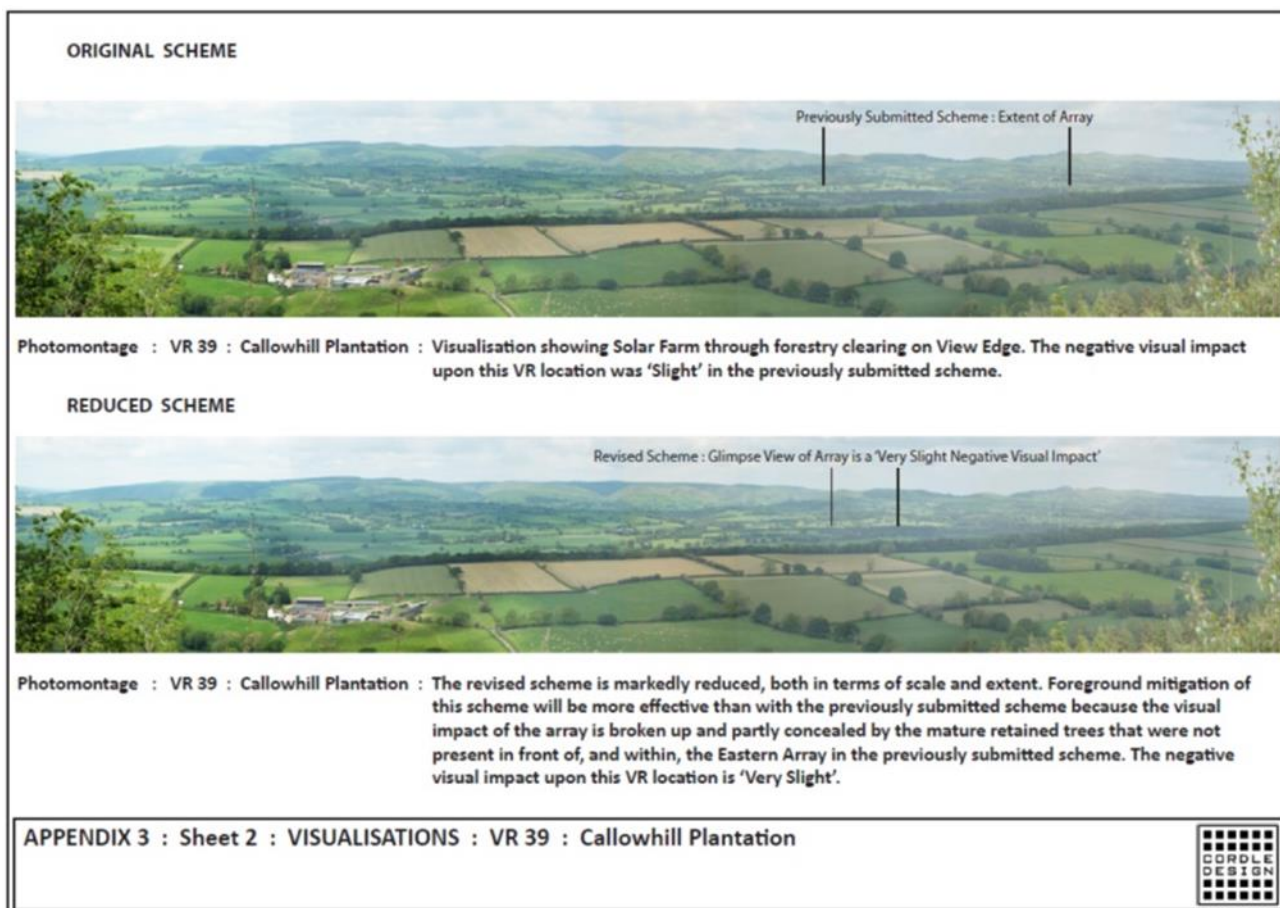
- 6.4.2 The site is located within the Shropshire Hills AONB, a nationally designated landscape which is afforded the strongest policy protection by the NPPF (para 116). An updated Landscape and Visual Impact Assessment (LVIA) has been undertaken in accordance with relevant Landscape Institute methodology. This assesses 50 viewpoints as opposed to the norm of about 5. The LVIA finds that the removal of the former eastern array has a further substantial impact on the ability to screen the development. It offers better prospects of new mitigation screening, from a further reduced and extremely limited number of visual receptors. Visually the site is extremely well contained, with very few vantage points from the surrounding landscape. The hedgerows and trees across and around the site contribute significantly to this although the landform topography is also a significant factor. This screening precludes most of the near views from local settlements, roads and public rights of way.



- 6.4.3 In terms of visual impact the LVIA advises that of the 50 potential viewpoints that were initially identified, only 11 record any view of the development site. Of these, the views recorded are all of a slight or very slight nature. Most of these are more than 3 km distant and are not easily discernible with the naked eye, and where identified only occupy a negligible fragment of the wider panorama. The eastern half of the site visually more prominent and difficult to mitigate. The LVIA advises that removing this element of the former scheme has reduced the significance of any visual and landscape effects by more than 50%. It states that the proposals

would constitute a Very Slight Adverse Visual Impact upon the landscape and the AONB. The amenity of key public views from popular and well-trodden beauty spots would be protected. There would be some harm to the close range outlook from some of the public rights of way immediately adjacent to the site but the proposed development would not affect their rural amenity.

6.4.4 It is stated that the few close range glimpses and distant, partial views currently afforded of the site would be mitigated with planting of native species as set out in a submitted habitat management plan. The topography of the revised scheme allows additional planting to be undertaken to screen longer distance views from the south. Hence, it is stated that the site would only be visible from the top of Flounders Folly (as a small part of a wider panorama) and not from the area surrounding the folly. It is stated that the scheme is invisible from the publically accessible parts of Wenlock Edge that comprise the open access National Trust land and form a part of The Shropshire Way. A zone of visual influence map shows that views towards the site are only theoretically possible from half way down the escarpment and clearly not the Edge itself. Owing to the dense and mature woodland cover this is true in all seasons despite the majority of the tree canopy being comprised of deciduous species.



6.4.5 In terms of landscape effects the LVIA concludes that this would be Slight Adverse, when the positive measures being proposed for visual screening and active landscape management are taken into account. The LVIA advises that no substantial adverse effects were found and consequently, there are no significant landscape reasons that would preclude the development. Any such impacts will be

limited and substantially outweighed by the climate change, ecological and other, benefits offered by the solar park. The applicant's LVIA consultant does not consider that the site would set a precedent for further development within the AONB as other potential sites within the AONB 'that are able to meet a similar standard and demonstrate such a visually enclosed location will be very few and far between, or quite possibly non-existent'.

- 6.4.6 This conclusion has been challenged by the AONB Partnership who contend that the visual assessment places too much emphasis on landscape 'types' without adequately addressing the 'intrinsic character of the area in question'. It is stated that whilst the mitigation measures go some way to address visual impacts they do not and cannot mitigate change to the landscape character when NPPF115 requires 'great weight to be given to conserving landscape and scenic beauty' in the AONB. The AONB Partnership alleges that the applicant has adopted the position that renewable energy policy 'trumps' protective policies on AONB's. They reiterate the opinion that the proposal does not comply with Policies CS5 and CS17 of the Core Strategy, with the emerging SAMDev and with the AONB Management Plan. Concern is also expressed about the effects on tourism. The applicant has responded to these comments, advising amongst other matters that the application recognises that the primary policy test to apply is the exceptional circumstance test set out in NPPF116. Examples of a number of recent solar park approvals are provided, including a scheme on the margins of the Wye Valley AONB where the Wye Valley AONB unit did not object.
- 6.4.7 The need to protect the intrinsic quality of the landscape is one reason why the nationally adopted LVIA methodology separates out the assessment of landscape and visual effects. There is no public access to the site and the LVIA confirms that visibility is now very limited. Although the intrinsic quality of this landscape is high the applicant is not intending to remove any mature vegetation to facilitate the development. Instead, a comprehensive landscaping scheme is proposed to strengthen existing boundary vegetation. A wildflower seed mix would be employed to increase biodiversity and this would be supported by a habitat management plan. The site area has also been halved relative to the previous scheme and additional planting is now proposed. The site would be reinstated at the end of its design life, but the landscape enhancements would remain. It is considered that any loss of intrinsic landscape quality within the reduced site would be limited and not be sufficient to justify planning refusal when the above mitigation measures and the renewable energy benefits of the scheme are taken into account. (NPPF97, 98, 116, CS5, CS17)
- 6.4.8 Visual impact – glint and glare: In terms of glint and glare this can potentially occur in the summer when the sun is low and the sky is clear. However, there are no properties or sensitive viewpoints to the immediate south of the site in orientations which could potentially be affected and the size of the site has now been significantly reduced. Peripheral vegetation would be retained and additional proposed planting would become established during the operational life of the site. It is considered that that there would not be any unacceptable glint and glare effects when available mitigation measures are taken into account.

- 6.4.9 Visual impact – conclusion: The LVIA produced by the applicant is considered to be comprehensive and fully compliant with relevant methodology. It is considered that the photovoltaic panels have been positioned sensitively so as to limit their visual impact on the surrounding landscape and would not represent an unacceptable visual intrusion in terms of their scale and design (NPPF s28). The site benefits from a high degree of visual containment which has been further strengthened through omission of the eastern area. There would be some adverse impacts on footpaths near to the site but these would be minor, reversible, localised and further attenuated by the proposed landscaping measures. The longer distance view from Founders Folly has been re-assessed. Removal of the eastern array and additional landscape planting mean that the site would not be visible from the area around the folly and would only be visible as a very minor and reduced component of a wider panorama from the top of the folly, which it is understood is open for public access on a limited number of days. The potential visibility of the site from the Shropshire Way has been substantially reduced.
- 6.4.10 It is concluded that the updated LVIA clearly demonstrates that any potential impacts of the amended scheme on visual amenities would be very limited and would not warrant planning refusal. Whilst the concerns of the AONB Partnership with respect to intrinsic landscape quality are acknowledged it is not considered that refusal on these grounds would be justified either when the limited visibility of the site and the proposed landscape enhancements are taken into account. NPPF116 recognises that there can be exceptional circumstances where major development can proceed within AONB's. The renewable energy and climate change benefits of the proposals remain a significant material consideration. (Core Strategy Policy CS5, CS6, CS17; NPPF s97, s98, s116)
- 6.4.11 Heritage appraisal: Section 128 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. An archaeological appraisal concludes that development of the site would not lead to any harm to known heritage assets, either physically, or through alteration to settings. The potential for survival of currently unknown archaeological remains within the site is considered to be low. Historic Environment has not objected subject to an archaeological watching brief condition, which has been incorporated in Appendix 1. It is concluded that the site is compliant with relevant heritage policies and guidance. (NPPF s128; Core Strategy Policy CS17).
- 6.4.12 Agriculture: Paragraph 112 of the National Planning Policy Framework seeks to protect best and most versatile agricultural land and expresses a preference for use of poorer in preference to higher quality land where significant areas are affected by a development. Some residents have objected that good quality land would be taken out of agricultural production. The land within the site has been in pasture for many years and, although not within a flood plain, it suffers from poor drainage. The site area has now been halved to 10.99ha. The proposals would involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the Government's low carbon and renewable energy and there are many examples of this being successfully implemented and managed across

Europe and the UK. Full agricultural use would be returned at the end of the operational lifespan.

- 6.4.13 The proposed method for emplacing the solar panel frames would involve auger drilling without the use of any concrete foundations. Concrete surfaces within the site would be limited to the bases of the proposed inverters and the substation and would occupy less than 1% of the total site area. Such surfaces would all be removed at the end of the design life of the site. The proposed track would be formed by treating in-situ soil with a bonding agent to create a firm but permeable surface. This would be ploughed / broken up at the end of the design life where it would biodegrade and revert to soil. In responding to other recent solar park schemes in Shropshire Natural England has recognised that solar parks are a 'soft' use not entailing a permanent loss of agricultural land.
- 6.4.14 The proposals would also support the economic viability of the farming business, ensuring its longevity and progression as a local employer. Furthermore, it is intended to stock the site margins with a wildflower seed mix which would provide a source of food for pollinating insects, benefiting other agricultural areas. A landscaping condition covering this matter has been recommended in appendix 1. In view of this it is considered that the proposals can be accepted with respect to agricultural considerations.
- 6.4.15 Noise: A condition requiring the submission of a Construction Management Plan has been recommended in Appendix 1 and this would control hours of operation and noise limits. It is not considered however that there would be any significant noise or vibration impacts within the 4 month construction period. The site is remote from residential properties. The proposed access route passes closer to a number of properties but construction traffic during the 3-4 month construction period would be closely managed under a construction management plan and would be similar to in nature to agricultural traffic which uses the route. The only noise source during the operational phase would be the inverter extraction fans which do not work at night when the panels are not generating electricity. Public Protection has not commented on the proposals but has not objected to other similar recent solar photovoltaic proposals which are nearer to residential property.
- 6.4.16 The applicant has not submitted a detailed noise assessment. Available evidence suggests however that a condition limiting inverter noise to 5dB(A) above background at the nearest sensitive properties can be justified as part of a precautionary approach and should be readily achievable in principle. An appropriate condition has been included in appendix 1. With respect to noise from the temporary construction phase it is considered that this is also capable of being controlled by the proposed construction management plan.
- 6.4.17 Access / traffic and construction: Access to the site would be obtained via Henley Lane near its junction with the A49 and then via a track across a small field linking to a track along a disused railway line. Omission of the eastern field reduces the length of internal trackway now required. A traffic management plan advises that the construction of the solar farm would result in approximately 136 HGV deliveries to the site spread over a 13 week construction period though this may reduce due to the omission of the eastern field. It is unlikely that, even at the more intense

periods of construction activity HGV deliveries would not exceed more than 7 per day. Deliveries to the site for construction would include both HGV's and LGV's related to the type of equipment and payload. Highway officers have not objected but have recommended that consideration is given to transferring site components into smaller loads in order to negotiate Henley Lane. The construction phase and associated traffic would be managed under the terms of a construction management plan and an appropriate condition requiring confirmation of transfer arrangements has been recommended in Appendix 1. Subject to this it is concluded that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).

- 6.4.18 The proposed hours of working during the construction phase would be 7.30am - 6pm Monday to Friday and 7.30am - 1pm on Saturdays. An appropriate condition has been recommended in Appendix 1. It is concluded that subject to the recommended conditions, construction works are capable of being controlled acceptably to minimise the possibility of adverse impacts on the public highway (Core Strategy CS7, CS8) and residential amenities (CS5, CS6).
- 6.4.19 Ecology: An ecology report advises that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species. The Application Site comprises open grassland and marshy grassland bordered by mature trees, hedgerows and an abandoned railway line to the north. The ecological value of the site overall is considered to be low. It does not form part of any statutory or non-statutory designated site and no protected or notable species were observed during survey. Precautionary measures are recommended to protect habitats and species during the construction phase of the development, including Reasonable Avoidance Measures for reptiles and amphibians. Boundary hedgerows, field margins and hedgerow trees would be predominantly retained as part of the proposed development and appropriate buffers applied within the project design. Other proposed mitigation and enhancement measures include the planting of native species hedgerows, and the installation of bird and bat boxes. The report advises that implementation of these measures will lead to a net biodiversity gain at a local level. The report concludes that with appropriate layout and design measures in place, it is considered that adverse effects on protected / notable species and habitats can be avoided.
- 6.4.20 SC Ecology have not objected subject to conditions which are included in appendix 1. The consultation response initially sought a map showing the area accessible to construction vehicles. Officers have however confirmed that this would be as per the site location plan. As such, it would exclude the ecologically more sensitive eastern part of the trackway. SC Ecology are satisfied with this response. An objector has pointed out that a pair of barn owls nest within 100m of the site and has expressed concern that the foraging opportunities for this protected species would be compromised if the scheme were to progress. SC Ecology have been informed of this observation and have acknowledged verbally that better and more extensive habitats would remain in the surrounding area. It is also noted that the proposed landscaping and wildflower seed planting exercise would improve the biodiversity of the site generally. It is not considered that the proposals would result in any material deterioration in habitat quality for the Barn Owls.

6.4.21 Conditions and advisory notes covering ecology have been recommended in Appendix 1. This includes the requirement for submission and prior approval of a detailed GCN Method Statement. Subject to this it is concluded that the proposals can be accepted in relation to ecological considerations. (Core Strategy CS17).

6.4.30 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 therefore at low probability of flooding from fluvial sources. Areas in the eastern half of the site were at risk from surface water flooding but this area has now been excluded from the development. The infrastructure will be located at least 8m away from the nearest watercourse. The FRA advises that the existing surface water regime would not be affected by the proposed development. The Council's drainage team has not objected. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

6.5 Other matters:

6.5.1 Timescale and decommissioning: Current solar photovoltaic arrays have a design life of approximately 25-30 years. A planning condition covering decommissioning was recommended in the officer report on the previous application which was refused and an equivalent condition has again been recommended. In addition, the applicant has provided a decommissioning statement with the current application which emphasises three points:

- Lease requirement: Under the terms of the applicant's lease they are legally bound to leave the land as it was on entry.
- Ease of removal: The panels can be easily removed by normal farm machinery as the frames they are mounted on are only pushed into the ground. There are only a few very small concrete plinths to support the inverter and sub-station cabins; again these could be removed by a farm loader/JCB.
- Financial benefit: Approximately 98% of the materials used on a solar farm are recyclable, the predominant quantity of these being steel, aluminium, silicone and copper. There is substantial value in these that would make it a strongly cash positive process to remove and sell them.

6.5.2 It is considered that the above measures will ensure that agricultural land is protected (NPPF s112) and the sense of openness of the countryside in this area is not permanently affected.

6.5.3 Community benefits: A community benefits package equating to £5000 per installed megawatt was put forward voluntarily by the applicant as part of the previous application. This involved installation of a solar array on a modern farm building next to the Acton Scott visitor centre with royalties on electricity generated going to the Parish Council. A solar energy exhibition was also proposed for the Visitor Centre, and a proposal to construct a viewing area for the solar park linking to the footpaths from the visitor centre. This was however criticised by some Members as not spreading the benefits widely enough. Accordingly, the applicant is now proposing to set up a community benefits fund in an escrow account to be

overseen by a fund management group. It is envisaged that this could be administered initially by the applicant, the planning authority and the parish council. It is considered that this provides a more flexible approach to community betterment whilst the amount offered is consistent with that delivered or being discussed for other Shropshire solar park schemes. It is therefore to be welcomed. Whilst the community betterment funding is not considered essential in order to deliver a sustainable development it does add to the general level of social sustainability of the proposals which forms one of the three key strands of sustainability set put in the NPPF.

- 6.5.4 CCTV and privacy: The applicant has confirmed that CCTV would be positioned and designed appropriately to avoid any privacy issues with the nearest properties. A plan shows 9 CCTV towers within the retained western portion of the site. A general section plan shows galvanised steel poles with a maximum height of 3.9m. It is considered however that the exact height of poles should be specified and minimised and they should be treated in a dark green colour. An appropriate condition requiring prior approval of CCTV specifications has been recommended in Appendix 1.
- 6.5.5 Precedent: Objectors have expressed concerns that if the site were to proceed it would establish a wider precedent for other solar parks in the local area and within the AONB. This is not accepted. The Planning Authority is aware of other potential solar park schemes, but not within the AONB. The stringent criteria which must be complied with for solar schemes to succeed are referred to above. There can be no guarantees that any other schemes would be capable of meeting these criteria. The capacity of the local grid to receive energy is finite and the proposed scheme, if approved, would take this available grid capacity, reducing the possibility of other schemes coming forward in the area around the site.
- 6.5.6 Tourism: Objectors have expressed concerns that the proposals could have a negative effect on tourism within the AONB. The importance of tourism to the local economy is recognised. However, for there to be harm it would be necessary to demonstrate that the proposals would have a significant adverse effect on visual amenities in areas frequented by tourists. It is considered on the contrary that the applicant's comprehensive and updated LVIA demonstrates that the amended site would have very limited visibility from any of the main areas frequented by tourists including the Shropshire Way and Callow Hill. In view of this it is considered unlikely that the proposals would have any adverse effects on local tourism which would outweigh the potential benefits of the scheme.

7.0 CONCLUSION

- 7.1 The proposals have been assessed against the policy tests set out in NPPF116 relating to major development within the AONB. It is considered that all 3 tests can be met and that accordingly, the proposals meet the necessary exceptional circumstance criteria. As such, the presumption in favour of renewable energy set out in NPPF97 and 98 should apply.
- 7.2 With respect to the first test (justification) the renewable energy generated by the proposals would help to facilitate more diverse and secure sources of energy

- supply and would therefore be consistent with the objectives of the national energy strategy. The proposal would also make a valuable contribution to cutting greenhouse gas emissions in accordance with Paragraph 98 of the NPPF and strategic objective 9 of the Core Strategy. The proposals would also provide an additional revenue stream for the farm, providing cost savings and a diversified income that would help to ensure the longevity of the farming business and retention of existing jobs. The first test is therefore met.
- 7.3 With regard to the second test (alternatives) it is considered that the proposals represent a potentially unique opportunity to allow the community of the Church Stretton area to make a significant contribution towards national and local renewable energy targets in a way which minimises effects on the AONB. This is given the exceptionally good visual screening afforded to the amended scheme and the proposed landscaping and habitat enhancement measures. It is considered that there would be no other opportunities to generate an equivalent amount of renewable energy in the local area without giving rise to a significantly increased environmental impacts. It has been suggested by objectors that an alternative site should be found outside of the AONB. If however such a site could be identified it would not provide a valid alternative to the current scheme as any renewable energy would by definition not be attributable to the Church Stretton area. Hence the Governments objective for local communities to take responsibility for promoting renewable energy in their areas would not be met in the same way. The second test is therefore met.
- 7.4 With regard to the third test (environmental impacts) it is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment, local amenities or other interests of acknowledged importance. With respect to visual impact the concerns of objectors are noted. However, the LVIA confirms that omission of the eastern array from the current re-submission has allowed a further significant reduction in the visibility of the site from the surrounding areas such that any residual impacts are very slight and localised. There would be some impact on the intrinsic quality of the local landscape, but this would be mitigated by landscaping proposals and the reduced size of the site. The landscaping proposals have been designed to strengthen historic field boundaries and enhance biodiversity in this part of the AONB. It is not therefore considered that refusal could be justified on the grounds of visual impact or landscape quality.
- 7.5 No unacceptable impacts have been identified for other environmental issues after available mitigation measures are taken into account and there are no objections from technical consultees. A comprehensive schedule of planning conditions has been recommended, including the requirement for a construction management plan and decommissioning at the end of the design life. The applicant has also offered voluntarily to provide benefits to the local community linked to the development of the solar scheme and this is to be welcomed. It is concluded therefore that the third and final test set by NPPF116 can also be met. Hence the site is capable of meeting all three of the exceptional circumstance tests for major development within the AONB.
- 7.6 The NPPF advises that the production of renewable energy is a major material consideration and that sustainable development proposals which accord with the

development plan should be approved without delay. It is considered that this site represents a discreet and compatible form of renewable energy development within the AONB and that there are no reasons which convincingly and demonstrably outweigh the benefits of the scheme. It is concluded on balance that the proposal can be accepted, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

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

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

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

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

9.0 FINANCIAL IMPLICATIONS:

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

10.0 BACKGROUND:

10.1 Relevant guidance

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

10.1.1 The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development and advises that development which is sustainable should be approved without delay. One of the core planning principles is to ‘support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)’. The NPPF expands further on this principle in paragraph 97: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

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

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

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

10.2 Relevant planning policies:

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

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

Policy CS5 - Countryside and the Green Belt:

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

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

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

Policy CS6 - Sustainable Design and Development Principles

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

- Is designed...to respond to the challenge of climate change
- Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate
- Makes the most effective use of land and safeguards natural resources including high quality agricultural land.

Policy CS8 – Infrastructure provision positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and

renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

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

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

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

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

10.5.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Church Stretton area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that 'Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire's high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets'.

10.5.2 Draft development management policies for the SAMDEV have been published and indicate the direction of future policy change. The most relevant policies are:

- MD2 – Promoting sustainable design;
- MD7 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD9 – Safeguarding and improving employment investment (includes seeking to protect existing employment sites in rural areas);
- MD12 – Protecting and enhancing Shropshire's natural and historic environment.

It is considered that the proposals are in broad compliance with these emerging policies.

10.6 Other Relevant Guidance

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

10.6.2 Planning practice guidance for renewable and low carbon energy (DCLG, companion guide to the NPPF). 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 14/02807/FUL - Continued use of land for agricultural purposes and the installation of up to 6.5 MW of solar photovoltaic panels and ancillary works. Land North of Henley Common, Henley Lane, Acton Scott. Refused

12.0 Additional Information

List of Background Papers: Planning application reference 13/02579/FUL and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price
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Local Member: Cllr Cecilia Motley, Corvedale

Appendices: Appendix 1 – Conditions.

APPENDIX 1

CONDITIONS

Commencement of Development

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

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

Definition of the Permission

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

- i. The application form dated 31st October 2014, the accompanying planning statement including design and access statement and other supporting documents, namely:

- Heritage Assessment, Costwold Archaeology, May 2014;
- Construction Traffic Management Plan, Peter Brett, June 2014;
- Landscape and Visual Impact Assessment, Cordle Design;
- Flood Risk Assessment;
- Maintenance Statement, Bloombridge;
- Ecological Assessment, Avian Ecology, 3 June 2014.
- Habitat Management Plan, Avian Ecology, 25 June 2014

- iii. The permitted plans accompanying the application comprising:

- Site Plan, PerPetum Smart Energy Solutions (Redesign 5MW, Rev B date 27/10/14);
- Location Plan, PerPetum Smart Energy Solutions (Scale 1:2000 @ A1);
- CCTV Locations Plan (Scale 1:1800).
- Henley Solar Farm CCTV – (Scale 1:10);
- Henley Solar Farm Fencing – (Scale 1:15).

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the proposed site location plan, hereinafter referred to as 'the Site'.

Reason: To define the permission.

Construction Management Plan

4. Construction operations including control of traffic shall be managed in strict accordance with the Construction Traffic Management Plan by Peter Brett dated June 2014 and in accordance with the following provisions:
- i. All drivers of HGVs visiting the site shall be notified of the approved access route. Clear signage shall be provided at appropriate junctions in the local highway network and provision shall be made to monitoring of vehicle approach directions with appropriate action being taken for any non-compliance with the approved route.
 - ii. The hours of working during the construction phase shall be 7.30am and 6pm Monday to Friday and between 7.30am and 1pm on Saturdays. There shall be no deliveries on Sundays or Bank Holidays unless prior approval for this has first been given in writing by the Local Planning Authority.
 - iii. All vehicles and other plant within the Site shall be throttled down or switched off when not in use.
 - iv. Exhausts shall be maintained in accordance with manufacturer's specifications.
 - v. Directional or attenuated reversing alarms on mobile plant operating within the site and operations shall be designed so as to minimise the need for reversing manoeuvres wherever possible and other appropriate measures shall be adopted as necessary to minimise noise during the construction phase.
 - vi. Measures shall be put in place to minimise ground compaction from construction plant and machinery and prevent damage to the soil resource within the site, including use of low ground pressure plant and protection of commonly trafficked surfaces.

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

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

Access

5. The sole access to the site during the construction and throughout the subsequent operational phase shall be by means of the existing access onto the public highway which is shown on the approved site layout plan reference 255/100.

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

Landscaping

- 6a. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with the Habitat Management Plan by Avian Ecology dated 25th June 2014.

- b. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.
- c. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures

Reason: To provide effective containment of the Site in the interests of visual amenity and to allow for a review of screening requirements following the erection of the solar arrays (6a,b). To secure establishment of the landscaped area in the interests of visual amenity and ecology (6c).

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

- 7. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority Tree Officer. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as 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.

Ecology

- 8. Work shall be carried out strictly in accordance with the Method Statement – Reasonable Avoidance Measures by Avian Ecology dated October 2014.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species and to enhance habitats within the site. Shropshire Core Strategy Policy CS17.

- 9. Prior to construction commencing details of 10 bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

Notes:

- i. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- ii. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice. FPCR (2013) found signs of badgers on the application site but no setts. They recommend gaps in the perimeter fencing to allow access to continue across the site and preventing animals becoming trapped in any excavations. The site will need to be checked for new badger setts before construction.*
- iii. *Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iv. *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 closefitting 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.*
- v. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an 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.*

Fencing and CCTV

- 10a. Notwithstanding the general CCTV details shown on the approved site layout plan and section a scheme providing the exact details of CCTV camera design and pole heights and colour treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. CCTV cameras shall be designed and oriented so as to avoid any views directly towards the nearest public right of way.

- b. Fencing shall be strictly in accordance with the details shown on the approved plan entitled Henley Solar Farm, Fencing and to a colour which shall be subject to the prior approval in writing of the Local Planning Authority.

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

Note: CCTV should be oriented away from properties and cowlings should be fitted where appropriate to avoid any privacy issues.

Drainage

11. There shall be no new structures (including gates, walls and fences) or raising of ground levels within 3 metres of the top of bank of any watercourse inside or along the boundary of the site.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

Notes:

- i. *The watercourses present within the development site require a 3m wide easement from the top of each watercourse bank for maintenance purposes.*
- 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; Greywater recycling system.*

Archaeology

- 12a. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.
- b. In the event that the WSI identifies the potential for areas of archaeological interest within the site a scheme shall be submitted for the approval of the Planning Authority which identifies the extent of these areas and puts forward measures for protecting the archaeological remains within them. The scheme shall be implemented in accordance with the approved details

Reason: The site is known to hold archaeological interest.

Note: Non-intrusive construction methods (concrete shoes and above ground cable trays) or realignment of the arrays to avoid archaeological remains should be applied in all areas where significant archaeological remains are identified and tested by evaluation.

Noise

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

Reason: In the interests of residential amenity.

Amenity complaints procedure

14. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the Local Planning Authority;
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

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

Final decommissioning

- 15a. Use of the site for generating solar energy shall cease within 30 years of the date of this permission unless an earlier cessation date is specified under Condition 15b.
- b. If the site ceases to produce renewable energy on a permanent basis prior to the date specified in condition 15a the Local Planning Authority shall be notified to this effect within two weeks of the date when energy production ceased permanently.
 - c. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within one year of the date specified in Condition 15a, or if appropriate, the date specified in Condition 15b, whichever is the sooner. The Site shall then be reinstated as an agricultural field. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this Condition.

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

Note:

The typical design life of modern solar panels is 25-30 years. Any proposal to re-power the Site at the end of its operational life would need to be the subject to a separate planning application at the appropriate time.

APPENDIX 2

FULL COMMENTS OF SHROPSHIRE AONB PARTNERSHIP

- i. The Shropshire Hills AONB Partnership objects to this application. The development would introduce an industrial scale installation into a high quality rural landscape, changing its character fundamentally and causing unacceptable harm to the special qualities of the AONB. The application documents consistently undervalue the AONB and underplay the significance of the development's impact, in ways that leave them seriously flawed. For example the AONB is described as 'a single receptor' and the impacts 'of not more than local importance'. The AONB is of course a national designation protecting a nationally important landscape. The concept of 'receptors' is established in visual impact analysis, though the large area of the AONB cannot be considered a single receptor, and the narrow consideration of visual aspects is not at all in line with government policy giving AONBs 'the highest status of protection in relation to landscape and scenic beauty. Landscape and scenic beauty are broad factors, and the analysis of impacts of this development do not at all reflect this. The Landscape and Visual Impact Assessment referred to is not in fact even published with the application documents, but we have taken account of the assessment published with the previous application. This assessment focuses its consideration of landscape character too much on the landscape types; without addressing adequately the significant effects of the proposed development on the intrinsic character of the area in question. A short section (6.3) of the Planning Statement purports to cover 'Landscape and visual impact' but in fact talks only about visual aspects. The significant impact on landscape character from the addition of large scale industrial structures is the key factor on which this application turns, but has, for convenience of the applicant, been substantially overlooked. This is also crucial in that the proposed mitigation measures, while perhaps going some way to address visual impacts, do not and cannot mitigate the change to landscape character resulting from the new structures, which in addition to 19,608 solar panel modules, include several cabins, transformers, CCTV and security fencing.
- ii. We consider therefore that the proposed development does not comply with para 115 of the National Planning Policy Framework:
Landscapes 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. The applicant's Planning Statement does not refer to this section of NPPF or explain how they believe it is met, and is therefore flawed. Notwithstanding this omission, the applicant's agent appears to make the case that the sections of NPPF quoted in support of renewable energy (para 98) apparently 'trump' protective policies on AONB's. This is not sound or borne out by an accurate reading of NPPF. The policies in favour of particular development types are generalised policies for the whole country, while the AONB policies are 'area specific' and therefore clearly intended as exceptions. This approach is clearly apparent through the footnote 9 to the very first overarching policy paragraph within NPPF, para 14, which indicates AONBs as an exception to the presumption in

favour of development contained in para 14, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted".

- iii. We also consider that the application does not comply with the following sections of Shropshire Council's adopted Core Strategy and Site Allocations and Management of Development (SAMDev) Plan, Draft Development Management Policies. These policies make clear the very high importance placed on the AONB and weight given to the AONB Management Plan, all of which the applicant's agents have sought to downplay as much as possible, or failed to address at all (for example in section 5.6 and 5.7 of the Planning Statement).

CS5 Countryside and Green Belt: In the open countryside, new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt from inappropriate development.

CS17: Environmental Networks: Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:

- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment;
- Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge

- iv. SAMDEV Plan Policy context (extract)

The statutory Shropshire Hills AONB Management Plan contains a number of policies adopted by Shropshire Council and has therefore been a key document influencing the preparation of the SAMDev policies. Whilst stressing the importance of the countryside as a whole, the SAMDev policies emphasise the importance of the AONB and the need to conserve and enhance its character and distinctiveness and have regard where appropriate to the requirements of the AONB Management Plan.

Draft Policy MD2 Sustainable Design, Explanation (extract) For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan and supplementary guidance.

Draft Policy MD7 - Managing Development in the Countryside (extract)

Further to Core Strategy Policy CS5,

1. Development in the countryside should:

- i. Protect and respect heritage and natural assets and be in accordance with the requirements of: Policy MD2 (Sustainable Design); Policy MD 12 (Natural & Historic Environment); Adopted Natural and Historic Environment SPDs and, where appropriate, the AONB Management Plan;
MD12 — Natural and Historic Environment

1. Shropshire Council will require new development proposals to conserve, enhance and restore Shropshire's natural and heritage assets and landscape character in order to support the delivery of CS6 and CS 17. Internationally and nationally important habitats, sites of wildlife conservation and geological interest and legally protected species will be afforded the highest level of protection in accordance with the relevant legislation and policy. Great weight will also be accorded to conserving and enhancing the natural beauty of the Shropshire Hills AONB having regard to the AONB Management Plan. Heritage assets will be safeguarded in accordance with their significance.

2. Development proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following assets:

- I. the special qualities of the Shropshire Hills AONB;
- II. locally designated sites;
- III. priority species;
- IV. priority habitats
- V. valued woodlands, trees and hedges;
- VI. designated heritage assets and non-designated heritage assets of demonstrably equivalent significance;
- VII. geological assets;
- VIII. visual amenity;
- IX. the landscape character and local distinctiveness of the area in which the proposal is located.
will be rejected unless:
 - i. the social or economic benefits of the development proposal can be demonstrated to clearly outweigh the harm to the assets; and
 - ii. there is no satisfactory alternative means of delivering the proposal We also consider that the proposals do not comply with Shropshire Council Policy within the statutory Shropshire Hills AONB Management Plan 2014-19:

- v. Valuing the AONB in Planning and Decisions — Management Plan Policies Protection of the AONB

In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.

Further comments

- vi. Lack of clarity or misrepresentation in documents: The application documents are not clear about the scale of the proposals, in a way that we are aware has been misleading to a number of consultees, potentially giving the impression of a substantially smaller development. Regarding the number of modules, it is apparent that there is an error in the alignment of figures in the Project Information box on the layout plan. The plan itself and its key indicating the depiction of a rack of 24 modules makes it apparent that the figure 19,608 is indeed the number of modules, and not as shown on the plan the 'Module Type'. 255Wp is clearly the peak Watts output of the panels (Performance) and not the number of modules. However this number of 255 has been erroneously used by the planning authority in the title given to the application ('circa 255 modules'), which is therefore highly

misleading regarding its scale. We note further that the applicants in subsequent correspondence have chosen themselves to use this incorrect title rather than correct the mistake, which is inexcusable. For consultees who will have studied the previous application, the total power output of the installation has been given in a different unit - the output of the previous larger application was quoted as 6,500 mVA whereas that of the new application is given as 5,000kWp. The figures are not therefore comparable, but the closeness of the numbers could give the false impression that something close to a similar power output could be achieved through this new scheme.

- vii. References to pre-application discussions. The implication in the application documents that the AONB Partnership gave some endorsement of the proposal as a pre-application stage is incorrect and misleading. As stated on our website, the AONB Partnership has a policy of not generally giving endorsement of a development proposal at pre-application stage, and has not in this case given any endorsement. If the applicant has gained the impression of such an endorsement from pre-application discussions which have taken place, then the error is one of interpretation. Such an interpretation is not however supported by the emails included in the documents, which clearly refer to our 'preference towards smaller scale renewable installations', with a previous, acceptable example cited of a single ground-mounted solar panel. Emails from Glynn Barratt clearly indicate that 'for the AONB (this) would be a major scheme' and our view that the proposal should have been subject to a full EIA. The quoting of alleged verbal expressions of support are clearly not substantiated in writing, since no formal endorsement of any sort of the proposals by the AONB Partnership has been given at pre-application stage. The 'Statement of Community Involvement' document also includes description of a community survey which we consider to be too small to be reliable. As evidenced by the recent public meeting, we believe this survey is not at all representative of the views of the local community, within which there is a great deal of concern and opposition.
- viii. Applicant's 'rebuttal' of our comments: The applicant's agents have chosen to publish a letter dated 3 December, purporting to 'rebut' arguments and policies which we advance, though oddly this has been done before our detailed response has been submitted. The content of this letter is misleading and not accepted. The agents seek to personalise the views of the AONB Partnership in a way which is inaccurate, and aims to reduce their weight and importance. The AONB Partnership is a Joint Advisory Committee, with the formal role under the Local Government Act 1972 to advise the constituent local authorities regarding the AONB. The Partnership currently has 40 members, representing a wide range of interests including conservation, landowning, community, recreation and tourism. The current staff team has over 87 cumulative years of experience of work to conserve and enhance the Shropshire Hills AONB, as well as considerable previous experience in protected landscape management. The statements about the team not drawing in 'landscape expertise' are therefore misplaced and not relevant. We reject completely the suggestion that a choice by us not to meet with the applicant's agents in any way undermines our legitimate role as a consultee in the process, representing the Partnership's view as the Council's official adviser regarding the AONB. We are under no obligation to meet with an applicant or their agent in such circumstances, and saw no likely benefit to the AONB in doing so at

the stage of the new application having been submitted. The agent's attempt to 'rebut' policies in NPPF and Core Strategy is surprising, and we are not aware of their authority to over-ride national or Shropshire Council policy. Amongst other policies, para 115 of NPPF clearly applies to this case, and in fact revolves around 'great weight' being given to the AONB, and not as stated around exceptional circumstances, which relate to para 116, which we discuss below. Core Strategy policy CS17 is also highly relevant, contrary to the agent's assertions.

- ix. The question of major development: We understand that it is for the decision making authority to determine whether this development is classified as 'major' and therefore whether para 116 of NPPF regarding AONBs applies. We do not here make the case that this decision turns on the definition of major development or otherwise. As set out above, we believe the application does not meet the requirements of para 115 NPPF and corresponding pieces of local policy requiring 'great weight' to be given to the AONB designation. However, if the application were deemed to be major development, we contend that the tests of exceptional circumstances are not met for the reasons outlined in our response to the previous application, i.e. alternatives outside the AONB do exist, and there are unacceptable impacts which cannot be mitigated. The 'Site Sift' document accompanying this application certainly does not satisfy the requirement that there are no alternative ways of meeting the need outside the AONB. We note in addition the considerable effort to which the applicant's agents have gone to address para 116 of NPPF (though we disagree with their conclusions on this), indicating their apparent acceptance that the development is indeed major.
- x. Quoting of other solar schemes approved: The examples of other schemes approved do not in our opinion carry any weight, since government policy has changed, and is clearly now not in favour of large ground-mounted solar schemes in the countryside. The letter of 22 April 2014 to local authorities from the Minister Greg Barker states that the UK's solar strategy is to 'focus growth of solar PV in the UK on domestic and commercial roof space and on previously-used land', and 'proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration'. Amber Rudd, Parliamentary Under Secretary of State for the Department of Energy and Climate Change (DECC) as recently as 6 November 2014 reiterated to the House of Commons the government's ambitions to drive solar investment towards rooftop projects and away from ground-mounted solar farms, stating that solar farms are "not particularly welcome as we go forward", as they should "be on roofs, buildings and homes roofs, not in beautiful green countryside. We are proud to stand on that record." The absence of an objection to a similar scheme just outside the Wye Valley AONB should not either carry any weight here. Aside from being outside the AONB in that case, our own contact with the Wye Valley AONB Unit reveals that following construction of the solar farm there, concern about the impacts of it were debated in the Wye Valley AONB Joint Advisory Committee and found to be greater than they had anticipated. Consequently guidance was drafted by the AONB Unit, and if a similar application were received now, we have been informed that they would not respond in the same way.

- xi. Impacts on tourism: We have had considerable concerns regarding the proposals raised with us from businesses operating in the tourism industry, who perceive that large scale solar development would harm their businesses. The economic value of the high quality landscape of the Shropshire Hills is recognised in the Strategy and Action Plan for Sustainable Tourism in the Shropshire Hills & Ludlow (approved by Shropshire Council), which has the objective to:
 - 2.1 Give priority to maintaining a high quality landscape and environment as a primary resource of sustainable tourism. [emphasis added]
- xii. Conclusion: We urge that for the reasons set out above, backed up by an overwhelming weight of policy, this application be rejected.