

Development Management Report

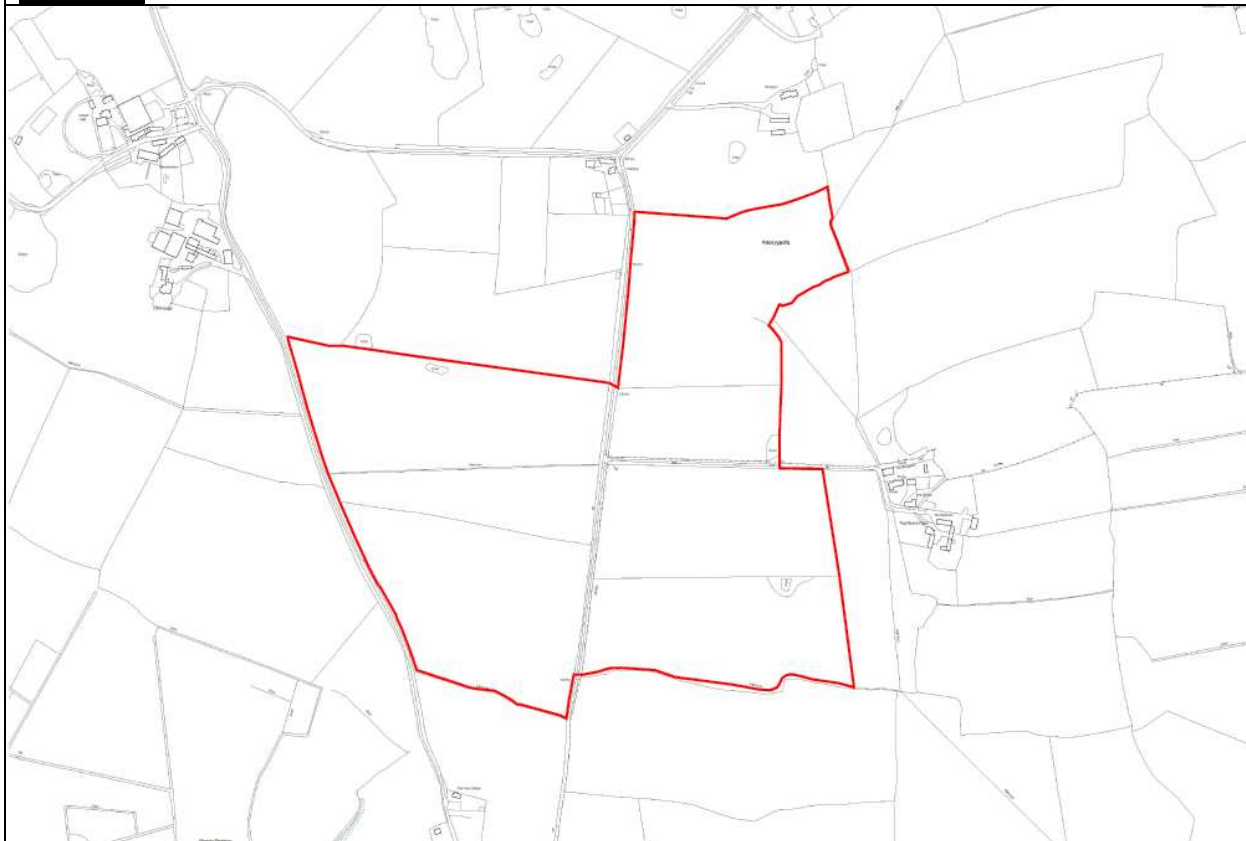
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Summary of Application

<u>Application Number:</u> 14/03946/FUL	<u>Parish:</u>	Selattyn And Gobowen
<u>Proposal:</u> Construction of a solar farm comprising the installation of (circa) 40,000 ground mounted solar panels; 8 inverters; electricity substation; 2.4m high security fencing (revised description)		
<u>Site Address:</u> Proposed Solar Farm At Rhosygadfa Gobowen Shropshire		
<u>Applicant:</u> Elgin Energy Esco Limited		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 332047 - 334123



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks permission for the installation of a solar farm comprising arrays of solar panels with associated buildings and infrastructure. The proposal would comprise the installation of 40,000 solar panels generating 10MW of electricity. The panels would be installed within west-east orientated rows. They would be mounted on fixed aluminium frames, of galvanized steel, in a double portrait configuration. These frames would be bolted onto vertical galvanized steel posts which are pushed into the ground. The panels would face south, angled at 25 degrees to the horizontal, with the highest edge at a height of between 2.4 metres and 2.8 metres and the lowest at 0.8 metre.
- 1.2 Buildings and other infrastructure proposed comprises the following:
- 8no. inverter substation buildings (to convert DC to AC): 6.93 metres x 2.43 metres x 3.07 metres high. These would be coloured green and there would be two located within each field.
 - 1no. primary electricity substation: 6 metres x 3.2 metres x 3.4 metres high. This would be a green-coloured portacabin style building, located at the north-western side of the site
 - Perimeter fencing: 2.45 metres high wooden post and wire deer fencing
 - Stone access tracks to provide vehicular access to the inverters.
- 1.3 No CCTV security cameras are proposed. Once the panels have been erected the land is proposed to be grazed by sheep. It is proposed that the panels would be removed at the end of their operational life.
- 1.4 The original proposal was for a 15MW capacity system, with 60,000 panels covering 31.6 hectares and included CCTV. The planning application was modified to the smaller scheme in order to seek to address concerns raised during the consultation process.
- 1.5 The application is supported by a number of detailed documents, including: Landscape and Visual Impact Assessment; Heritage Impact Assessment; Ecological Assessment; Traffic Statement; Flood Risk Assessment; Agricultural Land Classification Report.
- ### **2.0 SITE LOCATION/DESCRIPTION**
- 2.1 The application site is located on agricultural land approximately 1km to the east of Gobowen. The site (as revised) covers an area of approximately 21 hectares (52 acres), and comprises five agricultural fields either side of a public highway. The site is located between 99m and 108m AOD, within a gently rolling landscape which slopes down towards the south-west. Surrounding land is generally in

agricultural use. The western boundary of the site is bordered by a public highway. A public right of way runs in a generally west – east orientation between the two north-western fields. A further public footpath runs along the southern boundary of the south-easternmost field. An unclassified public highway runs in a west – east orientation adjacent to the north-easternmost field, providing access to a number of residential properties to the east. The fields within the application site are bounded by hedgerow. Two ponds are located within the application site: one within the north-western field and the other within the south-eastern field.

- 2.2 The nearest residential properties to the proposed site boundary include: a group of properties at Top House Farm, approximately 135 metres to the east; Yew Tree Cottage, approximately 145 metres to the south; Ebnal Lodge, approximately 185 metres to the north-west; The Bryn, approximately 290 metres to the north; properties at Ebnal Hall, approximately 315 metres to the north-west. The nearest Listed Buildings are Ebnal Hall (the property itself being 385 metres away) and Ebnal Lodge; both Grade II Listed buildings.
- 2.3 Access to the inverter substations would be required, and access to these would be gained via existing field access points.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The views of the Parish Councils are contrary to the Officer recommendation. In addition the Local Members have requested that the application is considered by Planning Committee

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

- 4.1.1 **Selattyn and Gobowen Parish Council** Objects. Pleased that the applicant has addressed some of the concerns raised in the council's original objections and that some steps have been taken to remedy deficiencies in the earlier application, however previous objections are still relevant in particular:-

Decommissioning – Whilst the applicant has addressed the decommissioning of the solar panels in this application there is still no mention of what will happen to the concrete pads that the panels will stand on and how they will be decommissioned.

Brown Field sites – the applicant has still not provided evidence of any survey that they have carried out into the use of brown field sites and industrial building roof space as an alternative for this sort of development. The Council would like to refer Shropshire Council to comments made by the planning inspector as part of his findings on planning appeal APP/J3530/A/13/2193911. In this case the planning inspector commented that ministerial statements have to be given considerable weight in any planning decision. As Liz Truss has stated that full use of the unutilised roof space should be used for solar panels in the first instance as this account for some 23000ha before any agricultural land is taken out of production.

Noise – The agent states that it is “unlikely that the proposed solar farm will cause an adverse impact on the nearest noise sensitive receptors given that the specific noise level is predicted to be below the existing background noise level” This use of

ambiguous phraseology demonstrates that the applicant has not provided evidence that noise will not be a problem to near neighbours.

Visual screening – The council notes that the applicant proposes to plant hedges to screen the development however as these hedges will take up to 10 years to mature this will mean that the project will not be adequately screened for nearly half its life. The size of the panels vary enormously reduced size will still have a big impact on the neighbouring area.

Use of Land -The Council consider that the land is of a far better quality than the agent implies. The land is currently being prepared for an arable crop which would not be cost effective given the claims made about the condition of the soil. In addition to this the loss of arable land for the solar farm is unacceptable as is the resulting loss of habitat for flora and fauna particularly as the proposed land was previously in the higher level stewardship scheme.

4.1.2 **Whittington Parish Council** Application should be deferred as there is not enough information to make a reasonable judgement on the impact to the quality and character of the countryside. There should have been public consultation meetings held in the parishes that are affected by this application. The meeting for Selattyn and Gobowen, the parish mainly affected by this application, is due on 24th November, this should have been held before in this parish not St Martins. As Whittington is also affected this application should be deferred until a public meeting in the parish is arranged.

4.1.3 **SC Highways** No objections, subject to a condition requiring the submission of traffic mitigation measures for approval (see Appendix 1).

4.1.4 **SC Public Protection** No objections.

The noise assessment concludes that noise will be below background level at nearest noise sensitive receptors. Having carried out distance calculations alone and not taking any other noise reducing factors into account I can conclude that noise from the proposed development was found to be 22dB(A) at The Bryn when taking into consideration noise from the two inverters closest to this location both with 10dB attenuation through screening as suggested by the noise assessor in their report. This, although above the levels predicted, would be a very conservative methodology and noise levels on the ground are likely to be much less. Even so this noise level is considered to be suitable. As a result it is considered that the noise assessment conclusions are satisfactory. However, as it was assumed that 10dB attenuation would be provided by housing around the inverters it is recommended that this aspect is conditioned (see Appendix 1).

4.1.5 **SC Drainage** The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.

4.1.6 **SC Trees** No response received.

4.1.7 **SC Ecologist** Recommends conditions and informatives.

Great crested newts: The ecology report has identified 10 groups of ponds within

500m of the application site. Three of the ponds were on the application site and were considered to have 'poor' suitability for great crested newt breeding. These ponds are shown for retention in the scheme layout. Ponds with 'average' or 'good' suitability were subject to presence/absence surveys. Small populations of GCN were identified in Ponds 4c and 4d, sited over 220m from the application site with no GCN found in other ponds surveyed. Because of the distance of the GCN populations from the application site, Greenscape Environmental considers that the risk of harm will be sufficiently reduced by carrying out installation of the solar farm under a strict method statement. A condition should be imposed requiring that work is carried out strictly in accordance with the Phase 1 Environmental Survey (see Appendix 1 below).

Badgers: Two badger setts were found on site but not precisely located in the ecological report. The revised proposals confirm that a minimum 20m stand off from the badger setts will be retained, and that a suitable gap under the deer fencing will be allowed for badger movement. The Method Statement included in the ecology report should be followed.

Biodiversity Management Plan Most solar farm sites propose low intensity grazing beneath the panels or creation of wildflower meadows, as well as the hedgerow protection proposed. A management plan should be required by condition (see Appendix 1).

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

- 4.1.8 **SC Rights of Way** This application directly affects the public rights of way Selattyn & Gobowen Footpath 24Y and Whittington Footpath 34 (see plan previously supplied). It is welcomed that both public footpaths have been accommodated through the planned 5m development free zone around each footpath.

However, it has been identified in the Landscape and Visual Assessment that there is currently no outlet for Footpath 34 where it exits onto the county road that runs through the proposed site. It would appear that users may be exiting via a gap in the hedge which forms the southern boundary of the site and through the field gate in the next field. This option would no longer be available to users as it is proposed that hedgerow planting would infill any gaps in the existing hedgerow. Therefore, an outlet onto the road will be required on the definitive line of the footpath. The Council can assist by providing furniture such as pedestrian gates, if required.

Furthermore, it is noted that there is no outlet for Footpath 24Y on its definitive line, where it terminates on the county road that runs along the western boundary of the site. Although we note on the plans that access would be provided via an existing gate to the south of the hedgerow, it is not clear whether the applicant intends to create a gap in the hedgerow to enable access on the definitive line to the north of the hedgerow. According to our records a stile kit has previously been provided by the Council and delivered to the landowner, although it would appear that this has not yet been installed. The most appropriate course of action would be for this stile kit, or preferably a gate, to be installed on the definitive line.

Further guidance is provided regarding the need to keep the right of way open during construction works (see informatives).

4.1.9 **SC Archaeology** Recommends a condition.

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

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

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

4.1.10 **SC Conservation** No impact on the setting of Old Hall (Grade II* listed building) at Old Marton is perceived. Having reviewed the updated information supplied by the agent it would appear that the proposed solar farm will have a minimal impact on the significance of Ebnal Hall, therefore no objection is made to the revised submission.

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

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

Wildlife and Countryside Act 1981 (as amended): This application is in close proximity to Fernhill Pastures Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or

destroy the interest features for which the site has been notified. Therefore this SSSI does not represent a constraint in determining this application.

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

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

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

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

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application, in accordance with para 118 of the NPPF. Attention is drawn to S40 of the Natural Environment and Rural Communities Act (2006) regarding conserving biodiversity.

4.1.13 **Ramblers Association** Objects. There are two footpaths within the area covered by this application: 1) Path 0310/24Y/1 which runs through the site; 2) Path 0313/34/1 which runs inside the site along the SE edge. If the project goes ahead 0310/24Y/1 would become a high fenced corridor and 0313/34/1 would presumably be fenced on the N side and have the existing hedge on the S. Both paths would probably require clearing on a regular basis to keep them open. There would be an appearance of industrialised rather than rural countryside from the local area and from viewpoints further away.

At an information meeting in Gobowen path 0310/24Y/1 was shown on the plans provided but path 0313/34/1 was not. The map in the planning application does not show footpaths in detail. The map in the report on trees does show path 0310/24/1 and also refers to a right of way along the SW boundary which does not appear on the Council rights of way map.

Part of the site has been regularly used to grow cereal crops so the whole site is

not low grade land only suitable for rough grazing. Field 5 appears to have a crop, field 6 has recently been planted with grass/clover and has been regularly used for cereal crops in the past. Field 7 has stubble from a harvested crop.

4.1.14 CPRE Oswestry

- CPRE recognises that solar energy has an important role to play in meeting future energy needs. But the highest priority should be a reduction of energy demand to further reduce emissions and reduce the need for new infrastructure
- the most suitable and, as yet, largely untapped location for solar technologies is on industrial and other buildings with major roof surfaces. The Government's UK Solar PV Strategy estimates that there are currently 250,000 hectares of south-facing commercial roofs in the UK
- Ground-mounted solar farms can bring benefits, but CPRE wishes to ensure that they are located: where they do not harm the natural beauty or productivity of the countryside and in ways that provide local benefits
- Current application satisfies none of these criteria.

Landscape and visual effects

- single contiguous block of 60,000 raked photovoltaic modules in the open countryside
- the site is presently intensively farmed and gives open views to the west including views from the hills to the west
- The Landscape and Visual Assessment is deficient and should be given limited weight as:
 - underestimates the adverse impacts as it states that the modules are only 90mm wide, not 900-1000mm wide
 - no photomontages from any of the 10 nearby viewpoints or elsewhere
 - photographs from the ten viewpoints all show summer vegetation; visual impact will be greater in the winter when leaves are absent
 - the ZTV it offers extends only 2km from the site; no assessment of visibility on higher ground further away
 - the ZTV assessment considered only the visibility of the centre of the site; the actual visibility of the whole 78 acre site is likely to be considerably greater
 - The report uses the term 'notable' for visual effects; it states that the magnitude of visual change at five of the ten viewpoints would be high
- visual impact of such a large solar farm is likely to be severe – will be visible as a prominent industrial structure; visible from the popular local elevated viewpoints such as Old Oswestry Hillfort, The Racecourse, Llanymynech Hill and Rodney's Pillar
- will be an adverse visual impact on users of the Public Rights of Way through the site
- fencing, CCTV poles, substation and 10 inverters will add to adverse visual impact

Agricultural productivity

- The applicant's Agricultural Land Classification Report states that field 7 is Grade 5, however the field has been used for a corn crop in the last season
- The land is productive
- Proposed sheep grazing is likely to be at a stocking rate of less than 3/acre

rather than the more usual rate of over 5/acre

- Considerable loss of agricultural productivity

Local employment

- No guarantee that local labour would be used during construction

Planning balance and conclusion

- Would be aesthetically out of place, contrary to the Overarching National Policy Statement for Energy (EN-1)
- Statement that solar farm would generate equivalent electricity as 4,500 typical households is an incorrect calculation as domestic consumption is only one third of total UK consumption; a corrected figure is 3,466 households
- The solar farm would contribute only 0.0045% of UK electricity; would require 22,000 such solar farms occupying 1.7 million acres, to meet the UK's electricity needs

4.1.15 **Councillor David Lloyd** has advised that the application demands the most critical scrutiny as it seeks to create an industrial scale development in the heart of open countryside.

4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition 14 properties in the local area were directly notified. In total 36 objections and two letters of support have been received from the public. These can be viewed in full in the planning file, but have been summarised as follows:

4.2.2 **Objections:**

Visual impact and agricultural land:

- destruction of a large area of beautiful countryside
- site is in designated 'greenbelt'
- development site is not brownfield, it is agricultural land
- development site is currently used for various recreational uses
- site can be seen from surrounding Areas of Outstanding Natural Beauty (Shropshire Hills, Chirk Castle and Welsh Hills)
- loss of large amount of productive farmland; land in field 7 must be greater than Grade 5 as claimed as field is in continual arable rotation
- proposed screening from newly planted hedges will take a minimum of six to eight years to mature sufficiently screen panels – what legalities are concerned with the height of hedges
- what will happen at the end of the 25 years? Who will be responsible for the removal or renovation of the solar panels? Will the site be used for housing?
- hideous high fencing encircling neighbouring properties, creating eye-sore on the landscape
- solar panel 'farms' should use arable land as a "last resort" and should not be visible in the wider landscape, whilst avoiding harm to the landscape character and quality
- 60,000 panels is excessive

Ecology and drainage

- part of development site has been managed for wildlife

- ponds in adjacent fields which attract geese in winter will be at danger from the solar panels
- Ecological Impact Assessment report was carried out in a 'relatively dry spell', the results may differ having been taken when the water table was higher
- existing ditches will be unable to cope with the increased 'run off' causing concerns over possible flooding
- low lying parts of Field seven and eight are liable to seasonal flooding – with added stresses from increased rainfall run off

Highways and Access

- neighbours will have to access properties down enclosed fenced roadways
- public walkways through proposed site will suffer
- Llangollen canal in close proximity drawing many tourists and visitors
- lanes are narrow with few passing places and 'blind bends'
- the estimated 400 lorry movements during development would exasperate the current highways problems (cracking)
- five houses in Top Rhosygadfa will have to travel through man made tunnel
- development will have a severe impact on Public Rights of Way through and near the site – what safeguards are in place to preserve ramblers usage of footpaths

Local amenity

- ten inverters would create a large amount of noise pollution
- proposed CCTV will be an intrusion into neighbours privacy and lives
- loss of privacy issues for Bronte, Rhosygadfa as two inverters have been sited close to the property
- properties in close proximity to substation installations, CCTV, floodlighting and fencing will have a diminished quality of life

Policy and principle

- Environment Minister wishes to retain such land for food production and not solar energy
- panels should be located on brownfield sites, industrial parks or on buildings

Other Issues:-

- will set a precedent for similar proposals
- will cause house prices to fall, especially for those in Top Rhosygadfa, having to gain access through man made tunnel
- field 7 is actually two fields with hedgerow down its length
- health issues concerning the solar panels, what are their long term effects?
- all council holdings have been sold, so how will young farmers begin their career if all agricultural land be converted into renewable energy sources
- no economic contribution to the local community
- there is no mention of the cost of mining or refining the raw materials and then producing the panels and metal supports

4.2.3 The reasons for support are as follows:

- must all take all take responsibility to convert to renewable energy and solar farms are by far the best solution as they produce more energy than wind farms and are less visible on the landscape
- sheep farming can continue alongside the solar panels, unlike with anaerobic

- digesters which take up thousands of acres of crops just to feed them
- nuclear power can be dangerous and have catastrophic consequences laying waste hundreds of square miles of land for hundreds of years, as Chernobyl and Japan testify
- to continue with carbon based fuels is unsustainable
- if solar farm can supply half of the electricity needed for homes in Oswestry then it is a fantastic opportunity

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design and impact on landscape character

Site selection and agricultural land classification considerations

Local amenity and other considerations

Highways and access consideration

Historic environment considerations

Ecological considerations

Flood risk considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 One of the core planning principles set out in the National Planning Policy Framework (NPPF) is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. Para. 98 states that applicants for energy developments should not be required to demonstrate the overall need for renewable energy. Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals (see Section 10.2 below) and states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.

6.1.2 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

6.1.3 The proposed 10MW solar farm would be capable of generating enough electricity to power 3000 typical households. The application states that this would reduce emissions of carbon dioxide into the atmosphere by around 5000 tonnes each year. The proposal would provide significant environmental benefits through the generation of renewable energy, and it is considered therefore that there is no in principle planning policy objection to the renewable energy proposal.

6.2 Siting, scale and design and impact on landscape character

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to

landscape character assessments and ecological strategies where appropriate. Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It should be noted that the site does not fall within an area designated for landscape importance. It is also acknowledged that the development would be temporary, and a condition can be imposed requiring that the panels would be removed at the end of their operational life or after 25 years, whichever sooner.

- 6.2.2 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which has been revised following modifications to the site layout. The LVIA states that the area is a relatively enclosed landscape of irregular field patterns. The LVIA notes that long distance views of rising hills to the west are available from the site. It states that, while the massing of the solar panels across the site would be considerable, the visual envelope for the site is well contained and limited to 0.1km – 1km from the site. The LVIA states that the localised topography and vegetation cover surrounding the site limits views into and out of the site. It states that this, combined with the overall low-lying form and scale of the development, which will be no greater than 3 metres, will result in the development not appearing as a prominent feature within the wider landscape.
- 6.2.3 In terms of impacts on visual receptors, the LVIA states that visual effects are limited by the lack of sensitive receptors close to the site and levels of screening. It considers that many roads are bordered by mature hedgerows and hedgerow trees, and views are likely to be glimpsed. In relation to views from residential properties, it states that these are generally screened by boundary vegetation and topography.
- 6.2.4 The revised LVIA identifies that notable visual effects are expected for receptors along the public highways and public rights of way adjacent to the site. In particular the road to Top House Farm, the road through the centre of the site, the road to the west of the site, and the public footpaths along the southern boundary of the site and through the western part of the site. It concludes that, for all notable landscape and visual effects, the impact is considered to be moderate-substantial.
- 6.2.5 The original proposals were for a 15MW capacity solar farm over 31 hectares. The scale and layout of the proposal have been modified following consultation on the application and discussions with Officers. The proposal is now for a 10MW capacity scheme over 21 hectares. The main changes are:
- the removal of panels from the north-easternmost field;
 - the removal of panels from the field on the eastern side of the site;
 - the removal of panels from the north-eastern corner of the north-western field;
 - the removal of proposed CCTV cameras from the scheme.
- 6.2.6 It is considered that these modifications have significantly improved the layout of the site, by reducing the visibility of the panels from residential properties to the north, north-west and east.
- 6.2.7 Nevertheless, the proposal would be visible from some surrounding properties, and also to users of local roads and footpaths. However the proposed development benefits from existing established trees and hedgerows along field boundaries

which would provide immediate screening of the panels and other structures. The panels are set relatively low to the ground and this would reduce the extent to which they would be visible, particularly in conjunction with the proposed hedgerow maintenance regime of allowing hedgerow to grow to 3 metres in height. Additional mitigation would include the planting of two sections of hedgerow – one on part of the northern boundary and one on part of the southern boundary, and infilling of gaps within existing hedgerows. The proposed layout provides for a buffer of 5 metres between the public rights of way through the site and the deer fencing, with a further 3 metres gap between the fencing and the panels. This would reduce the extent to which the enjoyment of these paths would be diminished by the solar farm development. Longer distance views to the west may be possible however it is officers opinion that these would not be considered to be significant given that these would be at a distance of many kilometres away.

6.2.8 It is accepted that the proposal would have some impact upon the local landscape character of the area, particularly in view of the scale of the proposal. However officers consider that the design of the site is acceptable and incorporates a satisfactory level of mitigation in relation to these impacts. It is considered that, given the level of environmental benefit that the proposal would provide, these impacts on the visual character of the area would not be unacceptable. As a result the application is in line with Core Strategy Policy CS6.

6.3 **Site selection and agricultural land quality considerations**

6.3.1 Planning Practice Guidance advises that local planning authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value (para. 013). The comments of Selattyn and Gobowen Parish Council regarding brownfield sites are noted, however it is accepted that planning policy and guidance does not restrict the use of greenfield land for solar farms. The site does not contain any specific land-use designations in respect of landscape or ecological value.

6.3.2 Planning Practice Guidance advises that, in considering solar farm proposals located on greenfield sites, local planning authorities should consider whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

6.3.3 The Guidance also makes reference to a Ministerial Speech made in April 2013 and a Written Ministerial Statement (WMS) made in March 2015. In relation to the former, this stated that where solar farms are not on brownfield land, the industry should be looking at sites on low grade agricultural land where grazing can take place in parallel with generation. In relation to the WMS this states that meeting our energy goals should not be used to justify the unnecessary use of high quality agricultural land. It states that any proposal for a solar farm involving the best and most versatile agricultural land needs to be justified by the most compelling evidence.

6.3.4 An Agricultural Land Classification (ALC) report has been submitted with the planning application, to establish the classification of the fields contained within the

application site. This is based upon a desktop study and fieldwork undertaken by agricultural consultants. The fieldwork included the digging of a number of trial holes to inspect soil characteristics such as soil depth and stoniness. Following the modification of the application to remove two fields (both Grade 3b), an updated statement was submitted by the consultants. Based upon this assessment 7 hectares (34%) of the 21 hectare site are classed as Grade 3b (moderate quality), 8 hectares (38%) are Grade 4 (poor quality) and 6 hectares (28%) are Grade 5 (very poor quality).

- 6.3.4 A number of comments have been received that the land is of a higher agricultural land quality than claimed, and that the land has previously successfully grown wheat and potatoes. Further information provided by the applicant's agricultural consultant states that the Defra guidance for undertaking land quality assessment advises that the particular grade attributed to land is determined by the most limiting factor present. On the basis of the evidence provided by the Agricultural Land Classification report the proposed development would not affect the 'best and most versatile' agricultural land (classed as land of Grade 1, Grade 2 or Grade 3a). The proposal would therefore be sited on poorer quality agricultural land.
- 6.3.5 It is noted that the land would remain in agricultural use, as it is proposed that sheep would graze between the panels. In addition there would be long-term biodiversity enhancements proposed by way of additional hedgerow planting and some tree planting, and the land would be reinstated at the end of the lifespan of the development. On this basis, it is considered that the proposed development is in line with planning guidance as set out in paras. 6.3.2 and 6.3.3 above.

6.4 **Local amenity and other considerations**

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity.
- 6.4.2 Noise: A noise assessment report has been submitted as part of the planning application, based upon an assessment of background noise levels and the noise emitted by the inverters and transformers. This identifies that the nearest noise sensitive receptors are at least 110 metres from the proposed development. However it should be noted that the distance between the noise generating equipment (i.e. the transformers and inverters) and the nearest properties is considerably greater than this. The noise report concludes that the noise level from the proposed solar farm would be at least 5dB below the existing background noise level, and that as such the development would not have a detrimental impact upon the nearest noise sensitive receptors.
- 6.4.3 The Public Protection Officer has undertaken calculations of the likely noise levels and has confirmed that the noise assessment conclusions are satisfactory. The Officer has recommended that a planning condition is added to any permission requiring that the assumptions on noise levels at the façade of the inverters are met. This is included in Appendix 1 below.
- 6.4.4 Glint and glare: Planning practice guidance states that the effect on the landscape of glint and glare and on neighbouring uses and aircraft safety is a consideration when determining planning application for solar farms. It is considered that as the panels would be generally well screened by existing and proposed trees and hedgerows it is not anticipated that the proposal would result in adverse levels of

impact upon local amenity due to glint or glare.

6.4.5 **Decommissioning:** Planning Practice Guidance on renewable energy recognises that solar farms are normally temporary structures and that planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use (para. 013). The applicant has prepared a Decommissioning Statement setting out arrangements for decommissioning the development at the end of its life (anticipated to be 25 years). This states that at the end of this period the system would be completely dismantled and removed from the site, and the site restored to its preconstruction state. It is considered that, should permission be granted, this is subject to a condition requiring the removal of the panels and other structures within 25 years, or when no longer required for the generation of electricity, whichever sooner.

6.5 **Highways and access considerations**

6.5.1 Once construction has been completed the application states that traffic generation would comprise vehicles associated with scheduled maintenance work, emergency repairs, and security. There would also be some movements associated with the management of sheep grazing or maintenance of the grassland, however it is recognised that there is existing traffic associated with the agricultural use of the land. It is not considered that the level of traffic that would be generated during the operation of the solar farm raises highways issues, and the Highways Officer has raised no objections to the proposal.

6.5.2 In terms of the construction phase, it is anticipated that this would last for 15 weeks and would result in 126 large vehicle trips (i.e. 252 movements) during this period. Details of proposed routing and other traffic management measures such as signage, construction hours and dust control, have been provided in a Traffic Management Statement. It is considered that detailed matters can be agreed as part of an appropriate plan, as recommended by the Highways Officer. A suitable condition is set out in Appendix 1 below.

6.6 **Historic environment issues**

6.6.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

6.6.2 A revised Historic Asset report has been submitted as part of the planning application, which has considered the significance of historic assets in the area and the likely impacts of the proposal on these. This concludes that the impact of the development on the historic landscape would be minor, given that the site is screened by mature hedgerows, and the impact on the character of the historic landscape would be slight adverse.

6.6.3 The report identifies that the only settings issue is that relating to the intervisibility

between the site and Ebnal Hall, a Grade II Listed Building to the north-west. Further assessment of this was undertaken by following a request from Officers, and the updated report states that the solar panels may not be visible from Ebnal Hall and if they are they will only be glimpsed through intervening hedgerows and mature trees. As such the report considers that the magnitude of the impact is negligible at most.

6.6.4 It is considered that views of the proposed development from Ebnal Lodge would be obscured by existing intervening vegetation. As such it is not considered that the proposal would adversely affect the setting of this Listed Building. The Historic Environment Officer considers that the proposed development would have minimal impact on the significance of Ebnal Hall, and has raised no objections. It is accepted that existing vegetation restricts views of the site from the Hall. Whilst it is accepted that such screening would reduce after leaf fall, it is noted that the Hall is approximately 370 metres from the site. Given this distance, and the limited viewpoints from the Hall, it is considered that there would be less than substantial harm to the asset. In relation to the requirements of para. 134 of the NPPF, it is considered that the public benefits of the proposal, particularly in relation to the generation of 10MW of renewable energy, outweigh any limited harm there may be to the setting of the Listed Building. Overall it is not considered that the application raises significant issues in respect of impact upon historic assets including the preservation of the setting of the Listed Building protected by section 66 of the 1990 Act.

6.7 **Ecological considerations**

6.7.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It is noted that the application site does not form part of any statutory or non-statutory designated site for nature conservation.

6.7.2 Protected species: An ecology report has been submitted, based upon a survey for protected species and of habitats potentially affected by the proposals. This has identified that the three ponds within the application site, to be retained as part of the proposals, have 'poor' suitability for great crested newt breeding. Small populations of GCN have been identified in other ponds in the area. The Council's Ecologist has advised that, given that these are more than 220 metres from the application site, the implementation of a method statement would provide satisfactory protection to the species. A condition requiring this is set out in Appendix 1 below.

6.7.3 In relation to badgers, the proposed layout provides for a minimum stand-off of 20 metres from the two badger setts on the site and for a gap under the deer fencing to allow for badger movement. The Council's Ecologist has advised that the method statement proposed in the ecology report should be adhered to, and this can be dealt with by planning condition (see Appendix 1 below).

6.7.4 Biodiversity management and enhancement: Existing trees, hedgerows and ponds within the site would be retained, and the gapping up of hedgerows would be undertaken. The landscape management proposals provide for the planting of 27 new trees to enhance existing field boundaries, and new mixed native species

hedgerow along part of the northern boundary of the site and part of the southern boundary. The submitted Biodiversity Management Plan recommends measures to be undertaken to improve ecological value of the site. These include: sowing the 5 metre margins of the site with a species-rich wildflower and grass seed mix, and the management of these areas; the management of hedgerows to favour birds and other wildlife; the enhancement of ponds for Great Crested Newt; the provision of artificial structures including log, rock and stone piles, and bird and bat boxes.

6.7.5 It is considered that the proposed solar farm development offers an opportunity to provide significant biodiversity enhancements, and that it would be appropriate to agree detailed matters as part of a habitat management plan. It is considered that this should include provisions for long-term management of the site, in order to maintain and enhance biodiversity. A condition proposing the submission and approval of such details is included in Appendix 1 below.

6.7.6 It is considered that the implementation of the method statements, landscape management and planting proposals, and a habitat management plan would ensure that the proposal would provide significant ecological benefits and as such the proposal is in line with Core Strategy Policy CS17.

6.8 **Flood risk considerations**

6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. The submitted Flood Risk Assessment (FRA) confirms that the site lies entirely within Flood Zone 1, signifying areas with the lowest probability of fluvial flooding. The FRA states that the proposed development is located in an area which may be subject to a moderate risk of flooding from groundwater sources, however due to the site topography, such flooding would be likely to be shallow and should not present a threat to the proposed development.

6.8.2 The FRA calculates that the proposed development would increase the impermeable surface area of the site by 0.07% which is negligible. The proposal would not alter the topography of the land. The Council's Flood and Water Management team have advised that the proposal is unlikely to affect the surface water runoff characteristics of the area and has raised no objections to the proposal. As such it is considered that the proposal does not raise significant issues in relation to flood risk and surface water management.

7.0 **CONCLUSION**

7.1 The proposed installation of a solar farm at land at land near Rhosygadfa would allow the generation of 10MW of renewable energy for export to the National Grid, and contribute to a reduction in carbon emissions. As such it is supported in principle by both national and local planning policy. Potential impacts on heritage assets have been assessed and would not be significant. The proposal would not affect best and most versatile land and the site would remain in agricultural use. The panels would be removed after the end of their useful life or within 25 years, whichever sooner. The proposal would not result in adverse levels of noise, or significantly affect flood risk. It is accepted that the proposal would impact upon the local landscape character of the area, particularly in view of its scale. However it is considered that the design of the site is acceptable and incorporates a satisfactory level of mitigation in relation to these impacts. On balance it is considered that,

given the level of environmental benefit that the proposal would provide, including those associated with renewable energy production and also significant biodiversity enhancements, these impacts on the visual character of the area would not be unacceptable. On this basis it is recommended that the proposal can be accepted in relation to Development Plan policies and other material considerations, and that planning permission can be granted subject to the conditions as set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose first arose.

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

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

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

9. Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

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

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)

Policy CS8 (Facilities, Services and Infrastructure Provision)

Policy CS13 (Economic Development, Enterprise and Employment)

Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets

Policy CS18 (Sustainable Water Management)

10.2 Central Government Guidance:

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

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

The PPG states that all communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities (para. 003).

In relation to proposals for large scale ground-mounted solar photovoltaic farms, the PPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors the local planning authority will need to consider in relation to solar farms include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

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

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

The PPG gives guidance in relation to assessing cumulative landscape and visual impact, and states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: The SAMDev Plan Inspector has now confirmed the proposed main modifications to the plan following the examination sessions in November and December and these are being published for a 6 week consultation. This means that any plan content not included in the schedule of proposed main modifications may be considered to be sound in principle in accordance with NPPF paragraph 216. Therefore significant weight can now be given to SAMDev policies in planning decisions where these are not subject to modifications. The site and surrounding area are not subject to any specific allocations in the SAMDev Plan.

10.3.2 Draft Development Management policies: Relevant draft Development Management policies include:

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

10.4 Relevant Planning History: None

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) The application ref. 14/03946/FUL and supporting information and consultation responses.
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Members Cllr David Lloyd and Cllr Robert Macey (Gobowen, Selattyn and Weston Rhyn) Cllr Steve Charmley (Whittington)
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: In the interests of highway safety.

4. No development hereby permitted shall take place until a habitat management plan has been submitted to and approved by the local planning authority. The plan shall include: a) Description and evaluation of the features to be managed; b) Ecological trends and constraints on site that may influence management; c) Aims and objectives of management; d) Appropriate management options for achieving aims and objectives; e) Prescriptions for management actions; f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) Personnel responsible for implementation of the plan; h) Monitoring and remedial/contingencies measures triggered by monitoring. The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

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

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

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

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

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

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

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

8. Work shall be carried out strictly in accordance with the Phase 1 Environmental Survey by Greenscape Environmental dated July 2014.

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

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

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

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

Reason: To safeguard the visual amenities of the area.

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

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