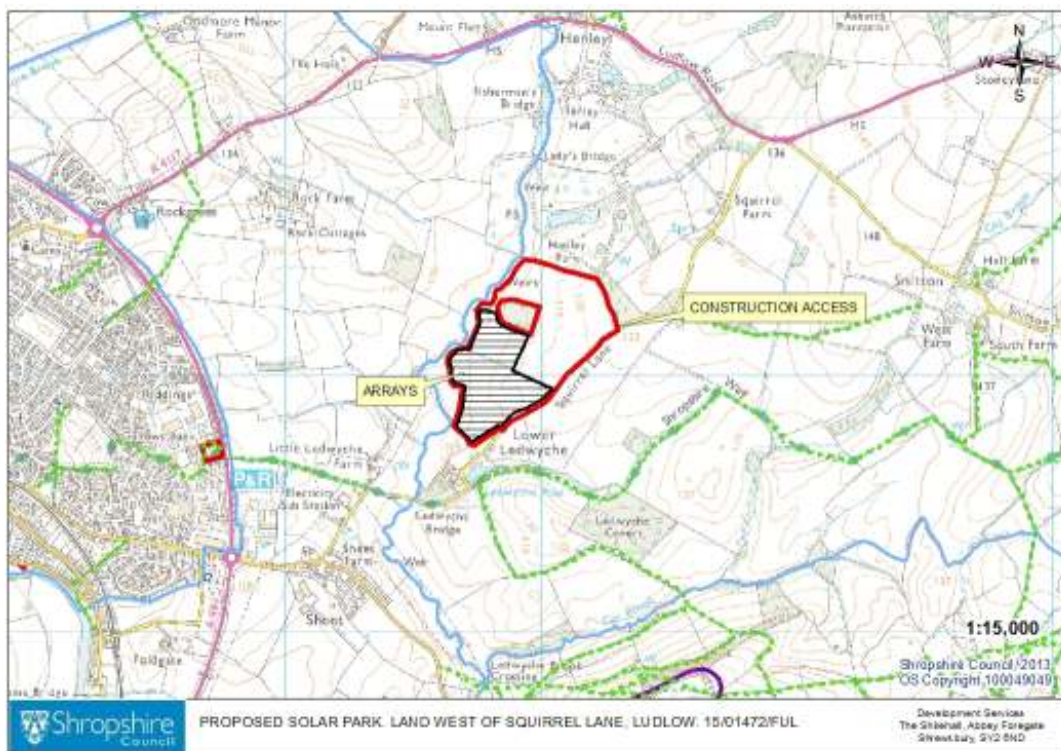


Committee and date
South Planning Committee
11 August 2015

Development Management Report

Summary of Application

Application Number: 15/01472/FUL	Parish: Bitterley PC
Proposal: Construction of solar park with attendant infrastructure including centre station, inverters, cameras, fencing and associated landscaping	
Site Address: Land to the west of Squirrel Lane, Ledwyche, Ludlow, Shropshire	
Applicant: KS SPV 39 Ltd (Kronos Solar)	
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 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 The applicant is proposing to establish a solar photovoltaic (PV) park on 13.5 hectares of Grade 3b field south of Henley Hall near Ludlow which is currently in arable use. The proposed facility would generate up to 5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,250 homes. Following construction, the site would be seeded and would become available for grazing. Construction would take 4 months. The site would have an operational life of up to 30 years, after which it would be decommissioned and the pasture field would be reinstated.

1.2 The solar park would consist of 21,956 photovoltaic modules 1.68m wide and 2.9m long, mounted on frames and laid out in rows running from east to west across the site. They would be oriented south and angled at 30 degrees to the horizontal with a maximum height of 2.3m and 2.7m depending on ground levels (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. The positioning of the strings of modules takes into account the applicants ecological, arboricultural and the flood risk reports.

1.3 The development also involves construction of a centre station at the southern end of the site and four inverter substations throughout the site. The centre station comprises 3 buildings grouped together:

- A 50 kVA transformer nominally 1.5m (w) x 1.5m (l) x 2.85m (h)
- A Switch Gear Unit nominally 2.5m (w) x 4.1m (l) x 2.85m (h)
- A power distribution cabinet nominally 5.33m (w) x 4.83m (l) x 4.8m (h) with
- adjoining section 2.4 m (w) x 1.85 (l) x 3.4m (h)

The inverter substations are made up of three items of plant contained within a single building measuring 2.5m (w) x 6.9m (l) x 3.7m high (of which only 2.89m is above ground level). This plant item will be placed on a concrete pad. All associated cabling between the module rows and the inverter/transformer stations would be underground.

- 1.4 Deer fencing (wire mesh and wooden post, 3m high) would be constructed around the site, inside the existing field boundaries. A gate would be provided where the access track enters the site on the northern perimeter. CCTV security cameras mounted on free standing support poles (height 2.7-3m) are also proposed in a number of locations around the site perimeter. A gravelled track would be provided within the site to allow access for construction and maintenance.
- 1.5 The proposed cable route off-site connecting to the existing overhead lines would be installed by the energy company Western Power Distribution under permitted development rights. As such, it does not form part of the current application.



- 1.5 Access to the site would be gained from Squirrel Lane which connects directly with the A4117. Following construction, there would be periodic visits to the site for occasional repair work. A construction management plan would determine the timing of deliveries and the proposed route to the development from the principle road network. 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.
- 1.6 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.

1.7 Community benefits: Whilst not forming an integral part of the current application the applicant has agreed as a separate voluntary commitment to establish a community benefit fund at an appropriate level which would be managed by a steering group.

2.0 SITE LOCATION / DESCRIPTION

2.1 The proposed site is located on a gentle west facing slope between the minor road known as Squirrel Lane to the east and the Ledwyche Brook to the west. The western boundary is defined by the limits of the associated floodplain. The site lies at 115m Above Ordnance Datum (AOD) at its highest point and 95m AOD at its lowest. It is enclosed by dense hedgerows with a variety of tree species. The A49 Ludlow By-Pass is located 1km to the west.

2.2 The site is not located within any environmental designation. The Shropshire Hills AONB is located 1.4km to the north. The main structures of Henley Hall including 5 listed buildings are located approximately 670m to the north. The park which is itself Grade II listed is located 100m north of the proposed arrays and is separated from the site by a mature tree belt.

2.3 The nearest residential property (Acorn Cottage) is located 55m to the south. The small settlement of Ledwyche with a group of 6 properties is located 175-220m to the south. Three further properties at Little Ledwyche Farm are located 350m to the south west. Properties on the north side of Sheet Road, The Sheet, Ludlow are located 690-750m south-west of the site.

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 Bitterley Parish Council: Objection. To be reported verbally.

4.2 Ludford Parish Council (adjoining parish): To be reported verbally.

4.3i. Ludlow Town Council (adjoining parish): Objection. Representations reflect serious concerns expressed by the residents and business owners of Ludlow. Members object to the proposal because the location of the site is unsuitable and will have a detrimental effect on the countryside & wildlife, recreation, and the heritage assets that, as stated in Shropshire Local Development Framework Adopted Core Strategy, make Ludlow is a 'nationally important heritage asset' and 'Ludlow will provide a focus for development, whilst respecting its historic character.' 'The historic town centre is set largely on a ridge above the River Teme, with fine streets of historic buildings running down this central spine. Ludlow is an important tourist destination and has achieved international renown as a centre for quality local food and drink and Michelin starred restaurants.' The proposed solar farm will have a significant detrimental impact in with regard to:

- ii. CS5 Countryside and Green Belt, which states: - 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.
- Agricultural/horticultural/forestry/mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts;
- The proposed site will be visible from Whitcliffe Common, St Laurence's Church, The Shropshire Way (public footpath 0539/8/1), Squirrel Lane, Rocks Green, which will be detrimental for residents and tourism in Ludlow. The area surrounding Henley Hall is an important easy access route into the countryside for local residents and visitors to Ludlow and a large scale solar farm will detrimentally change the character of this area. The rural location and the readily identified industry specific problems of significant loss of power through transportation through the national grid infrastructure undermine sustainability arguments and there are no identifiable local community benefits because the work and revenue will benefit only Kronos.
- iii. CS6 Sustainable Design and Development Principles. Specifically in relation to this application, the proposal does not meet requirements to:
- Protect, restore, conserve and enhance 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;
 - Contribute to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities.
 - Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water;
- CS 17 Environmental Networks: Specifically in relation to this application, the proposal does not meet requirements to:
- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not adversely affect the visual, ecological, geological, heritage 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, biodiversity and heritage assets
 - Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites;
- With reference to the National Policy and Planning Framework 2012, the following paragraphs are particularly pertinent to the site and application and the town council supports the concerns raised by Historic England in their letter dated 4 June 2015 recommending that the application is refused or differed until such a time as the requirements of para 128 of the NPPF have been met. For reference National Policy and Planning Framework 2012:

Para 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..

Para 128: 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..

- 4.3ai. Historic England: (Comments 4th June 2015). Objection. The application site is situated directly adjacent to the grade II Registered Park and Garden Henley Hall. The proposed development of approximately 22,000 ground mounted solar panels could potentially impact and cause harm to the significance of designated heritage assets. Whilst the application does contain a Historic Environment Assessment we not consider it to contain a sufficient analysis of the significance of the park or the designated assets within. We recommend that the application is refused or differed until such a time as the requirements of para 128 of the NPPF have been met with the required additional information and our further advice sought.
- ii. Historic England Advice: The application site is situated directly adjacent to the grade II Registered Park and Garden Henley Hall, which itself contains a number of listed structures including the Grade II* Henley Hall and the Grade II listed Park House. The Hall, Park and Garden and its other structures represent a surviving country estate with clear origins going back to the medieval period. The proposed development of approximately 22,000 ground mounted solar panels could potentially impact and cause harm to the significance of designated heritage assets in particular the Registered Park and Garden and Park House. Whilst the application does contain a Historic Environment Assessment we not consider it to contain a sufficient analysis of the significance of the park or the designated assets within. The Assessment of the assets' setting is also lacking in an understanding of the relationship both historic and present with the surrounding landscape. In particular we disagree with the assessment's conclusions regarding indirect impacts and are particularly concerned that the application fails to recognise the significance of the deer park and Park House nor the potential impact the proposals may have upon them. The application is lacking any visual montages of views from within the parkland and the listed structures.
- iii. Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). Para 128 of the NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affect, 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. As s minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary". The Historic Environment Good Practice in Planning Note 3: The setting of Heritage Assets provides a staged approach to the assessment of impact upon setting and we would advise the use of this document in preparing a settings impact assessment. Given the application's

failure to identify and address fully the potential impact of the proposals upon the designated heritage assets, we are unable to support this application.

- iv. Recommendation: We recommend that the application is refused or deferred until such a time as the requirements of para 128 of the NPPF have been met with the required additional information and our further advice sought. We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted.
- 4.3i. Historic England (30/07/15): No objection. We have received amended proposals for the above scheme. These amended proposals included an 'Addendum to Historic Environment Assessment' prepared by AC Archaeology (July 2015). The proposed development of ground mounted solar panels is situated south of the Grade II Registered Park and Garden of Henley Hall, which includes a number of structures listed in their own right. The revision to the scheme which would remove the area of development directly from the registered park and garden boundary is an improvement on previous iterations of the scheme. Further mitigation measures could reduce the impact of the scheme on the historic environment and these include the introduction of semi-mature hedging and standards and the gapping up of parts of the Park boundary. We recommend that the application is determined in accordance with national and local policy guidance.
- ii. Historic England Advice: The significance of designated assets affected by the proposal for this solar farm has been outlined in our previous consultation responses to Shropshire Council, most recently on 25 June 2015. In that letter we set out our view that the application did not contain sufficient information to meet the requirements of paragraph 128 of the NPPF, and therefore to judge the impact of the scheme on the Historic Environment. The additional information contained within the 'Addendum to Historic Environment Assessment' addresses our concern regarding the assessment of impact on the setting of the Grade II registered park and garden and also of Park House (Grade II). We also acknowledged that there was a proposed revision to the scheme which would remove the area of development directly from the registered park and garden boundary, and we saw this as an improvement on previous iterations of the scheme.
- iii. We believe that there will some impact on the setting of the heritage assets and in turn their significance, and greater than that outlined in the Addendum, in that the development will add an industrial element to an otherwise agricultural landscape. This will constitute less than substantial harm with regards to the NPPF, and could be mitigated further by applying planning conditions on the following matters:
- proposed new hedges should contain semi-mature plants and standards, to reduce the length of time it will take to screen the development;
 - the tree belt between The Colonel's Plantation and the Ledwyche Brook should have a mix of species so that it is less prominent in landscape terms when seen in relation to the plantation and the riverside planting, and again this should contain semi-mature plants and standards to reduce the length of time it will take to screen the development; and

- the eastern gap in the Park boundary (north of the Field Viewpoint) should be infilled, so that the park retains the sense of enclosure and the solar panels on the rising ground are only seen in very restricted views. The opening associated with the latter avenue should however, be retained as this illustrates the evolving story of Henley Hall, the park and its associated landscape.
- iii. Recommendation: We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance.
- 4.4 Environment Agency: No comments received.
- 4.5 Natural England: No objection. Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response.
- 4.6 Shropshire Wildlife Trust: - We welcome the proposed environmental enhancements such as additional linking hedges, enlarged grassland buffer to stream, etc. and feel that this is in keeping with industry guidance. We also accept that there is unlikely to be any significant ecological risk to the development site itself and that within the site a positive ecological result is possible. However we do have concerns relating to the access route along Squirrel Lane. The applicant accepts that damage is likely and has committed to make appropriate repairs. The Squirrel Lane access route was not however included within the ecological assessment and so the possible impacts are not fully understood. The survey report by Arbor Vitae does however identify that hedgerows in the area are likely to be of value to bat and breeding bird populations. It is possible that damage to roadside trees and hedgerows along the lane could impact on legally protected species and that the verges may support notable botanical interest. Shropshire Wildlife Trust would recommend further assessment of the access route and/or a switch to smaller vehicles to ensure that no damage will result from the movements of construction traffic.
- 4.7 The Garden Historic Society: Objection. The proposed development would negatively impact on the setting of the Grade II Registered Park and garden at Henley Hall and in particular upon its former deer park, which lies immediately adjacent to the proposed development and is clearly visible from it. The proposed development may also impact negatively on the setting of the Grade II listed park house which is situated in the deep park as described above.
- 4.8 SC Public Protection: Having considered the information supplied on noise I have no further comment and agree that noise is not likely to be an issue should this development be approved.
- 4.9i. SC Trees: No objection subject to recommended landscaping / tree protection conditions. We would suggest that for the sake of a securing a genuinely sustainable design and delivery of this large development a better and more detailed single landscape and habitat mitigation plan is necessary. The applicant has taken measures to assess the existing trees and hedgerows and has indicated that mitigation will comprise primarily of the retention of these existing features with

reference but no real detail made on further opportunities to expand and enhance the existing tree, hedgerow and habitat features. In addressing CS17 in the Design and Access Statement (pp16) the applicant has focused on not impacting upon the existing trees and habitat as mitigation but offers no real detail on the further aspirations that the natural environment will be enhanced and expanded, other than to suggest that the proposal offers an opportunity to convert and expand a number of habitats.

- ii. The Landscape and Visual Impact Assessment broadly discussed natural environment mitigation / enhancement in sections 3.3 & 3.4 and appendix A figs 3a & 3b, but no specific detail for time scales species mixtures measures to ensure full establishment and aftercare is given. Section 6 of the Phase 1 Habitat Survey indicates that a lack of any significant impact on habitats renders mitigation unnecessary (the tree service has no comment on this statement) the document then offers some indicative opportunities for habitat improvements including new species rich hedgerows but again no specific detail for time scales species mixtures measures to ensure full establishment and aftercare is given.
- iii. Section S9 of the NPPF suggests that the pursuit of sustainable development involves seeking positive improvements in the quality of the natural environment, moving from a net loss of bio-diversity to achieving net gains for nature. Given the industrial scale of this proposal it is not unreasonable for the Local Authority to seek the very best in sustainable design and delivery for the Natural Environment in terms of the protection restoration and enhancement of the tree hedgerow and habitat features on site. From an arboricultural perspective if this application is to be granted full planning permission the planting of new trees and the consolidation of the existing hedgerows needs to be secured as a pre-commencement agreement through binding conditions and a comprehensive single point of access landscape and habitat mitigation and enhancement plan.

4.10 SC Rights Of Way: No objection. No rights of way affected

4.11 SC Highways DC: To be reported verbally.

4.12 SC 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. An informative note on drainage is recommended.

4.13a. SC Ecologist: No objection subject to conditions.

- i. Badgers: No badger setts were recorded during the Ecological Assessment however there is potential for badgers to currently access the land. Perimeter security fencing is proposed to secure the development. As this may interfere with badger and other mammals as they transverse the site the fencing must have badger/mammal access gates. This should be at regular intervals and should be clearly shown on a landscape plan.
- ii. Landscape: The proposed solar panels will cover 13.2 hectares of the existing arable field. It is unclear from the plans what specific area is being set aside for biodiversity. This should be provided to SC Ecology detailing area (ha) which are to be lost, retained, and enhanced and what the enhancements are going to be. The ecological

report has recommended re-seeding. It is crucial that the seeds used are native and of a local variety. Shropshire Council encourages the use of green hay and has got a draft list of where the applicant can acquire local green hay if this is deemed suitable (please contact Dan Wrench 01743 -252529). Sheep grazing has been proposed to manage the grassland under the solar panels. A minimum height of 0.8m will allow access for grazing. SC Ecology is eager to ensure that the land on site is managed in order to enhance biodiversity, this is because the proposal does have the potential to secure a net gain for wildlife. The current HLS buffer along the watercourse is between 6-12m. SC Ecology would suggest that a minimum buffer of 8m is retained along the watercourse. Ideally a minimum of 12m would be requested however SC Ecology can see that this may be impractical. SC Ecology is pleased to see the proposed reinstatement of the hedgerow from the existing hedge to the oak tree. In order to further enhance the site and create connectivity through it SC Ecology would recommend that the new hedge planting continues to the watercourse. If this is not practical SC Ecology would suggest a minimum of one more new half hedge is planted through the site to increase connectivity.

- iii. Great Crested Newts: The power generated will pass by underground cable through the inverter stations to the centre station with its transformer and switching cabinets in the south of the scheme, and by underground cable to the substation 500m south of the Solar Farm. There will be trenches dug causing potential places where newts can be trapped/killed/injured. Works on site will also inevitably create areas of rest/shelter during construction. The applicant has confirmed that the route cable is to be installed by Weston Power Distribution via permitted development. The current planning application does therefore not include the laying of the cable, it is for the installation of the solar panels and associated cabinets only. There is no development within 100m of the ponds and there is no hedge removal. A simple GCN method statement should be submitted and approved by Shropshire Council prior to the commencement of works on site. The method statement should be prepared by an ecological consultant. The site must be maintained as low terrestrial habitat prior to commencement of works and the method statement should include a toolbox talk to contractors, and covering over trenches at night.
- iv. Otter: A probable otter spraint was observed near to the watercourse during the ecological assessment. In order to enhance the site for otters the ecologist has recommended the creation of two artificial otter holts and planting of dense scrub near to the river. This should be included in the landscape plan. A condition has been recommended.
- vi. Nesting birds: The site has the potential to support nesting birds. A condition and informative has been recommended.
- vii. Bats: Shropshire Wildlife Trust has provided formal comments for the above application. They have highlighted that the survey report by Arbor Vitae identifies that hedgerows in the area are likely to be of value to bat and breeding bird populations. In order to construct the solar farm Squirrel Lane will be used by HGV Lorries. The applicant has predicted that there will be 6 passes a day for 78 days. This could potentially cause temporary disturbance to bats. SC Ecology is satisfied that providing the following conditions are on the decision notice the application will have low potential to impact upon bats;

- There is to be no tree removal
- All trees are to be retained in line with British Standard
- External lighting will be controlled (or restricted completely)
- Work on site will be excluded between one hour before sunset and one hour before sunrise.

If the scheme requires the removal, or lopping, of any trees on the site, and therefore it is not possible to put the above condition on the decision notice, then further bat surveys will be necessary prior to a planning decision being made. Any trees proposed for felling would need to be subject to up to 2/3 dusk/dawn emergence surveys during May to September (optimum May to August) and with at least one survey to comprise dusk and dawn in a single 24 hour period. If evidence of bats is found in the trees then a European Protected Species Licence with respect to bats may be necessary from Natural England along with a mitigation scheme and method statement. The bat surveys should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's Bat Surveys – Good Practice Guidelines. The surveys, any necessary mitigation schemes and method statements should be submitted to the Local Planning Authority prior to a planning decision being made.

Appropriate conditions and informative notes have been recommended.

- 4.14a SC Historic Environment (Initial comments 5th June 2015, Objection, further information is required)
- i. Direct Impacts upon Heritage Assets: The development proposal involves a single parcel of land to the east of Ludlow within which there are no known heritage assets. The northern edge of the development boundary is adjacent to Henley Hall Grade II registered garden (National Ref: 1001124, GD2127) which contains a number of listed buildings including the Grade II* Henley Hall and attached walls, balustrades and steps (National Ref: 1383667) and Grade II Park House (National Ref: 1383672). A number of non-designated heritage assets relating to prehistoric and later activity are located within the immediate area.
 - ii. The application for the proposed development is supported by a Historic Environment Assessment (AC Archaeology Report No. ACW693/1/1 October 2014). The assessment identifies the former presence of medieval cultivation remains on the proposed development site, visible as slight earthworks in 1947 and subsequently ploughed level. Whilst the assessment acknowledges the potential for subsoil traces of medieval agricultural remains, it concludes the archaeological potential for unknown archaeological remains to be present on the proposed development site is deemed to be low. The assessment makes no recommendations for mitigation, although suggests further evaluation in relation to the sub soil traces of ridge and furrow is not required.
 - iii. It should be noted, however, that this potential remains untested at present and that the proposed development would involve considerable ground disturbance from piling, cable trenching, access tracks and other infrastructure installations. It is therefore recommend that if planning permission were to be granted for the proposed development that a programme of archaeological work, to comprise an

archaeological evaluation should be made a condition of any consent. This should take the form initially, of a geophysical survey of the site followed by further mitigation (including by design) as appropriate. An appropriate condition has been recommended.

- iv. Indirect Impacts upon Heritage Assets: The proposed development is situated directly adjacent to the Grade II Registered Park and Garden Henley Hall, which itself contains a number of listed structures including the Grade II* Henley Hall and the Grade II listed Park House. The proposed development falls within the setting of Grade II Henley Hall Park. We consider that given the extent and nature of the proposed development, and its location immediately adjacent to the boundary of the Registered park, the proposed development would cause harm to the significance of the heritage asset as a consequence of development within its setting. In consideration of the degree of harm, we consider that the Historic Environment Assessment does not contain sufficient analysis of the development and significance of the park and its setting, particularly in relation to the southern deer park and Park House, and the potential impact the proposals may have upon it, to enable us to provide a final view on this. However, in line with recent case law, our provisional view, subject to the submission of more detailed information to clarify the matter, is that this would amount to 'less than substantial harm'. The proposed development may also affect the setting of Grade II Park House; however the information provided by the applicant is again not sufficient to enable us to provide a final view on this.
- v. Following recent case law and appeal decisions, and with regard to the tests contained within Section 12 of the NPPF (see section 2 below), and in particular to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, we would advise that Paragraphs 132 and 134 of the Framework should be read in conjunction and thereby 'great weight' afforded to the conserving the significance of these heritage assets, including any contribution made by their setting, when considering the planning balance. It is also noted that the assessment states 'The study does not attempt to provide a detailed assessment of impacts of development on the identified and potential heritage assets, nor provide any detailed mitigation proposals at this stage. A provisional overview of possible impacts of development on the principal heritage assets, however, does form part of this report.' (Section 3.4). We would therefore agree with Historic England in their consultation response of 4 June 2015 that the requirements of paragraph 128 of the NPPF have not been met, and that additional information should be submitted by the applicant to address these issues. The Historic Environment Good Practice in Planning Note 3: The setting of Heritage Assets provides a staged approach to the assessment of impact upon setting and we would advise the use of this document in preparing a settings impact assessment. Additional visual montages of views from within the parkland and the listed structures should also be included with this assessment.
- vi. Taking account of the above considerations, we recommend that the application is refused or deferred until such time as the requirements of paragraph 128 of the NPPF have been met with the required additional information. Given our provisional assessment of the current proposals, based on the information submitted to date, additional measure to reduce the impact of proposed development should be considered, including reducing the size of the solar farm by removing the area between the boundary of the Registered Park and The Colonel's Plantation from the

development, and improving the landscaping provisions, particularly on the western and northern side of the development boundary.

- 4.14b SC Historic Environment (comments 30/07/15) No objection:
- i. Further to our advice of 5 June 2015, and Historic England's of 4 June and 25 June 2015, the applicant has now submitted a revised site layout plan and an Addendum to the Historic Environment Assessment. The following comments provide a joint response from the Historic Environment Team. They are additionally informed by a site meeting and visit undertaken jointly with Historic England, the planning officer, and the applicant's heritage consultant on 17 July 2015. Consideration has also been given to Historic England's advice of 30 July 2015.
 - ii. Recommendation: We are now of the opinion that together the Historic Environment Assessment and Addendum to the Historic Environment Assessment provide sufficient information in relation to the requirements of Paragraph 128 of the NPPF. We therefore withdraw our previous holding objection on this basis. With regard to direct impacts on the archaeological interest of the proposed development site, the applicant has indicated that they accept the need for the previously advised archaeological mitigation measures and the associated planning condition. Whilst this will not therefore be considered further below, the previously advised condition is included in the suggested conditions below.
 - iii. With regard to impacts on the settings of heritage assets, and having now considered the above information and conducted a site visit, we consider that the principal potential 'receptors' to be the Grade II Listed Building of Park House (NHLE ref. 1383672) and the Grade II Registered Park and Garden of Henley Park (NHLE ref. 1001124). In terms of Park House, the site visit confirmed that the development as previously proposed would have been partially visible from within the immediate environs of the building. However, the amendments to the development mean that the solar arrays would no longer be visible in this way. With regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 132 – 134 of the NPPF, we therefore do not consider that the proposed development would impact on the setting of this Listed Building in the medium to long term, with any short term effects from the site temporary access/ construction areas being minor and reversible.
 - iv. With regard to Henley Park, and with reference to Historic England's guidance document 'Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets' (hereafter GPA note 3), we would broadly agree with the summary of the significance of the park and its setting as summarised in paragraph 2.4 of the Addendum to the Historic Environment Assessment. Where we would depart from this, however, is that in our opinion the parks setting remains rural and largely agricultural in character, and predominantly free from other large scale or overly intrusive forms of modern development. In this sense we consider that it contributes to the significance of the heritage asset by enabling the estate land context of the park to be readily appreciated and experienced.
 - v. With regard to the effect of the proposed development on the setting of the park, the Addendum to the Historic Environment Assessment states that, due to topography and tree cover, there are no significant designed views into or out of the park from

the land to the south, including the development. Further, whilst the proposed development would be visible from some points on the southern boundary of the park, this would be limited in nature and is capable of being mitigated through the proposed planting. From our site visit, we confirm that we would agree with this assessment, and that in this respect we consider the visual impact of the proposed development on the setting and thereby the significance of the park to be very slight.

- vi. GPA note 3 indicates (in the Assessment Step 3 checklist on pg. 11), however, that effects on setting can include a range of other factors beyond visual impacts, including changes to general character and land use. In this respect, we consider that the proposed development would introduce a change to the character and land use within a limited part of the setting of the park through the introduction of solar arrays and associated infrastructure. However, the amended scheme would now maintain a tract of agricultural land and a plantation between the park and the proposed development. In this sense we consider that whilst the proposed development would have an impact on the setting of the park, it would only be a very minor adverse effect on the ability of people to experience and appreciate the significance of the asset. With regard to paragraphs 132 and 134 of the NPPF, we therefore consider the harm the proposed development would cause falls at the lower end of 'less than substantial harm', and as such is likely to be outweighed by the other public benefits the scheme would deliver. On balance, therefore, we do not object to the proposed development on this basis. We would, however, advise that an appropriate landscaping scheme is put in place to mitigate the visual impact of the proposed development. We would suggest that a more mixed species planting, with species selected to match those in the established plantations, might be more appropriate to the estate land character of the area. It should also include strengthening the screening afforded by southern park boundary through appropriate additional planting in the eastern gap, and the planting of semi-mature shrubs and standards within the new hedge lines to reduce the time it takes for them to become established.

- 4.15 Councillor Richard Huffer (Clee) 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. 115 representations have been received, 116 against and 1 neutral. The main issues of concerns of objectors can be summarised as follows:
- i. Visual impact: The field proposed for the Solar Farm is vast and larger than the Eco Park and Industrial Estate put together. The visual impact from Ludlow, St. Laurence's tower, Clee Hill, High Vinnalls, Whitcliffe, Caynham Camp and the Shropshire Way will be High. Also, the centre station will be erected only 30 metres from 2 properties and 100m from Brook House from where alpacas are farmed in the adjacent field. The whole solar farm will be visible from this property. Ludlow is highly dependent on its' tourist industry and one of the main attractions to tourists is the beauty of the area. Tourists do not come to Ludlow for Theme Parks. Above us the field that would house the 22,000 x9? high solar panels all facing directly at and up to us as we are directly south of the site. I would experience the full effect of all

construction disturbance and noise, then suffer the relentless glint and glare every time I walked onto the land adjoining our house. Although we have a boundary line of trees it is thin and requires renovation. Planning consultants, Kronos, see no need to help with any mitigation of view and dismissed my concerns immediately. Apparently because I cannot see the view from the ground floor of my house then it's not their problem! A large 5 metre high building is planned for immediately behind our boundary and CCTV and high deer fencing will complete the boundary vista. The CCTV required is not going to enhance the countryside character and neither will the various buildings to be erected. The proposal states that there is already another solar farm under consideration in a 5km radius but "the visual and cumulative effects if both schemes were constructed would be insignificant". I disagree strongly with this and in fact there are three solar farm applications around Ludlow. This is not insignificant and each should be carefully considered for their effect on the tourist trade and the general ambiance of the Ludlow area. Due to the topography of the land the solar panels will be clearly visible from many points in Ludlow and the surrounding area. The field is clearly visible from our property being approx. 300m away. Screening the site with trees will be virtually impossible as the field slopes upward significantly and the majority of panels will be visible above the tree line. The visual impact of the scheme is significantly mis-stated in the proposal and is contrary to Core Strategy Policies 5 and 17. Other objectors have provided photographic evidence that clearly refutes the proposer's claims of a minimal impact. The site will be clearly visible from a wide area, particularly in Autumn and Winter and the addition of high security fencing, 21 three meter high CCTV camera installations and buildings will add to this adverse impact. I have just visited view points on Clee Hill, Whitcliffe, Caynham Camp, hazel coppice and Mortimer's forest and the visual impact will be devastating. Although less scenic, you can see it from A49 and the EcoPark (and therefore the Park & Ride, which visitors are encouraged to use, especially during the festival etc). You can clearly see the tower at St Laurence's church from most of the site, which means you can clearly see most of the site from the top of the tower at St Laurence's church. Whilst not in it, the site is near the Shropshire Hills Area of Outstanding Natural Beauty and visible from it. The field gateway to the site is not wide enough for large trucks to turn into. It would be scandalous if the ancient hedgerow was destroyed to allow access. The visibility of the site would be increased from the road. An industrial style set of security gates will be situated a few metres inside the field gate, highly visible to all passing on the road; but no details of these gates are provided by the applicant.

- ii. Glint and glare: Driving any vehicle over the land will become extremely dangerous as glint and glare is at its worst in close proximity. Personnel carrier Chinooks, especially, fly at very low levels and I would have assumed a glint and glare assessment would have been required.
- ii. Leisure / Tourism: The local economy is dependent on tourism and these visitors are attracted by the historic, unchanged rural beauty and rich variety of flora and fauna to be found in the surroundings of Ludlow. A bed and breakfast is just down the road from this site and would surely suffer if the application were successful. The proposed site is not hidden away from public view but can be seen clearly from miles around, and most importantly from many places frequented by visitors to the area attracted to Ludlow by its historic Church, Castle, beautiful countryside and woodland walks, The Shropshire Way and landmarks such as Caynham Camp and

the views from Clee Hill. As we have recently been granted permission for holiday lets we feel that the view of over 20,000 solar panels, associated noise and light pollution can only have a negative impact on our fledgling business. We already have a campsite popular with tourists - a vital part of Ludlows economy - many of whom comment on the spectacular views of Clee Hill from the camping field. A solar farm in the direct line of sight will only be a blot on our beautiful landscape. Squirrel Lane provides many vantage points for views of the surrounding countryside and ANOB and is regularly photographed and painted. This rural ambiance that attracts visitors interested in the great outdoors would be significantly damaged by both the solar installation itself and the associated security fencing and screening which will significantly restrict the current extensive views. Ludlow is known as the 'heart of Shropshire', a town famous all around the globe for its agriculture and picturesque setting, to name but two. This disgusting solar farm would completely destroy the Ludlow known and loved by millions; it would be able to be viewed from many of the famous spots in Ludlow that people flock to see. Visitors come from all over the Country to visit Shropshire for its natural beauty and historic hill fort. School parties are regular visitors to this area. In the last 5 days i have spoken to many dog walkers and hikers and have found that none of them were aware of the proposed solar farm which would be constructed only metres from where they were walking. The vast size of this industrial looking installation will completely change the character of the land between the market town of Ludlow and the Clee Hills area of outstanding natural beauty for locals and visitors. We have two major sources of income in this area, tourism and agriculture and both of these would be compromised if this application is allowed. If these proposals are accepted there will be a significant change in the character of the area which at the moment draws much of its income from tourism. People are drawn to this area to rest and recuperate from busy and stressed lives. In that sense we provide a service to the wider community. I talk to many tourists in the town, I sit on the seats around the castle and the many people on the day trips/mystery tours all say the same "Its so great to see there are still fields and beautiful countryside". You cannot put a price on that. Ludlow is known as the Food Capital of England and visitors come to our town to appreciate both the food on offer and to enjoy the beautiful South Shropshire countryside. They will not come to look at countless acres of glass panels and this will be seriously detrimental to our local tourism industry that is a major source of employment in the area.

- iii. Heritage: I object to the construction of a solar farm to the West of Squirrel Lane because of its proximity to Caynham Camp, an iron age hill-fort and a National Monument under English Heritage. Caynham Camp is also on The Shropshire Way which is popular with visitors to South Shropshire, who have come here to enjoy its unspoilt countryside. The proposed solar farm will be visible from Caynham Camp and will mar the magnificent views from its high, 360 degree vantage point. I am also concerned about the impact on the historic Ledwyche Bridge of cabling works to link the plant to the electricity sub-station.
- iv. Agricultural impacts: The 1:250,000 ALC series for the West Midlands clearly shows land to the East of Squirrel Lane (opposite the site) to be Category 2 and that to the West of Squirrel Lane (including the site) to be category 3. There seems no obvious reason for the difference since most of both fields are on the same plane and separated only by the lane itself. The report on Agricultural Land Classification is an unreliable and internally inconsistent report which makes unsubstantiated or illogical

claims to down-grade the site occupied by solar panels to category 3b. Henley Hall has, for years, been a fine sporting estate, and well husbanded for farming on good agricultural land. Good agricultural land is getting harder and harder to find for our local farmers in this area, taking out another 33 acres will only exacerbate the situation. The fact that this field has been used for oil seed rape, corn and other cereal crops for as long as anyone I have spoken to can remember and is clearly farmed using agricultural machinery makes a complete mockery of the applicant's claim that the land is 3b and of poor soil quality, with a gradient that makes it unsuitable for farming / food production.

- v. Questioning benefits: There appear to be limited benefits to the local economy. If any jobs are created these will be short term in nature and once the panels are completed, no further work will be available. There are no local employment opportunities attached to this development and as I have said it can only have a negative impact on the local B&B and camping activities in the area, and would certainly deter any more. This is unnecessary as there are an endless supply of brownfield sites not to mention industrial roofs which would be far more suitable than agricultural land. It provides no economic benefit for the local community, with the money going to one local landowner and a German developer. There would be zero jobs created, and many jobs in tourism threatened. I am a passionate supporter of solar farms and renewable energy but I cannot support them in this location. They should be on brownfield sites, the roofs of factories etc not beautiful and productive countryside or good agricultural land which can be used for food production.
- vi. Drainage: With regards to the proposed flood mitigation from run off -even a small change may cause increase run off causing the brook to flood taking lengths of bank and removing swathes of the very rare wild native Monkshood that is found on the Ledwyche Brook banks. Having seen how close the brook can get to breaching the banks and therefore flooding my pasture fields I cannot see that it is a sensible course of action to place vast swathes of panels and attendant buildings on it and expect no flooding.
- vii. Ecology: In the proposed field skylarks, which are red listed, nest on the ground. There are also barn owls, song thrushes and red kites. I am concerned that they will be deterred from nesting by the solar panels, which will also reduce the hunting area for owls. Has a survey been carried out to establish the Great Crested Newts in the area? With regards to general environmental concerns, there are brown hare in the field and the siting of panels will cause loss of their habitat being above-ground nesting animals again sporting excellent eyesight to identify danger, panels will block this ability. Sky Larks also make use of this large open arable field and panels will prevent their ability to nest. The plans talking of channeling badgers onto neighbouring land: most of which is grazing for either cattle or alpacas, neither of which would welcome the arrival of channeled badgers, and the associated threat of TB.
- ix. Construction / Traffic: We would expect the Highways Report to recognise the complete lack of fitness of Squirrel Lane a single track winding minor road with very limited passing places to the purpose of delivering 22,000 panels and associated plant by 40 ton trucks over a period of at least 14 weeks. The Traffic Management Plan is an ill-considered document proposing 468 trips by 40 ton HGVs over a 14

week period with draconian proposals to restrict residents' and delivery traffic through a crude banksman and traffic light system ill-suited to this tiny rural lane. These are narrow country lanes, in constant use by residents of Wooton, Whitton and Hope Bagot. Opening up the roads for access by large vehicles as far as the site will permanently change the character of the road and encourage large vehicles to attempt to use the unsuitable road beyond the site entrance, notably the bend at Wooton.

- xi. Policy: Will not "maintain and enhance countryside vitality and character and bringing local and economic community benefits". The Government Guidelines state that solar farms should no longer be built on agricultural land and instead should be built on brown field sites and roofs of existing buildings e.g. industrial sites, barns. There are to be no new subsidies granted for solar farms after New Year 2015 and existing subsidies will cease at the end of June 2015 and thus helping taxpayers. The government states, as of GOV.UK press release dated 19th October 2014, that "farmers will lose their right to claim subsidies for fields filled with solar panels under new plans to ensure more agricultural land is dedicated to growing crops and food. The move will help rural communities who do not want their countryside blighted by solar farms". This proposal is not a good site compared to the Bromfield gravel site. The use of solar panels there makes sense. Here it does not. The government is looking for local community involvement to make them self reliant and self sustainable. Bypassing the local community to feed into the national grid achieves neither of these goals. Shropshire council and planning system should be making use of best policy and placing panels on roof structures and look to new technology with the new developments of storage batteries etc which may make solar farms become obsolete technology. It is yet another encroachment on green field land. This is unnecessary as there are an endless supply of brownfield sites not to mention industrial roofs which would be far more suitable than agricultural land. Core Strategy 17 says "any development should Protect and enhance 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". I fail to understand from the application how this is achieved in this instance. On 25th March 2015 Mr Eric Pickles stated that the, 'solar photovoltaic strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land.' The land that is being proposed is good agricultural land that has been farmed for generations. The South Shropshire Planning Committee have been doing a fine job of rejecting the applications that breach Core Strategies but is it fair to always pass the responsibility to them? Why doesn't the Planning Officials only put forward those schemes that meet the guidelines? Core Strategy 5 indicates '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'. This new application does the opposite. It is not in line with The National Planning Policy Framework. The policy states, 'Meeting our energy goals should not be used to justify the wrong development in the wrong location,' and 'Protecting the global environment is not an excuse to trash the local environment.' Brown field sites, such as the one at Bromfield are the right development in the right location and should be encouraged whereas the Henley Hall Estate is simply the wrong site and this development would 'trash it.'

- xii. Procedural: Questioning the level of community consultation. None of the nine most affected residents were informed by Kronos or the parish council of the pre-consultation meeting on March 31st.
- xiii. Scale: The industrial scale of the proposed development is out of keeping with a quiet rural area in the environs of a much loved market town. The site is significantly larger than the local industrial estate and eco-park and makes no concessions to sympathetic integration into the surrounding countryside.
- xiv. Other: Proposals to restore the site after 25 years are highly speculative and probably impractical. The introduction of new vehicular access close to Acorn Cottage and crossing a historic sunken lane will further damage the unique environmental quality of Squirrel Lane. No amount of additional planting will remedy this damaging visual and environmental impact. Children's geographical, scientific and historical knowledge can be increased from visiting areas such as this, as well as their social skills from having a natural wonder right in front of them. This live learning environment should not be taken away from us and all children should be allowed the opportunity to learn in different ways and achieve. If this application goes through other developers will surely take the hint and further applications will follow. If this is approved then the flood gates will surely open and there is no safe guarding any of our countryside. The noise associated with the panels would be heard by nearby residents and any visitors to the area and would replace the current peace and quiet and birdsong.

4.17 CPRE South Shropshire: Objection:

1. This application is centred on a site located in an apparently 'visually contained valley location'. It has been an agricultural field for decades and this application, if allowed, would be an isolated major development, an out of scale industrialisation of a tranquil greenfield which, in turn, is surrounded by Grade 11 Listed Parkland that includes ancient woodland and important heritage assets. This would be in non-compliance with CS 5.
2. The site has been and still is an agricultural field - covering 13.50 hectares of good arable/pasture farmland of Grades 2, 3A and 3B – best and most versatile. As such it should continue to be farmed & not industrialised. By allowing this application it would be taking this good farmland out of production for at least twenty five years.
3. The visual impact on this area would be considerable. The site is in a valley and can clearly be seen from Caynham Camp hill fort to the south and from elevated areas that include Mortimer Forest, many parts of the A49, Henley Deer Park, from Squirrel Lane itself, Rocks Green, and from parts of the Shropshire Hills Area of Outstanding Natural Beauty border just over a kilometre to the east.
4. The character of the land would be changed from peaceful pasture to serried ranks of 22 thousand man-made solar panels forming an industrialised factory of electrical production surrounded by a 2m high security fence.
5. The solar factory would have a negative impact on local tourism-based businesses, recreation, walking along the Shropshire Way, and would introduce noise pollution, glint and glare, negative effects on local biodiversity and would be non compliant with CS 17.

6. Government policy now wants to remove support for any proposed new solar factories on greenfield sites, and to enforce protection for the natural and historic environment – especially to support our best and most versatile agricultural land.
7. The applicant makes considerable claims about successful community engagement. These do not seem to bear much scrutiny when it comes to informing & engaging with many local residents: the claim is mostly based on a single public meeting at which 45 people attended. Other attempts seem cursory at best.
8. Community benefits seem to be less than generous considering the profits from a successful application. A ‘community fund’ would be established OR free rooftop solar panels would be provided on parish council buildings.
9. CPRE supports the use of solar energy... but only when located in the right place. We have approved applications in Shropshire when sites have been on old airfields and in quarried land... but have always strongly opposed applications on fertile and tranquil farmland, in areas of outstanding natural beauty, and where the visual impact of large solar factories would negate rural tourism and recreation.

5.0 THE MAIN ISSUES

- Policy context;
- Principle of the development;
- Justification for location;
- Landscape and Visual impact;
- Existing land use;
- Other environmental issues;
- Timescale / decommissioning.

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 indicate otherwise. The National Planning Policy Framework (NPPF) is a key material planning consideration. Paragraph 14 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).

- 6.1.2 The NPPF practice guide on renewable and low carbon energy 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 advocates continued agricultural use with biodiversity enhancements around arrays and 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.
- 6.1.3 One of the strategic objectives of the Shropshire Core Strategy (objective 9) is ‘responding to climate change and enhancing our natural and built environment’. Policy CS8 supports ‘positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation..’. Policy CS5 advises that <development> ‘proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits’.
- 6.1.4 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, ‘where this has no significant adverse impact on recognised environmental assets’. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. The proposals would respond to climate change, but it also necessary to protect the rural environment.
- 6.1.5 In considering the current proposals it is necessary to assess:
- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities;
 - Whether any identified impacts are capable of being satisfactorily mitigated including by any community benefits offered by the applicant (e.g. CS5);
- 6.1.6 If there are no unacceptably adverse impacts after mitigation has been applied and relevant policy tests can be met then the development would be ‘sustainable’ when taken under the NPPF as a whole (NPPF para. 98). If however any unacceptably adverse effects remain after mitigation and/or relevant policy tests cannot be met then the development would not be sustainable.
- 6.2 Justification for the development:
- 6.2.1 Justification for choice of site: Section 98 of the NPPF does not require applicants for renewable energy schemes to demonstrate the need for the development. However, the NPPF practice guide advises that planning authorities should consider ‘the energy generating potential (of a solar PV site), which can vary for a number of

reasons including, latitude and aspect'. In this respect the site has an open aspect and slopes gently to the west, which is favourable for solar development. It is not affected by any environmental designations. The Landscape and Visual Assessment accompanying the application concludes that the site is capable of being effectively screened from most viewpoints. The scheme has also been amended to reduce the arrays and increase landscaping. The land is available for the proposed use, is of appropriate size, is capable of being accessed and a connection to the electricity grid is possible. It is considered on balance therefore that relevant operational suitability criteria can be met.

- 6.2.2 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework advises that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'. The applicant's agricultural consultant advises that the site is ALC Grade 3b (i.e. not of best and most versatile quality), with the classification being limited by wetness and flooding risk. Some objectors have questioned these findings and expressed concerns that good quality land would be taken out of agricultural production. They advise that the site is in arable use and has a history of such use. Therefore, in accordance with NPPF112 the developer should demonstrate that the use of this particular site is necessary and that there are no alternative sites of poorer quality. In response the applicant has commissioned an independent assessment which has validated the original conclusions.
- 6.2.3 The main thrust of NPPF112 as stated in the first sentence is to protect 'best and most versatile agricultural land' and the site has been shown not to be of best and most versatile quality. The second sentence of NPPF112 refers to 'agricultural land' generally. However, this needs to be read in conjunction with the first sentence which refers specifically to best and most versatile land. As the land is not of best and most versatile quality officers consider that the need for the applicant to demonstrate that there are no alternatives with less agricultural impacts is weakened.
- 6.2.4 Notwithstanding this, as noted above, the applicant has advised that the site benefits from particular a combination of circumstances which render it suitable for solar development and which are not present in the immediate surrounding area (grid connection, access, screening etc). There are no equivalent brownfield areas available and in the vicinity. It is possible that sites with suitable characteristics are available on poorer quality land in the wider area. By definition however, this would not result in the production of renewable energy in the local area, using the specific capacity available in the local electrical supply grid.
- 6.2.5 The field has been in arable use for some time although the surrounding farmland is mainly pasture, with the exception of the fields to the south east of Squirrel Lane. The proposals would involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the NPPF practice guide on low carbon and renewable energy and there are many examples of this being successfully implemented. Full agricultural use would be returned at the end of the operational lifespan. 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 and would be removed when the site is decommissioned. The proposed track would be formed with stone chippings which would also be removed at the end of the design life. The proposals would support the economic viability of the farming business by providing a separate source of revenue, ensuring its longevity and progression as a local employer. 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 has been recommended.

- 6.2.6 Choice of site – alternatives: While the solar development could theoretically be developed elsewhere, much of the district is within the AONB and there are few alternatives that do not have greater constraints. The possible existence of other potential sites in the wider surrounding area does not amount to an alternative. This is given that the site has been proposed to utilise capacity to export renewable energy to the electricity grid which is only available in this particular area and via a connection at this specific location. There are no plans, through the duty to cooperate or otherwise, for neighbouring districts to produce equivalent renewable energy at a different site.
- 6.2.7 Choice of site – conclusion: Notwithstanding section 98 of the NPPF it is considered that the justification for this location of the proposed development is capable of being accepted in principle, provided there would be no other unacceptably adverse land use impacts. It is considered that there is no evidence that the proposal will result in significant or permanent loss of agricultural productivity. Some recent appeals support this conclusion (e.g: *APP/D0840/A/14/2212340 - Burthy Farm, Newquay, Cornwall*; *APP/D0840/A/14/2212325 - Kellygreen Farm, Cornwall*; *APP/X1118/A/14/2211328, Bommertown Farm, South Molton, Cornwall*).
- 6.2.8 Climate change and economic benefits: 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 1,250 homes. Over the lifetime of the facility over 60,000 tonnes of Carbon Dioxide emissions would be saved. 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. 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. 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. This is provided there would be no unacceptable impacts in relation to other interests such as the leisure / tourism economy (Core Strategy Policies CS5 and CS13).
- 6.3 Environmental considerations:
- 6.3.1 Landscape and visual impact: The site is not within a protected landscape designation and is 1.4km to the south of the nearest part of the Shropshire Hills

AONB. It forms part of the Estate Farmlands Landscape Character Type within the Shropshire Landscape Character Typology and is to the immediate west of the Principal Settled Farmlands Character Type. The main landscape characteristics are therefore agricultural.

6.3.2 The application is accompanied by a landscape and visual appraisal (LVIA). This assesses the visual and landscape context of the site with reference to a number of viewpoints in the surrounding area. The main conclusions of the LVIA are:

- The proposed development would have some landscape impact in the area, but that adverse significant effects are limited to during the construction phase.
- At post-completion, the mitigation measures would not only be beneficial to the landscape, but would go further to enhance the local character of the area.
- The vast majority of the landscape receptors have been assessed to have 'Negligible' significant of effect.
- There are judged to be no adverse significant effects on the landscape at the post-completion stage of the development.
- The few receptors that have been assessed as having some landscape impact are all beneficial effects. The largest significance of effect assessed is 'Moderate-Minor (beneficial)'.
- The assessment concludes that the visual impact of the development would be limited to the immediate vicinity of the site where the highest assessment of significance of effect has been 'Moderate-Minor'. There would be 'Negligible' significant effect on viewpoints and receptors further afield.
- There would be no appreciable cumulative effect given the limited number of other developments within the 5km study area and further afield.

The siting of the arrays has been designed / amended to avoid the higher areas of the field and the area adjacent to the deer park. Additional hedgerow planting has also been proposed. Some localised views would remain, including after the proposed planting becomes established.

6.3.3 The site is just visible as a distant feature from Titterstone Incline 5.3km to the east-north-east



Figure 13: View 3: Tittersone Incline

6.3.4 The application site is visible locally from the Scheduled Ancient Monument at Caynham Camp 1.3km to the south but is shielded by an intervening wooded ridge and forms a very minor part of a wider panorama. It is not considered that there would be any material impact on landscape character of the setting of the ancient monument.

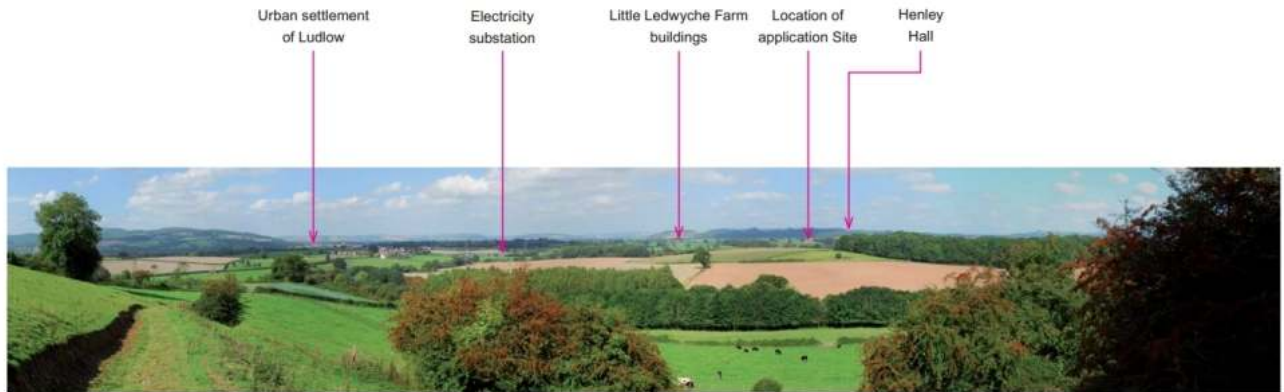


Figure 13: View 5: Caynham Camp



Plate 2: The application area viewed from Caynham Camp, looking west

6.3.5 The site is not visible from the Shropshire Way 530m to the south west due to the intervening buildings of Little Ledwyche Farm 350m to the south west.

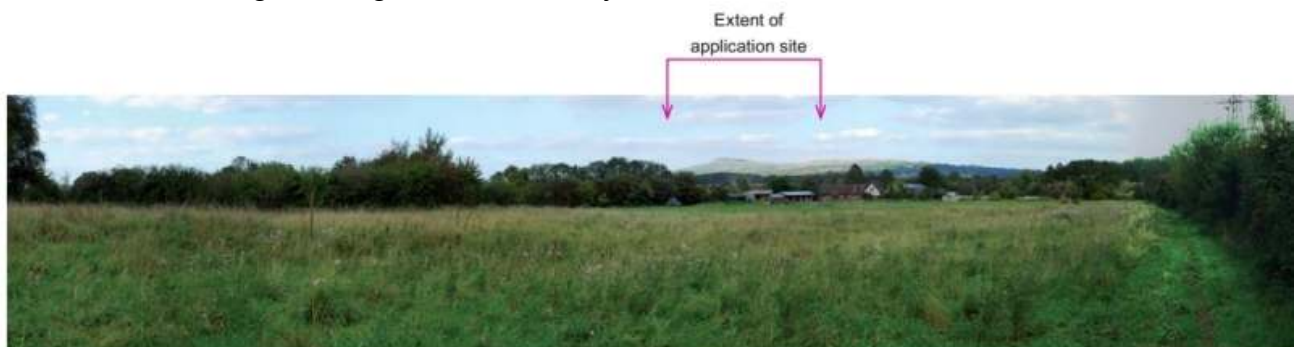


Figure 13: View 6: Shropshire Way Little Ledwyche Farm

6.3.6 The site field is visible locally from Ludlow Park & Ride 790m to the south west as a light area below the woodland of Henley Park. However, there would be no panels

on the top 12m of the field. Any view of the panel arrays would therefore be seen end-on, filtered through mature vegetation and behind existing overhead lines.

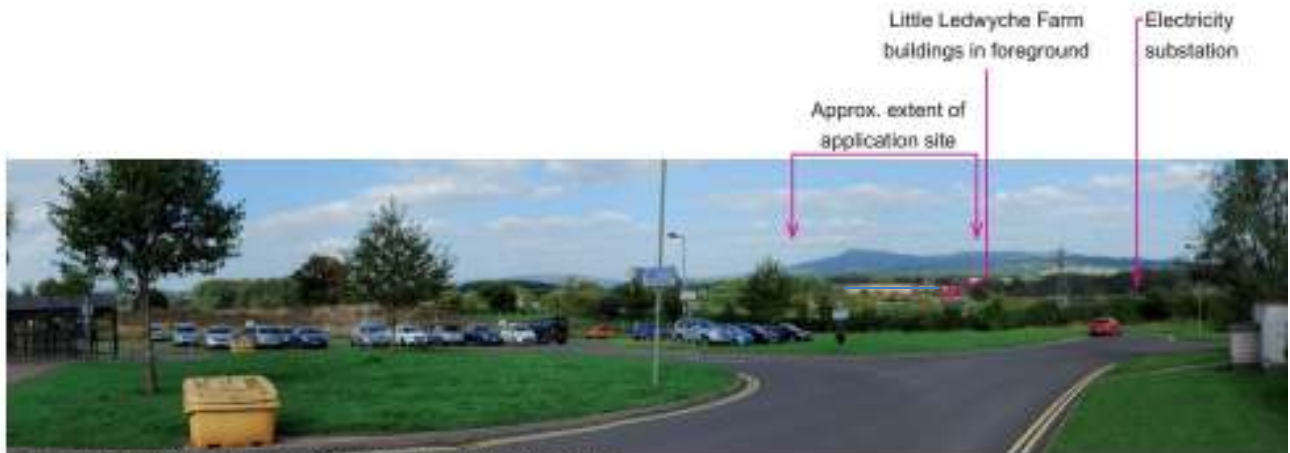


Figure 13: View 7: Ludlow Eco-Park/ Park and Ride Car Park

- 6.3.7 The LVIA indicates that there is a theoretical possibility of some views from surrounding areas including elevated area on the eastern side of Ludlow 1-1.5km west of the site. Officers have inspected this area and conclude that in practice such views from publicly accessible locations in Ludlow are very limited due to the effect of intervening buildings and vegetation. Where visible from Ludlow west of the A49, the solar arrays would be seen 'end-on' and against the backdrop of the wooded area of Henley Park and an intervening power line. At this distance and in this orientation it is not considered that there would be any material adverse visual effects.
- 6.3.8 Objectors have questioned the LVIA conclusions. They claim that the proposals would be widely visible from the surrounding area and, as such, would impact adversely on leisure and tourism interests. This conclusion is not supported by officer inspection of the site and its environs. It is recognised that some additional views towards the site are potentially available which have not been specifically assessed in the LVIA. However, nationally adopted LVIA methodology requires that views are representative as opposed to comprehensive. The applicant's LVIA contains representative viewpoints and is fully compliant with relevant methodology.
- 6.3.9 The proposals have been amended since the application was submitted in response to responses received from heritage consultees (see 'Heritage' below). The amendment removes the arrays from the northern part of the site, creating a minimum separation distance of 200m to Henley Park and meaning that the arrays would be separated from the park by the line of Colonel's Coppice. Additional hedgerow planting is proposed along the north and west margins of the arrays. The effect of this is to further improve screening of the site and reduce the potential for any adverse visual impacts.
- 6.3.10 The applicant's visual appraisal and officer assessment confirms that there are no significant views from any nearby rights of way. The area of Squirrel Lane adjacent to the site is defined by mature hedgerows and areas north of the site on Squirrel Lane are separated from the arrays by distance and the slope of the land. The elevated land within the Ludlow by-pass 1.1-1.4km to the west does not afford any significant public views of the site given the screening effect of distance, intervening

structures and vegetation. Objectors have referred to the effect on views from St Laurence's church tower 2.4km to the west. No evidence has however been presented to support the conclusion that the site would be visible or prominent from this location, given the elevation of the site 100-115m AOD and the presence of an intervening 125m high ridge at Gallows Bank and associated trees.

6.3.9 Visual impact – glint and glare: An assessment of glint and glare advises that there would be no negative impacts from light emissions of direct sunlight reflections or diffused light reflection. From most parts of possible emission spots, lines of sight on the module surfaces are broken either by ground level or existing natural cover. For the existing data provided on inter-visibility no solar altitudes were identified, that could trigger glare in the given situation. The report advises that there is a chance of some light reflections at certain times from Rock Farm / Rock Cottages (860m to the north-west) and the buildings along the A4117, but this would not give rise to any glare effects. However, subsequent removal of the array area to the north of Colonel's Coppice further reduces the potential for reflection.

6.3.10 Visual impact – conclusion: The LVIA produced by the applicant is compliant with relevant methodology. It is considered that the photovoltaic panels have been positioned sensitively within the landscape. There would be some visual impacts in the areas nearest to the site but these would be localised and mitigated by landscaping. Beyond this it is considered that any observable effects would be minor adverse once mitigation and intervening vegetation are taken into account. Views towards the site from 1km and beyond would be generally form small parts of the wider landscape. The panoramas accompanying the LVIA indicate that the site would represent a very minor component of wider views as seen from more distant locations including the AONB. Whilst the comments of objectors are noted it is not considered that refusal on the grounds of landscape and visual impacts would be justified. This is when the proposed mitigation measures and the benefits of renewable energy are taken into account. (Core Strategy Policy CS5, CS6, CS17; NPPF s28, s98, s116)

6.3.11 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. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 131).

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 132). Where a development proposal will lead to less than substantial harm to the significance of

a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 134).

- 6.3.12 A Heritage Appraisal concludes that the development will have limited adverse impact on the landscape and negligible adverse impact on the heritage resource. There are no designated assets within the application area, and 12 within the 1km study area. These comprise one Registered Park and Garden, two Grade II* Listed Buildings and nine Grade II Listed Buildings. The Heritage assessment advises that the proposed development will not affect the settings or significance of these assets. The significance of more distant assets is also not affected. The hedgerows within, or forming boundaries to, the application area are all considered to be historic hedgerows; one of which is a parish boundary. The principal archaeological interest identified in the application area is the presence of medieval cultivation remains. The heritage report advises that there is a low potential for the presence of previously unrecorded heritage assets within the application area.
- 6.3.13 The application area shares a wooded boundary with the Registered Park, Henley Hall. Views out of the registered park are well screened by mature trees and stands of woodland. Due to the topography there is no inter-visibility between the principal building, Henley Hall, a Grade II* Listed Building, and the southern extent of the park (the former deer park). The northern park and pleasure grounds appears to have been designed to encompass the house in a landscape separate from the agricultural one beyond. The principal views through the park lead to the Park House, and west and south from the terraced walk. The application area is not visible in any of these views. The heritage report indicates that the park has been designed to be experienced from within its boundaries as opposed to being seen from outside. Hence, the park is contained by tree planting, including along the southern boundary adjoining the application site. The park appears as a line of trees immediately above the site in any more distant views where both can be seen together. It is not considered that the development would result in any significant adverse effects on the setting of the listed park.
- 6.3.14 Historic England and the SC Historic Environment objected to the scheme as submitted on the basis that the applicant had failed to demonstrate that there would not be an adverse impact on the listed park. The Garden History Society has also objected on this basis and also refer to concerns about the visibility of the site from the Eco Park and Titterstone Clee Hill. Since this time a site meeting has taken place between heritage consultees and the applicant's heritage consultant and the scheme has been amended. A 200m stretch of proposed arrays in front of the deer park has been removed. Additional planting has been proposed between the site and the deer park and the proposed maintenance access has been moved 250m to the south, away from the deer park. The heritage report has been updated and 2 additional photomontages have been produced from agreed viewpoints:



Bypass view, before proposed hedge planting is established



View south from gap in deer park hedge before this is closed by proposed planting

- 6.3.14 On the basis of the proposed amendments SC Historic Environment and Historic England have withdrawn their objections. They have requested that certain details are incorporated as part of a landscaping scheme and a condition covering this has been recommended in Appendix 1 (Cond. 6).
- 6.3.15 Caynham Camp, a hillfort and Scheduled Monument, lies 1.2km to the south east of the application area (see photos in preceding section). The heritage report advises that a significant contribution to the setting of this asset is its inter-visibility with other associated monuments and its strategic topographic location. There may be some glimpsed views of the proposed development, particularly during winter, when the screening provided by the existing deciduous woodland is reduced. Although

the asset has extensive views across the landscape, the proposed development will not interrupt the lines of sight between Caynham and Titterstone Clee Hill, a contemporaneous monument to the north east. The report does not consider that development within the application area could affect the setting or significance of either of these assets.

- 6.3.16 The pictures shown in the previous section (views 3 and 7) demonstrate that the site forms a very minor part of the wider landscape from the locations referred to by The Garden History Society. The heritage report assesses other designated assets of high significance, within 5km and concludes that none of these are likely to have visual settings which could be adversely affected by the proposed development.
- 6.3.17 In conclusion, there would be some change to the wider setting in which the registered park is located. However, it is not considered that this would amount to substantial harm given the amendments and mitigation proposals. As any harm is 'less than substantial' the NPPF requires that it should be weighed against the public benefits of the proposal (NPPF 134). The public benefits are of a wider nature and include the ability of the proposals to assist in combating climate change, providing a more secure and diverse supply of energy and supporting the agricultural economy, as referred to above. Objectors have argued that these would be outweighed by the dis-benefits of the scheme, including to leisure and tourism interests and this is discussed further in a succeeding section. It is concluded however that on balance that the public benefits of renewable energy are sufficient to outweigh any less than substantial harm to the setting of the heritage asset (NPPF s128, 134; Core Strategy Policy CS17).
- 6.3.18 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. Construction traffic would be closely managed under a construction management plan. 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 objected and there is no reason to suspect that there would be any unacceptable noise impact, given also the separation distance to the nearest properties and fact that inverter units would be contained in acoustically attenuated buildings. It is however recommended that any planning permission should include an appropriate noise control condition.
- 6.3.19 Access / traffic and construction: The development would be accessed via a 1.7 km stretch of Squirrel Lane via a short stretch of Sheet Road near its junction with the A49 Ludlow By-Pass. Objectors have advised that this road is too narrow to accommodate the construction traffic. However, the applicant has submitted a Construction Management Plan covering the 14 week construction period. This would control the access and egress of lorries to the site from the minor road during the construction phase. 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.

- 6.3.20 A maximum of up to 50 construction workers are forecast to be on site during peak times during the construction period. The construction workers would arrive by minibus, thereby significantly minimising the impact on the local highway network. The application states that construction of the Solar farm would result in a total of up to 468 HGV traffic movements (arrivals and departures), equating to an average of approximately 6 HGV movements (3 arrivals and 3 departures) per day. This level has been reduced slightly by the subsequent omission of the northern area from the site.
- 6.3.21 After commissioning, there would be around 3 to 4 visits to site per year for maintenance and these would be made by van or 4x4 type vehicles. In addition there would be a need for periodic visits during year to move sheep onto and off the site and for general landscaping and ground maintenance. Highway officers have not objected. It is considered that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).
- 6.3.22 Ecology: An ecology report advises that there will not be any impact on protected species or any valuable habitats. The proposal offers the opportunity to provide several ecological gains such as the conversion of arable land into species rich grassland and planting of additional scrubland. Ecological protection and enhancement measures would also be put in place by way of a planning condition. The Council's Ecology section has not objected. Detailed conditions and advisory notes are included in Appendix 1. It is considered that the Proposals comply with Policy CS8 (encouraging infrastructure that mitigates and adapts to climate change) and Policy CS17 (protecting and enhancing Shropshire's natural environment).
- 6.3.23 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 and therefore is at low probability of flooding from fluvial sources. 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. A sustainable urban drainage (SUDS) scheme accompanies the application. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).
- 6.4 Timescale and decommissioning:
- 6.4.1 Current solar photovoltaic arrays have a design life of approximately 25-30 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future arable productive capacity is protected (NPPF s112). A condition covering decommissioning has been recommended in Appendix 1. A decommissioning clause would also be included in the applicant's tenancy agreement and the value of the solar equipment at the end of its design life would provide a further incentive for decommissioning.
- 6.5 AONB

6.5.1 The site is located 1.4km from the Shropshire Hills AONB, a statutory landscape designation. The area between Ludlow and the AONB in which the site is located has no statutory landscape designation but is protected by Core Strategy policy CS5 which protects the open countryside but also supports sustainable development to diversify the rural economy. Policy CS17 requires that new development should take account of landscape character assessment which grades landscapes according to their sensitivity. The applicant's landscape and visual appraisal complies with this requirement. It is considered that the visual information submitted in support of the application indicates that the AONB is located too far away to be materially affected by the proposed development and that this is supported by the applicant's visual appraisal.

6.6 Leisure and Tourism

6.6.1 Core Strategy Policy CS16 (Tourism, Culture and Leisure) seeks to deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy. Amongst other matters the policy seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment. Objectors have expressed concern that the proposals could impact adversely on leisure and tourism interests, based on concerns that the proposals may appear visually intrusive and out of keeping in the local area.

6.6.2 These concerns and the level of local opposition to the scheme generally are recognised. However, the applicant's visual appraisal supports the conclusion that the site is capable of being effectively screened and would not give rise to any unacceptable visual impacts. No detailed evidence has been presented to support the conclusion that any residual views of the site would be prominent from or have a significant impact on any local leisure / tourist interests.

6.6.3 A number of solar park schemes are now operational in other parts of Shropshire. There have been no reports of impacts on leisure / tourism interests from operation of these sites which, once installed, are passive, have no emissions and require minimal maintenance. Solar parks and tourism are not incompatible. In 2011 Hendra Holiday Park, one of Cornwall's biggest holiday facilities switched over to their new 10-acres solar farm, built adjacent to the park, providing 75% of the park's power requirements.

6.6.4 South West Research Company was commissioned by renewable energy supplier Good Energy to research the effects of wind and solar this and conducted face-to-face interviews with more than 1,000 visitors during August 2013. A recent internet search did not identify any equivalent survey on tourism effects by objectors to solar development. The study concluded that for the majority of visitors, the presence of wind and solar farms in Cornwall had no impact on their holiday. Crucially, more than nine out of ten visitors (94%) said the farms would make no difference to their decision to visit Cornwall again. The survey confirmed that the risk of poor weather and value for money were far more important factors in determining people's choice of holiday destination than was the presence of wind and solar farms: www.goodenergy.co.uk/visitor-impact-research-Nov2013.

6.6.4 It is not considered that there is any clear evidence that the current site would result in unacceptable impacts on leisure / tourism interests. Officers do not consider therefore that refusal on grounds of Core Strategy policy CS16 could be sustained.

6.7 Other matters:

6.7.1 Community benefits: Whilst not considered essential in order to deliver a sustainable development the applicant company has advised that it is willing on a voluntary basis to make funding available for local community uses in order to provide a benefit to the local community. It is envisaged that this would take the form of a legal agreement (Unilateral Undertaking) with payment into a community fund at a level consistent with that of other recent solar park schemes which the Council has dealt with. This supports the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.

6.7.2 CCTV and privacy: It is proposed that CCTV would be used at the site for security reasons. Cameras would however sensitively positioned and would point away from the nearest residential properties in the interests of privacy.

6.7.3 Animal welfare: The owner of an adjoining field farms Alpacas and has expressed concerns that these sensitive animals will be disturbed by the solar arrays. Construction works would be subject to a Construction Management Plan (CMP) and would last 4 months during normal daylight hours. Animal welfare during the construction phase can be addressed as part of the CMP. No evidence has been provided that the solar development would impact on animal welfare following the construction phase and this would not be expected due to its passive nature of operation.

6.7.4 Recent Government statement: Objectors have referred to recent ministerial statements establishing a general preference towards the use of brownfield sites for solar photovoltaic schemes. These statements are noted and are material considerations. However, they do not alter adopted planning guidance set out in the NPPF and the associated low carbon and renewable energy guide and referred to in section 10 of this report. Shropshire is a predominantly rural county and there is insufficient brownfield land to deliver the progress in renewable development expected by policies and guidance.

7.0 CONCLUSION

7.1 With regard to energy efficiency and climate change, the proposals would contribute to the diversity of sources of energy supply and hence the security of supply. They 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. (NPPF 97, 98, Core Strategy strategic objective 9, Policy CS8). In addition, the proposals would provide a diversified income for the farm that would help to ensure the longevity of the business and retention of existing jobs (CS5, CS13). The applicant's proposed voluntarily local community contribution, whilst not material to the application, is also to be welcomed.

- 7.2 It is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment, local amenities, leisure / tourism or other interests of acknowledged importance. Subject to mitigation, there would be no significant harm to the landscape and scenic beauty of the area, or to heritage and nature conservation interests. The extent of any change to the setting of the Grade II listed park has been mitigated by amendments to the proposal and heritage consultees have withdrawn previous holding objections. (Core Strategy Policy CS6, CS16 & CS17).
- 7.3 Appropriate conditions have been recommended, including the requirement for a construction management plan and final decommissioning. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan.
- 7.3 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S98). It is concluded that the proposals are sustainable and can therefore 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 NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can 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...”

11.1.5 Paragraph 117 of the NPPF sets out the general requirement to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'. Section 126 states 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Section 128 identifies the need to take the settings of listed buildings into account. Section 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

11.1.6 Paragraph 28 advises that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas...;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages...

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. 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 mitigate and adapt 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 CS16: Tourism, Culture and Leisure - To deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities, emphasis will be placed on: Supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire.

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 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.
- 10.4 Site Management and Allocation of Development Document (SAMDEV) – The site is not subject to any specific designations within the emerging SAMDEV. Draft policies are being prepared. Whilst these cannot yet be accorded any weight it is considered that the proposals are in general compliance with the objectives of this emerging planning policy.
- 10.5 Other Relevant Guidance
- 10.5.1 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 .
- 10.5.2 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 There is no planning history associated with the application site.

12.0 Additional Information

List of Background Papers: Planning application reference 15/01472/FUL and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Richard Huffer, Clee

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 the application form dated 1st April 2015 and the accompanying planning statement and supporting documents and plans.

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Site Boundary 1:10,000), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Construction Management Plan

4. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in which the route along the highway for the delivery of materials and plant shall be stated along with measures to minimize the impact on the local highway network.

Reasons: In the interests of highway safety

Note: Appropriate advice should be obtained from a soil scientist to prevent damage to the soil resource during the construction phase. Account should also be taken of animal welfare interests.

Access

5. The sole access to and from the site during construction and throughout the subsequent operational phase shall be by means of the route shown on the approved location plan reference 'Site Boundary', 1:10,000.

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

Landscape and Ecological Mitigation Plan

- 6a. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales.
- b. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with a scheme which shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.
- c. The scheme required by this condition shall also put forward measures for filling in localized gaps in the hedgerow defining the boundary between the site and the Henley Deer Park and ensuring a robust visual screen for the duration of the development hereby approved.

Reason: To provide effective containment of the Site and establishment / maintenance of a reasonable standard of landscape in the interests of visual amenity (6a,b,c) and to protect the setting of the Grade II listed deer park to the north of the site (6c).

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

7. 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 secure establishment of the landscaped area in the interests of visual amenity and ecology.

Arboriculture

- 8a. All trees on the site should be retained throughout the development phase and should be protected through the development works in accordance with BS5837: Trees and Development. No development hereby permitted, including ground disturbance, siting of plant, equipment, buildings or bunds, shall take place within 2 metres of any hedgerow, without the prior written approval of the Planning Authority.
- b. 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.
- c. The approved measures for the protection of the trees as identified in the agreed tree protection plan (Tree report ref. 2069-24-A TSE) shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation will be made from

the approved tree protection plan without the written agreement of the Planning Authority's Tree Officer.

Reason: To ensure that permitted work is carried out in such a manner as to safeguard existing trees and hedges and hence to protect the amenities of the local area (8a,b). To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development (8c).

Ecology

9. Prior to the commencement of works an ecological management plan shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include the following:
- i. The corridor/buffer strip along the length of the watercourse clearly showing distance separating the development to the watercourse.
 - ii. measures to allow connectivity through the site for wildlife (i.e. additional new hedge planting, access points for terrestrial mammals along the fence line),
 - iii. a management plan using grazing to increase species diversity,
 - iv. planting plans, including wildlife habitat and features,
 - v. written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment),
 - vi. schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. native species used to be of local provenance (Shropshire or surrounding counties) in the wildlife areas,
 - vii. details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works,
 - viii. ecological trends and constraints on site that may influence management;
 - ix. aims and objectives of management;
 - x. a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be reviewed every 5 years);
 - xi. personnel responsible for implementation of the plan;
 - xii. monitoring and remedial/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 ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

10. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on a site plan submitted and approved in writing by Shropshire Council.

Reason: To protect features of recognised nature conservation importance

11. Prior to the commencement of development, demolition or site clearance procedures, Reasonable Avoidance Method Statement with respect to Great Crested newts shall be obtained and submitted to the local planning authority for the proposed work. The method statement should be prepared by an experience licensed ecologist. Work shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure the protection of Great Crested newts, a European Protected Species

12. A minimum of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first use of the proposed solar farm hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

- 13a. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK. Work on site will be excluded between one hour before sunset and one hour before sunrise.

- b. A minimum of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the development hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species (13a). To minimise disturbance to bats, a European Protected Species (13b).

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. *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).*
- iii. *Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a 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. 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.

- iii. 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.*
- iv. If the scheme requires the removal, or lopping, of any trees on the site then further bat surveys will be necessary. Any trees proposed for felling would need to be subject to up to 2/3 dusk/dawn emergence surveys during May to September (optimum May to August) and with at least one survey to comprise dusk and dawn in a single 24 hour period. If evidence of bats is found in the trees then a European Protected Species Licence with respect to bats may be necessary from Natural England along with a mitigation scheme and method statement.*

Fencing

- 14. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference TGC/PV001; 2.0m Deer Fencing (amended plan).
 - b. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference TGC/PV004 (CCTV System).

Reason: In the interests of and visual amenity and privacy.

Archaeology

- 25a. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Noise

16. 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 in the area surrounding the site.

Reason: In the interests of residential amenity.

Amenity complaints procedure

17. 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

- 18a. No re-placement of any solar panels within the Site at the end of their planned design life shall take place under the terms of this permission.
- b. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 30 years of the date of this permission and the Site shall be reinstated as an agricultural field. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

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.

Notes:

- i. *The typical design life of modern solar panels is up to 30 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.*
- ii. *For the transformer installation, the applicant should consider employing the following measures To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner:*
 - *Surface water soakaways;*
 - *Water Butts;'*
 - *Rainwater harvesting system;'*

- *Permeable surfacing on any new driveway, parking area/ paved area;*
- *Greywater recycling system.*