

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 19 September 2022

Committee:
Southern Planning Committee

Date: Tuesday, 27 September 2022
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached.

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link: <https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

David Evans (Chairman)
Nick Hignett (Vice Chairman)
Caroline Bagnall
Andy Boddington
Nigel Hartin
Richard Huffer
Christian Lea
Hilary Luff
Nigel Lumby
Richard Marshall
Tony Parsons

Substitute Members of the Committee

Gwilym Butler
Pamela Moseley
Cecilia Motley
Kevin Pardy
Vivienne Parry
Claire Wild
Mark Williams
Paul Wynn

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

AGENDA

1 **Apologies for Absence**

To receive any apologies for absence.

2 **Minutes** (Pages 1 - 6)

To confirm the minutes of the Southern Planning Committee meeting held on 23 August 2022

Contact Tim Ward (01743) 257713.

3 **Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Thursday 22 September 2022.

4 **Disclosable Pecuniary Interests**

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 **Application to Register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green** (Pages 7 - 14)

Report of the Assistant Director Legal and Governance is attached

Contact: Tim Collard, Tel 01743 252756

6 **Proposed Solar Farm to the east of Squirrel Lane, Ledwyche, Ludlow (22/02151/FUL)** (Pages 15 - 68)

Formation of solar farm including installation of solar panels, construction compound, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection and other ancillary development

7 **Brick House Farm, Greete, Ludlow, SY8 3BZ (22/02565/FUL)** (Pages 69 - 132)

Construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas.

8 **Land To The East Of Garridge Close Albrighton Shropshire (21/05665/FUL)** (Pages 133 - 190)

Erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house

9 **Proposed Dwelling NE Of Greenfield Cottage 7 The Lyde Bromlow Minsterley Shropshire (22/02643/REM)** (Pages 191 - 208)

Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline permission 19/02225/OUT for the erection of a detached dwelling and garage

10 Schedule of Appeals and Appeal Decisions (Pages 209 - 230)

11 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 18 October 2022



Committee and Date

Southern Planning Committee

27 September 2022

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 23 August 2022

2.00 - 4.15 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward / Ashley Kendrick

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk Tel: 01743 257713 / 01743 250893

Present

Councillors David Evans (Chairman), Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Nigel Hartin, Hilary Luff, Nigel Lumby, Richard Marshall, Tony Parsons, Christian Lea and Richard Huffer

45 Apologies for Absence

There were no apologies for absence.

46 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 26 July 2022 be approved as a correct record and signed by the Chairman.

47 Public Question Time

There were no public questions

48 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

In relation to item 6, Councillor David Evans declared an interest as the local member and stated that he would leave the room during the discussion, taking no part in the vote.

In relation to item 6, Councillor Hilary Luff declared an interest as the local member and stated that she would leave the room during the discussion, taking no part in the vote.

49 Buildwas Leisure Site Buildwas Telford Shropshire (21/03090/FUL)

The Interim Planning and Development Services Manager introduced the application which was for the change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Interim Planning and Development Services Manager reminded Members that the application had been deferred from a previous meeting in order that further consideration could be given to Members concerns regarding highway safety and advised the meeting that the applicants had submitted a road safety audit in relation to the highways issues raised and that following this the application had been amended to remove the touring caravan pitches replacing them with additional lodges and static caravans.

The Interim Planning and Development Services Manager drew Member's attention to the information contained in the schedule of late representations.

Mark Thorn spoke against the proposals in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Amy Henson, (Agent), spoke in support of the proposal on behalf of the applicant in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

A Member commented that the applicants appeared to have address the concerns of the Committee and asked whether Mr Thorn's request regarding routing of construction traffic could be adopted. The Interim Planning and Development Services Manager commented that this could be considered as part of the construction management statement required in condition 8.

A Member commented that he was disappointed that the Highways response did not appear to take account of the cumulative effects of the application at Ironbridge Power Station and this application on the local highways network

RESOLVED

That in accordance with officer recommendation planning permission be granted subject to the conditions set out in Appendix 1 and as amended in the schedule of late representations

50 New dwelling (Cedar House) adj. The Levons, Hazler Road, Church Stretton, Shropshire, SY6 7AQ (21/01955/FUL)

In accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, Councillors David Evans and Hilary Luff, Local Members left the meeting and took no part in the debate or vote

The Vice Chair Councillor Nick Hignett took the Chair for this item.

The Interim Planning and Development Services Manager introduced the application which was for the erection of a detached garage and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Interim Planning and Development Services Manager reminded Members that the application had been deferred at a previous meeting to allow discussions with the owners of the property to see whether the garage could be relocated or reduced in size in order to allow vehicles to turn within the property and not have to reverse out onto the highway but that they had advised that this was not possible.

Members commented that whilst they were not in favour of vehicles having to reverse onto the highway, Hazler Road had relatively low levels of traffic so in this case vehicles reversing out of the property should not create a hazard.

RESOLVED:

That in accordance with officer recommendation planning permission be granted subject to the conditions set out in Appendix 1 of Annex A

Councillors Evans and Luff rejoined the meeting and Councillor Evans retook the chair

51 Proposed redevelopment of former Ironbridge Power Station report seeking onward delegation to determine the cross -boundary applications on behalf of Telford & Wrekin council

The Principal Planner introduced the report which sought the Committees approval to accept an onward delegation from Telford & Wrekin Council to determine cross border application at the former Ironbridge Power Station Site.

The Principal Planner reminded Members that a small portion of the Power Station Site lay within the boundary of Telford and Wrekin Council and that as part of their approval of the outline planning permission they had agreed that an onward delegation be given to Shropshire Council to consider all future application on the site. He added that the Shropshire Council Constitution stated that the relevant planning committee had to resolve to accept the onward delegation.

The Principal Planned advised the Committee that the outline planning permission was due to be published and that this would prompt a number of reserved matter and discharge of condition applications. He stated that full consultation would take place with Telford and Wrekin Council regarding these applications.

RESOLVED:

That Members accept the onward delegation to determine cross boundary planning applications from Telford & Wrekin Council Local Planning Authority to the Shropshire Council Local Planning Authority in accordance with Article 11.4 of the Council's constitution and following completion of the associated s106 agreement and Memorandum of Understanding

52 Proposed Agricultural Workers Dwelling South Of Corfton Farm Corfton Shropshire (22/00778/OUT)

The Principal Planner introduced the application which was for outline permission for the erection of an agricultural workers retirement dwelling to include access, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner confirmed that Members had visited the site during the site visits prior to the meeting.

Councillor David Hedgley spoke on behalf of Diddlebury Parish Council in favour of the application in accordance with Shropshire Council's scheme for Public Speaking at Planning Committees.

The Solicitor read a statement on behalf of Councillor Cecilia Motley, local Ward Councillor in favour of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Nick Williams, (Agent), spoke in support of the proposal on behalf of the applicant in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members commented that the proposal would allow for family succession within the business and felt that the proposed location was acceptable. They also felt that the proposed size of the property could be addressed at the reserved matters stage.

RESOLVED:

That contrary to officer recommendation outline planning permission be granted and delegated authority be given to planning officers to apply conditions and S106 relating to reversion to an affordable dwelling as necessary.

Members felt that as the application was for outline permission, the question of the proposed size of the dwelling could be addressed during the consideration of reserved matters. They also felt that the proposed location of the dwelling was acceptable and would not have a detrimental effect on the area.

53 Cartway Cottage Woodbank Abdon Craven Arms Shropshire (22/01833/FUL)

The Principal Planner introduced the application which was an application for the change of use of land to domestic garden land and erection of a three-bay detached garage with new vehicular access. and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner confirmed that Members had attended a site visit

The Solicitor read a statement on behalf of Councillor Cecilia Motley, local Ward Councillor in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members commented that the proposed site was much better than the one previously turned down and felt that it would have minimal effect on the AONB

RESOLVED:

That in accordance with officer recommendation planning permission be granted subject to the conditions set out in Appendix 1

54 Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT (22/02338/FUL)

The Principal Planner introduced the application which was an application for the conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works. and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner confirmed that Members had attended a site visit and drew Members attention to the information contained in the schedule of late representations

The Solicitor read a statement on behalf of Councillor Cecilia Motley, local Ward Councillor in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members expressed support for the preservation of the listed buildings but felt that the size and design of the proposed extension would have an adverse effect on the listed buildings and the setting of the conservation area.

RESOLVED:

That contrary to officer recommendation planning permission be refused for the following reason: -

That the size and scale of the extension would have an adverse impact on the character and appearance of the listed buildings and the setting of the Clee St Margaret conservation area

55 Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT (22/02339/LBC)

The Principal Planning Officer informed Members that as the Committee had resolved to refuse the preceding item (22/02338/FUL) the related and inter-dependent application for listed building consent was also deemed to be refused at this stage.

56 Proposed Dwelling To The SW Of Meadowtown Shropshire (22/02353/FUL)

The Interim Planning and Development Services Manager introduced the application which was for the erection of a detached dwelling, associated garage/carport and siting of a septic tank, together with a new vehicular access and all associated works, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Councillor Heather Kidd, local Ward Councillor made a statement in favour of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Richard Jones, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members felt that the proposal would provide a much-needed dwelling for a local family and that they would not have a harmful effect on the area.

Members, having listened to the comments of the local Member confirmed that they considered the proposal to constitute infill and hence met the relevant policy.

RESOLVED:

That contrary to officer recommendation outline planning permission be granted and delegated authority be given to planning officers to apply conditions as necessary

Members felt that the proposals would not have a harmful effect on the area and that the criteria for new development in the settlement i.e., infill, had been met.

57 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 23 August 2022 be noted.

58 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 20 September 2022 in the Shirehall.

Signed (Chairman)

Date:



Committee and Date

Southern Planning Committee

27 September 2022

Application to Register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green

**Responsible
Officer**

Tim Collard

e-mail: tim.collard@shropshire.gov.uk Tel: 01743 252756

1. Synopsis

This report relates to an application made under section 15(8) of the Commons Act 2006 to register Land at Sidney Road and Charlton Rise, Ludlow as a Town green ("the Application").

2. Executive Summary

2.1 On 17 February 2021 the Council as Commons Registration Authority received an application from Mr Bernard Quinn for and on behalf of Connexus Homes Limited to register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green under section 15(8) of the Commons Act 2006 ("the 2006 Act").

2.2 The Procedure in relation to applications to which section 15(8) of the 2006 Act applies is laid out in regulation 7 of The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 ("the 2007 Regulations") which states that:

Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that—

- (a) the applicant is the owner of the land; and*
- (b) any consents which are required by section 15(9) of the 2006 Act have been obtained*

2.3 As explained below, these requirements have been met so that the Council as registration authority must register the land as a Town Green. This function has been delegated by full Council to Southern Planning

Committee as set out in Part 3 of the Council's Constitution in the section headed "Responsibility for Council Functions".

3. Recommendations

- 3.1 That the Application be accepted, and the land shown edged green on the plan accompanying the application be added to the Register of Town and Village Greens for the reasons set out in this report.

REPORT

4. Risk Assessment and Opportunities Appraisal

4.1 Human Rights Appraisal

The contents of the report are compatible with the provisions of the Human Rights Act. The landowner has made the Application, the charge holders have given their consent, and no publication of the Application is required by the relevant legislation.

4.2 Environmental Appraisal

The procedure for considering this application will have no environmental implications

4.3 Equalities Appraisal

The contents of this report do not raise any equalities issues.

4.4 Risk Management Appraisal

This Report deals with the processes to be followed to fulfil the Council's statutory duty. Risk management has been appraised as part of the consideration of this Report.

4.5 Community / Consultations Appraisal

No consultation upon the matters contained in the Application is required under the Commons Act 2006 because the Application has been made on a voluntary basis by the landowner.

5. Financial Implications

5.1 The matters contained in this report do not give rise to any financial implications for the Council.

6. Climate Change Appraisal

6.1 There are no direct climate change implications as a result of this report.

7. Background

The Application

7.1 On 9 February 2022 the Council as Commons Registration Authority received an application from Mr Bernard Quinn for and on behalf of Connexus Homes Limited to register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green under section 15(8) of the Commons Act 2006 ("the 2006 Act").

The Law

7.2 The relevant parts of Section 15 state that: -

(8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.

(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.

(10) In subsection (9)—

- *"relevant charge" means—*
 - (a) in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);*
 - (b) in relation to land which is not so registered—*
 - (i) a charge registered under the Land Charges Act 1972 (c. 61); or*
 - (ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c. 20), which is not registered under the Land Charges Act 1972;*

- *"relevant leaseholder" means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.*

7.3 'Owner' is defined by section 61(3) of the 2006 Act which states that:

(a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;

(b) references to land registered in the register of title are references to land the fee simple of which is so registered

7.4 The Procedure in relation to applications to which section 15(8) of the 2006 Act applies is laid out in regulation 7 of The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 ("the 2007 Regulations") which states that:

Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that—

(a) the applicant is the owner of the land; and

(b) any consents which are required by section 15(9) of the 2006 Act have been obtained.

The Application

7.5 The Land Registry title to the land shows that it is registered, with title absolute, to Connexus Homes Limited, under title number SL76361 and therefore satisfies section 15(8)(a) of the 2006 Act.

7.6 For land to be registered voluntarily as a town or village green, it is necessary under section 15(9) for the applicant to show that the consent of any leaseholder or proprietor of any charge over the land has been obtained. The Applicant has confirmed and provided sufficient evidence to establish that there are no relevant leases or charges affecting the application land.

7.7 The Committee is advised that the requirements for the applicant to prove ownership of the land and consent of any leaseholders and charges have been met. Once the Committee is satisfied that the requirements of section 15(8) and section 15(9) of the 2006 Act

have been met, registration is a mandatory statutory requirement pursuant to Regulation 7 of the 2007 Regulations.

8. Conclusions

- 8.1 As all the statutory criteria for voluntary registration under sections 15(8) and 15(9) of the 2006 Act have been met registration of the land as a village green is mandatory pursuant to Regulation 7 of the 2007 Regulations.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Gwilym Butler

Local Members

Tracey Huffer/Vivienne Parry

Appendices

- (a) Plan of application land.

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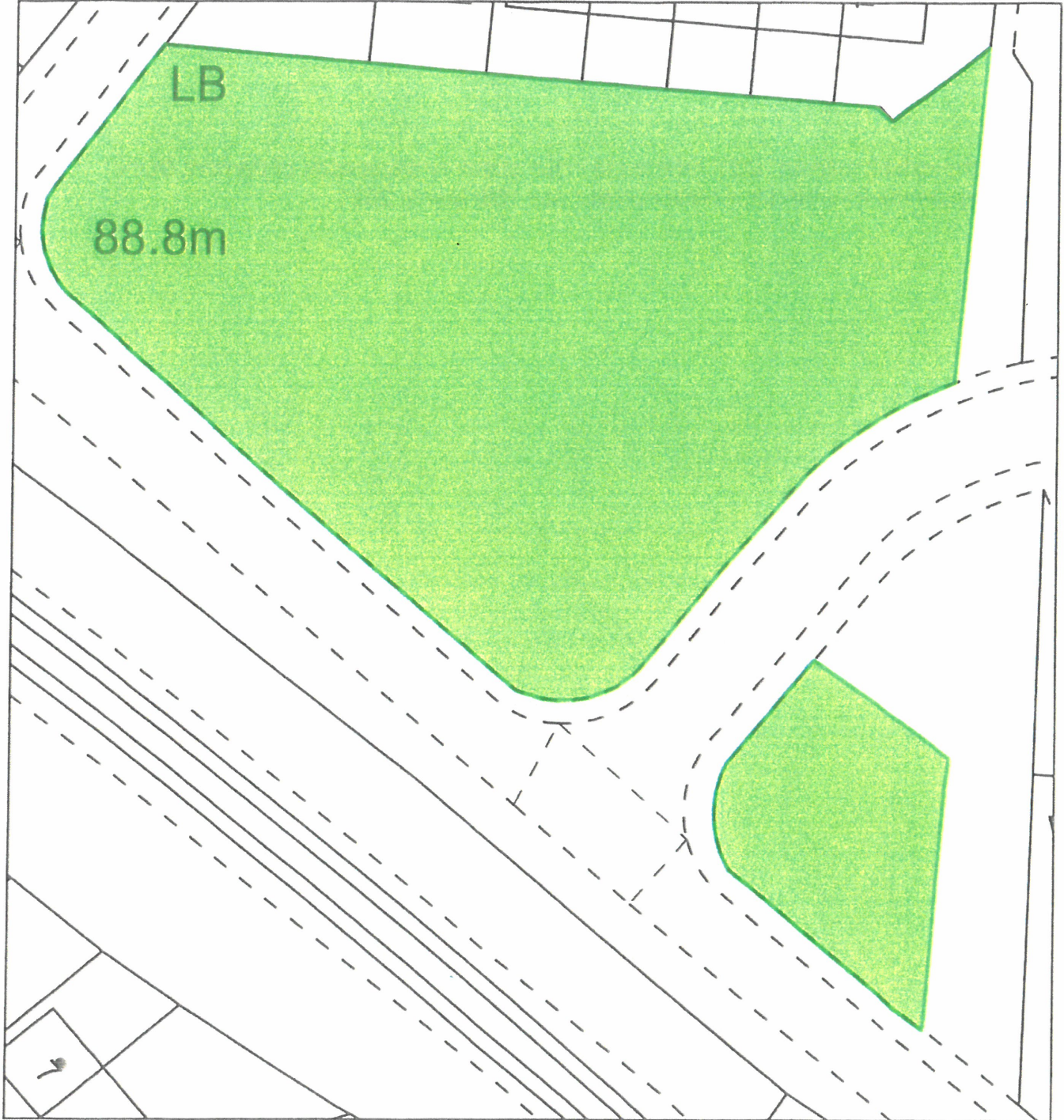
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(352010, 274590)

Sidney Road

(352104, 274590)

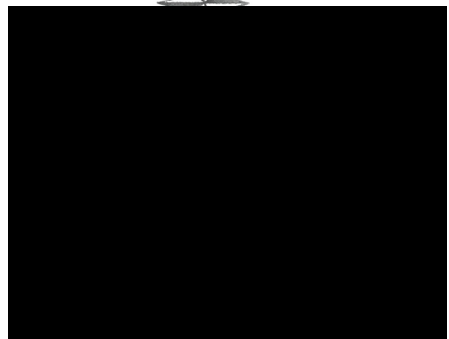
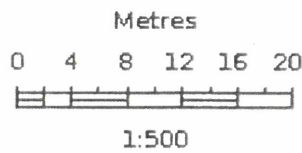


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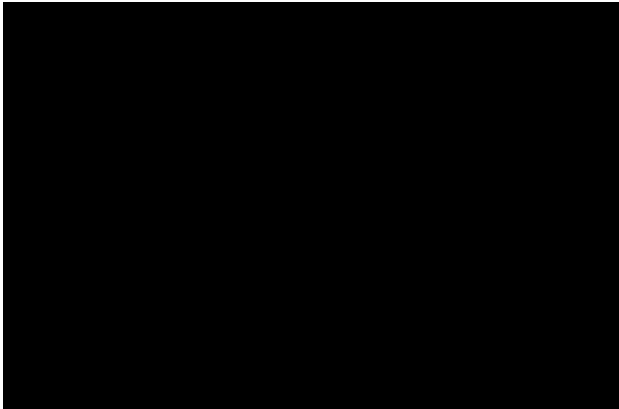
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This is the exhibit marked `BQ1' referred to in the statutory declaration of Bernard Quinn made before me Paul Harfitt, Solicitor on this day 16th March 2021





Committee and date
Southern Planning Committee
20th September 2022

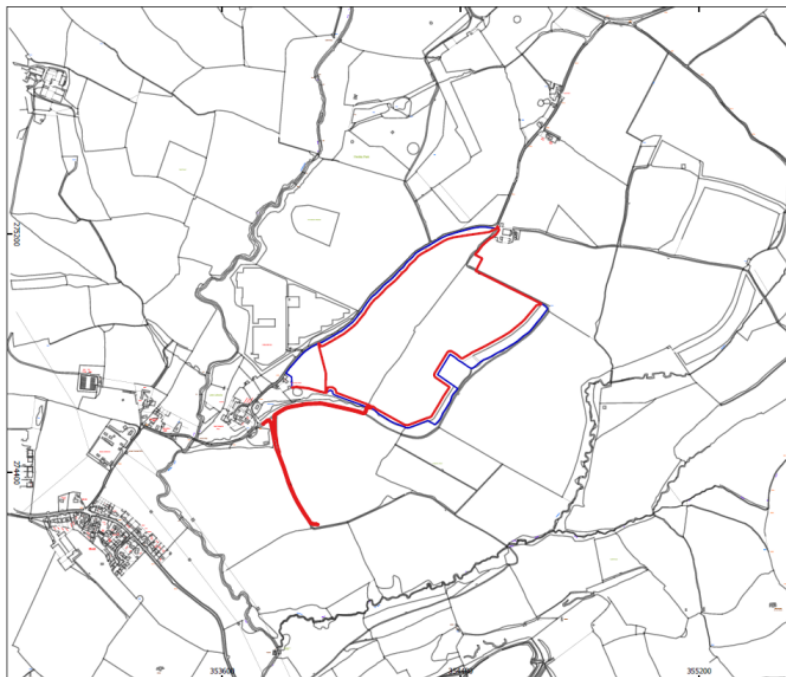
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/02151/FUL	<u>Parish:</u>	Bitterley PC
<u>Proposal:</u> Formation of solar farm including installation of solar panels, construction compound, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection and other ancillary development		
<u>Site Address:</u> Proposed Solar Farm to the east of Squirrel Lane, Ledwyche, Ludlow		
<u>Applicant:</u> Ledwyche Solar Limited (Locogen)		
<u>Case Officer:</u> Grahame French	<u>email:</u> graham.french@shropshire.gov.uk	

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



REPORT

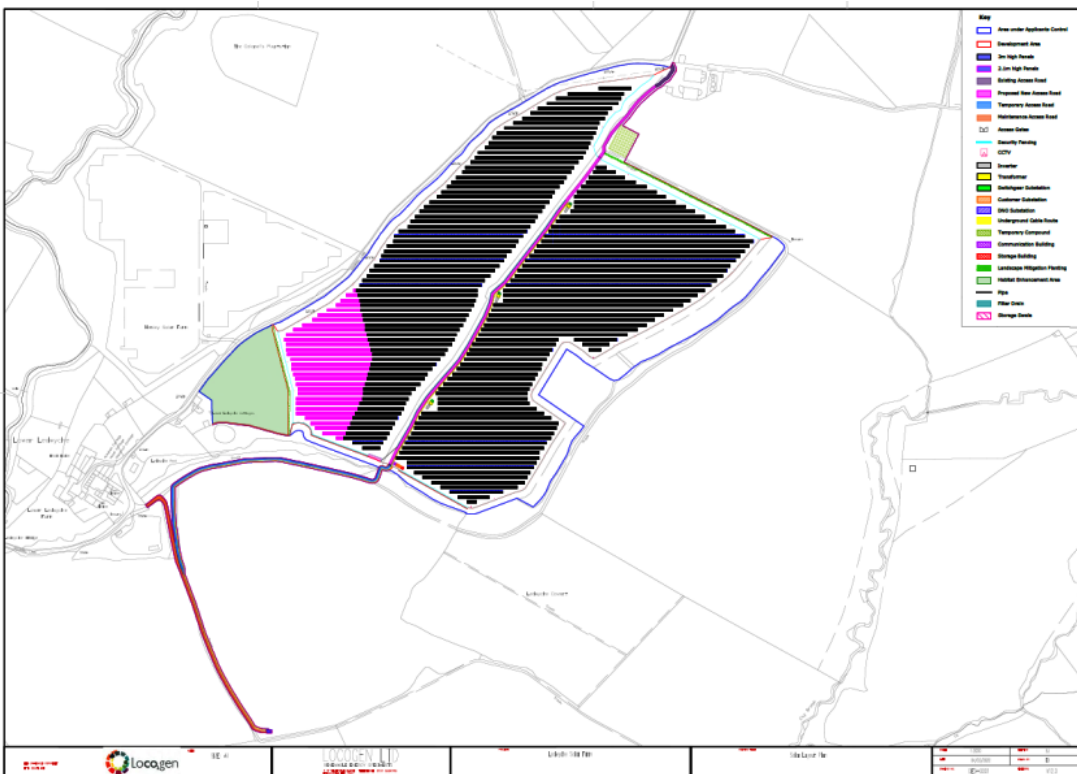
1.0 THE PROPOSAL

1.1 The application is for a solar generating facility with a capacity of up to 12 MW on land to the east of Squirrel Lane, Ledwyche, near Ludlow, Shropshire. The proposal includes solar panels, security fencing, CCTV cameras, an internal access track, underground cabling, inverters, substations, grid connection, environmental enhancement measures and other ancillary development (the Proposed Development).

1.2 Construction would take up to 6 months. The site would have an operational life of up to 40 years, after which it would be de-commissioned and the agricultural land would be reinstated.

1.3 The solar park would consist of photovoltaic solar arrays with a maximum height of 3m (limited to 2.1m in the south-western part of the site). The panels would be mounted to a metal frame securely fixed with appropriate ground piles and located in the areas shown on Plan 2 below. The following supporting infrastructure would also be required:

- Inverters enclosure with a max height of 2.6m;
- Transformers enclosure with a max height of 3.2m;
- Switchgear enclosure with a max height of 3.2m;
- Customer's and DNO substations with a max height of 4.4m;
- A communication building with a max height of 4.4m; and,
- A storage building with a max height of 3.2m.



Plan 2 – Site layout

- 1.4 The following structures are also proposed:
- i. Construction compound – This retained hardstanding c50 x 60m area is required for the delivery and assembly of the solar array equipment. During operation, the area will be used primarily for agricultural purposes as well as occasional maintenance works. The compound will also be needed when the site is decommissioned at the end of its operational lifetime
 - ii. Fencing – A c2.0m high deer fence is proposed around the full perimeter of the panels for security reasons.
 - iii. Security – A security and monitoring system employing infrared motion detection and CCTV will be employed. All CCTV cameras will be carefully positioned to face into the land within the application site boundary. These systems will be discrete, mounted no higher than 3m above the ground. No permanent security lighting is proposed.
 - iv. Grid connection and cabling – The cable connecting the solar array to the proposed grid connection point will be buried underground to minimise visual impacts. It would be laid alongside the public right of way route to the south of the Proposed Development with appropriate management whilst the work is taking place. The applicant has confirmed grid availability with Western Power Distribution. The electricity would be exported to the local distribution network for sale as part of a long-term power purchase contract.
- 1.5 Access to the site would be gained from Squirrel Lane on the northern side of the development. A construction management plan would determine the timing of deliveries and the proposed route to the development from the principal road network. Following construction there would be periodic visits to the site for occasional repair work. Around 700m of access track is required within the site and would be constructed with gravel on a permeable compressed stone base.
- 1.6 Traffic management - The majority of solar array components would be delivered to site by Heavy Goods Vehicle (HGV). The components are modular and assembled on-site and therefore no abnormal loads are anticipated. all delivery vehicles will be obliged to arrive via A4117 before turning south to Squirrel Lane. This will be secured contractually and through the terms of the Construction Traffic Management Plan. Vehicles will enter the site at an existing farm access off Squirrel Lane and will therefore avoid crossing Ledwyche bridge. The southern access entry will only be used during operation by the DNO service and maintenance teams to access the DNO substation located next to the grid connection point. All contractors will be informed of allowable access routes prior to attending site.
- 1.7 Habitat creation - The following planting measures are proposed:
- Around 170 metres of new hedgerow in south western corner of the Proposed Development;
 - Around 260 meters of new hedgerow and up to 15 new trees in north eastern section of the Proposed Development; and,

- Approximately 1.5 hectares of existing arable farmland is to be set-aside and managed as a wildflower meadow to provide suitable habitat for bees and to improve biodiversity.

The existing hedgerows will be maintained around the site. It is expected that the proposed habitat enhancement measures will result in an area based biodiversity net gain of between 44% and 90% and a minimum of 12% gain in hedgerow units.

- 1.8 Drainage - A SuDS type drainage system would be implemented within the site to reduce the rate of run-off to the adjacent water course.
- 1.9 Decommissioning: The operational lifespan of the solar park is stated to be 40 years. After this all equipment and tracks would be removed from the site and arable productivity would be resumed.
- 1.10 Community Liaison: Following feedback from the local community consultation event, the Applicant proposes to establish a Community Liaison Group to act as a point of contact and enable discussion between the Applicant/developer/operator, Shropshire Council, Parish Council and other local interests.
- 1.11 Community benefits: Whilst not forming an integral part of the current application the applicant has also committed to provide a community benefit fund for use by the local community.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed site 28.5ha is located 2.5km east of Ludlow town centre and 1.2km east of the A49 Ludlow by-pass (plan 1) and 1km east of the Ludlow Ecopark and park and ride.
- 2.2 The site comprises two gently undulating arable fields with a general slope to the south-west. A small watercourse defines the southern boundary with a public right of way (0508/6Y/1) running just to the south of this.
- 2.3 The site is not located within any environmental designation. The Shropshire Hills AONB is located 1.4km to the north. The grade II listed Henley Hall historic park extends to within 250m to the north and incorporated 5 grade II listed buildings. The nearest part of the solar site is separated from the site by a mature tree belt and is on the opposite side of Squirrel Lane.
- 2.3 The nearest residential property (1 Lower Ledwyche Cottages) adjoins a proposed habitat area and is located 120m from the nearest part of the solar arrays. The remaining 5 properties which comprise the small settlement of Ledwyche are located 330m to the south. 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 Chair of the Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Bitterley Parish Council: Objection. Summary reasons are as follows. The Parish Council's full objection comments are reproduced in Appendix B at the end of this report for the sake of brevity:

1. The Ecological Assessment was insufficient in scope and failed to respond to known and likely species present.
2. The Construction and Traffic Management Plan is also insufficient, missing foreseeable scenarios and is not future proof.
3. The Visual Impact report used limited, selected points of reference that do not correctly identify the scale of the visual impact to the surrounding area that have been identified by members of the parish council from other reference locations.
4. The Biodiversity Management Plan and the Landscape and Environment Management Plan and the maintenance plan for drainage are all flawed, failing to provide a robust, comprehensive management plan that is future proof in regard of the site and responsibility for delivery. They fail to address the funding mechanisms required to ensure their long-term implementation. Anticipated costs, mechanisms to ensure the necessary maintenance and potential replacement or other works are undertaken, the commitment of sufficient finances into a management company or other mechanism legally constructed to be dedicated to the purposes required should be set out and able to be conditioned to ensure responsibilities, finances, delivery mechanism and local input are in place before work is started.
5. There is significant danger that responsibility to undertake maintenance and stick to appropriate and clearly set out processes for the management of the site over the 40-year life of the scheme will not be acted on and there will be at best a need to reactively enforce against currently unclear responsibility on an ongoing basis through planning legislation that is flawed.

4.2 Historic England: No comments.

4.3 MOD Safeguarding: No objection.

4.4 AONB Partnership: Standard comments on the need to protect the AONB.

4.5i. SC Climate Change Task Force: Support. The climate crisis is a serious threat to the lives of millions of people globally, nationally and locally. The mitigation of greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes. Even if we are successful in mitigating the worst effects, we will continue to experience more pronounced and frequent episodes of extreme weather effects. The much greater frequency of extreme weather events will significantly increase insurance risks and threaten the health, wellbeing and future resilience of our communities and infrastructure.

ii. The Department for Business, Energy and Industrial Strategy – Climate Change Explained has identified the following likely impacts:

- The effects of rising temperatures on the UK
- The effect of warming on rainfall patterns and water supplies
- Changes in the oceans
- The impact of warming on food production
- The impact on ecosystems
- The impact on human health
- Poverty
- The impact of extreme weather events globally

iii. In this context, Shropshire Council’s Climate Task Force strongly supports in principle the delivery of additional renewable energy generation infrastructure and capacity in the county as a positive contribution to the policy objectives outlined below. Solar farms have the potential to deliver significant environmental benefits in terms of:

- Decarbonisation of energy supplies:
 - “By 2030, 95 per cent of British electricity could be low-carbon; and by 2035, we will have decarbonised our electricity system, subject to security of supply.”
 - “The net zero economy will be underpinned by cheap clean electricity, made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035, subject to security of supply.”
- Greater energy security
 - “The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies. Most critically, when we have seen how quickly dependence on foreign energy can hurt British families and businesses, we need to build a British energy system that is much more self-sufficient.”
- Green growth
 - “We also envisage that the renewable energy sector can become a major local industry with significant employment and wealth generation for Shropshire. We have therefore also projected a 30% surplus by 2030 to create an element of power ‘export’ from Shropshire to adjacent industrial regions.”

iii. Shropshire Council declared a ‘Climate Emergency’ on 16 May 2019 reflecting the conclusions of the Intergovernmental Panel on Climate Change (IPCC) at that time. Shropshire Council subsequently adopted a Climate Strategy and Action Plan on 17 December 2020 which sets out a range of principles which include:

- Support Clean and Inclusive Growth:

- a. Our local economy needs to grow while our emissions shrink. The transition to a green economy can provide significant growth opportunities for businesses as well as providing a cleaner and more inclusive future;
 - b. We want the Shropshire economy to shift to one which is zero carbon and abides by circular economy principles, whilst enabling our communities to build and enjoy their prosperity. The choices we make now will determine whether we can deliver on our obligations, and the extent to which we can do so in a way which is also socially progressive;
 - c. We will support skills and training which allow our communities and businesses to benefit from Shropshire's transition to a low carbon economy.
- Work with others:
 - a. We are on a shared journey and will need to work with others. This will allow us to learn from them and make use of external resources to help us to achieve net carbon zero and manage the effects of extreme climate events.
 - b. We will help establish and support a Climate Action Partnership of stakeholders and the wider community. The Council will work with the Partnership to provide advice, support and encouragement to our communities, businesses and charitable organisations to help them to mitigate their emissions and adapt to the inevitable impacts of the climate crisis.
 - c. The climate crisis is of particular significance for young people who will inherit the consequences of our actions. We will therefore work with schools across the county to ensure that the Climate Emergency is integrated as an issue across the curriculum and provide opportunities for schools and young people to contribute directly to the development and implementation of our Climate Emergency Strategy.
 - d. Throughout the development and implementation of our Climate Emergency Strategy and Action Plan we will be as open as possible in engaging the wider community and provide opportunities for them to contribute.
 - Influencing the behaviour of others:
 - a. In addition to direct control of our own Green House Gas (GHG) emissions, we have significant influence over emissions indirectly resulting from our policies, and through our regulatory functions.
 - b. Shropshire Council also has significant influence through its purchasing power. We will put in place measures to assess the carbon footprint of our procurement choices.
 - c. We will lead by example and seek to positively influence the purchasing power or funding allocations of others like the Marches LEP and its members to favour low carbon initiatives and products.

Our vision is for Shropshire Council to become carbon net-neutral by 2030 and assist in the ambition for the whole of Shropshire to become carbon net-neutral in the same year. In addition to this, we aim to be entirely renewable energy self-sufficient as an organisation within the decade.

- The UK Government has committed to a legally binding target of net zero by 2050.
 - “Now is the time the world needs to go further and faster to tackle climate change. The UK is stepping up to that challenge. Here we set out our ambitious strategy – the first of its kind in the world of a major economy - to create new jobs, develop new industries with innovative new technologies and become a more energy secure nation with clean green British energy. At the same time we will reduce greenhouse gas emissions across the economy to reach net zero by 2050.”

- National Energy Security Strategy:
 - “Accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables.”
 - “With the sun providing enough daily energy to power the world 10,000 times over, solar power is a globally abundant resource. There is currently 14GW of solar capacity in the UK split between large scale projects to smaller scale rooftop solar.”

- Marches LEP Energy Strategy:
 - “The 2030 Vision within the Marches Local Enterprise Partnership (LEP) Energy Strategy, launched in July 2019, includes an objective for renewable electricity to meet 50% of local demand by 2030. This was confirmed at the Energy Strategy launch as being locally sourced renewables and not derived from national production.”
 - Recent modelling work undertaken by the Marches Energy Agency (2022) <https://mea.org.uk/wp-content/uploads/2022/05/Report-Meeting-the-Marches-Vision-of-50-power-from-local-renewables-by-2030.pdf> suggests that achieving 50% self-sufficiency in renewable power in the Marches would require, as a minimum, an additional 50 large solar farms (40 MW each), together with 625 small scale commercial roof PV (200 kWp) systems, 12 large commercial roof PV (3.811 MWp Lyreco type) systems and 75,000 domestic homes with solar PV by 2030. However, if alternative sources of renewable power such as wind turbines cannot be delivered as envisaged, then achievement of this objective would require at least an additional 120 large solar farms of 40 MW each.

- The Zero Carbon Shropshire Plan
 - “Over the next few years we need to make a rapid transition from natural gas, oil and other fossil fuels to renewable energy sources, including electricity (from wind, solar or hydro-sources), methane from anaerobic digestion, ‘green’ hydrogen, carbon-neutral synthetic fuels or biomass.”

Whilst we are planning for renewable energy self-sufficiency as an organisation by 2030, we actively support the community-led Shropshire Climate Action Partnership (SCAP) and have worked with them to commission the mapping of renewable energy potential in the county https://zerocarbonshropshire.org/renewable_energy_mapping_project/ and they have identified a need for around an additional 5,000 megawatts (MW) of generating capacity if the whole county is to become self-sufficient in

renewable energy. The ambition to utilise this generating capacity is set out in the Marches LEP Energy Strategy which states:

“BEIS energy and emissions projections 2017 forecast national renewable electricity generation making up over 50% of total electricity generation by 2030. The Marches is aiming to contribute to this in kind with renewable electricity to meet 50% of local demand.”

And goes further still by setting a target for the Marches:

“Our new Energy Strategy sets a target of 50 per cent of all electricity to come from renewable sources by 2030 and the creation of 1,000 low carbon jobs.”

The Zero Carbon Shropshire Plan supports the Marches LEP Strategy:

“Increase electricity generation so that Shropshire can be at least self-sufficient by 2030 using renewable sources and also become an exporter of electricity to generate wealth and employment locally.”

And suggests this can be achieved by:

“Create a number of large-scale photo-voltaic arrays (solar farms, PV) and wind farms (wind and PV offer commercial opportunities at similar cost but have different site factors and a mix of, for example, 1/3 PV and 2/3 wind offers the opportunity to maintain better continuity of supply and balance grid loads).”

The electricity distribution grid in Shropshire is heavily constrained and this means that opportunities to obtain a grid connection to allow power to be exported are very limited and are unlikely to improve. This significantly restricts where solar farms can be located, together with our ability to generate more renewable energy, which makes a crucial contribution to reducing carbon emissions and tackling climate change.

iv. Application Specific Comments:

It's recognised by the Climate Task Force that the development would contribute 12MW towards the approximate total of 5,000MW required to make the county self-sufficient in renewable energy. According to Greenhouse gas reporting: conversion factors 2022 – UK electricity this development would be expected to produce an approximate carbon saving of 2.3 ktCO₂.

4.6 SC Public Protection: No comments.

4.7 SC Trees: No objection Biodiversity Management Plan (BMA) is referred to in the Landscape and Visual Impact Assessment and the principles of the plan are set out in Appendix 2B of the Environment Assessment. The intent of the BMA includes aspirations for 5m buffer zones between hedgerows and the development, with hedge planting and restoration and new tree planting. The details for these activities have not been presented but in principle from an arboricultural perspective they are acceptable. To ensure that the aspirations set out in the indicative BMA are realised in both the short and long-term the Tree Team recommend that a clear landscape proposal and fully detailed biodiversity management plan are secured through conditions.

- 4.8 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.
- 4.9i. SC Ecologist: No objection. Conditions and informatives are recommended (included in Appendix 1). There is satisfaction that the proposed mitigation measures will protect retained habitats and wildlife, and the proposed habitat creation (and other enhancements) will provide biodiversity net gain on the site. The following buffers will be incorporated into the site design:
- 5m buffers from hedgerows
 - 5m buffers from the drainage ditch
 - 10m buffer from the watercourse
 - 10m buffer from the woodland
 - Appropriate buffers around trees
- ii. Habitat creation will include the following:
- Planting of species-rich grassland (Emorsgate EG10 Tussock Grass Mixture or similar), primarily 'beneath and between the solar PV panels, in all ... The management regime will ensure a varied sward structure.'
 - Planting new stretches of native species-rich hedgerow
 - Native tree planting at the field boundaries in the east
 - Erection of 4 Schwegler 1B nest boxes on trees, 2 with 26mm entrances and 2 with 32mm entrances.
 - Erection of 2 Schwegler 1FD bat boxes and 2 Schwegler 2F-DFP bat boxes on suitably mature trees.
 - Erection of 10 PTES Premium Dormouse nestboxes in retained hedgerows
 - Placement of 2 hedgehog houses 'at quiet corners and habitat edges, especially adjacent to hedgerows.'
 - Creation of 2 hibernacula (following the instructions in Appendix 2A of the Biodiversity Management Plan).
 - Creation of 2 invertebrate hotels close to the site margins, 'in south- or southeast-facing areas not shaded by solar panels'.
 - Creation of 2 bee banks 'in south-facing locations'. 'These will consist of mounds of loose sand and similar materials, set aside for mining bee species to burrow into ... these will be constructed in areas not shaded by solar panels.
- iii. Management measures will include the management of hedgerows to encourage dormice. 10cm gaps will be provided at the bottom of the security fencing to permit the movement of wildlife through the site. The Biodiversity Management Plan should be followed in full during and post-development. Conditions and informatives are recommended.
- 4.10a. SC Archaeology (Initial comments) Further information required
- i. The Historic Environment Record (HER) records no known heritage assets within the development site. A number of non-designated heritage assets relating to prehistoric and later activity are located within the immediate area. The development boundary lies 225m to the SE of Henley Hall Grade II registered

garden (National Ref. 1001124) which contains a number of listed buildings including the Grade II* Henley Hall and attached walls, balustrades and steps of mid-18th century date (National Ref: 1383667) and Park House, an 18th century garden house (National Ref: 1383672). In a wider context issues of setting may also affect other designated and non-designated heritage assets, including Caynham Camp, a large univallate hillfort 700m north west of Caynham (National Ref: 1010313).

- ii. An Archaeology and Cultural Heritage Assessment (Neo Environmental Ltd, February 2022), and a Landscape and Visual Impact Assessment including a Zone of Theoretical Visibility (Neo Environmental Ltd, February 2022) has been submitted with the planning application for the site. In terms of direct archaeological impact, the Heritage Assessment indicates that the proposed development site is expected to possess a low general potential for archaeological remains associated with the prehistoric, medieval and post-medieval periods. The assessment recommends that an appropriate conditioned programme of archaeological work, to comprise an archaeological evaluation in the form of geophysical survey and/or test trenching, and further mitigation as required. In terms of indirect impact, the assessment concludes that the indirect effects upon the heritage assets is low to negligible for Caynham Camp, and negligible for all other heritage assets within the calculated Zone of Theoretical Visibility.
 - iii. We note Historic England have been consulted on this application, and in this instance are not offering advice. In terms of indirect impact on Heritage Assets and their setting, we would generally concur with the conclusions of the Heritage Assessment. We therefore raise no objection in this respect. In terms of direct archaeological impact, we would generally concur with the assessment of archaeological potential, noting the presence of a number of potential prehistoric/Roman enclosures sites in the vicinity of the development site in particular. The proposed development will involve ground disturbance across a wide area, particularly from cable trenching, access tracks and other infrastructure installations, and as this archaeological potential has not been tested, we cannot fully assess the impact of the development on the archaeological resource.
 - iv. In view of the above, and in line with the National Planning Policy Framework (NPPF) Paragraph 194, it is advised that the results of a field evaluation, to comprise a geophysical survey of the proposed development site, should be commissioned by the applicant, and the results submitted to the Local Planning Authority prior to the determination of this application. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development in relation to Paragraphs 195 and 203 of the NPPF, and whether any further archaeological mitigation (including by design) would be required as a condition of any planning consent in relation to Paragraph 205. There should be no determination of the application until the results of the field evaluation has been submitted to the Local Planning Authority.
- 4.10bi. SC Archaeology (subsequent comments 8/9/22) The Historic Environment Record (HER) records a rectangular single ditched cropmark enclosure (HER PRN 31505) of probable Iron Age to Roman date within the development site. A Heritage Desk Based Assessment (Pegasus Group, P21-0442, April 2022) and a geophysical

survey report (Headland Archaeology, January 2022, BHFG21) have been undertaken in support of the planning application. Whilst the geophysical survey did not identify the enclosure site, the report indicates that the geological anomalies in that area were particularly dense and extensive, so the natural magnetic responses could be masking weaker responses from the enclosure. Its presence could therefore not be dismissed.

- ii. Our previous advice of the 8 July 2022 recommended that further evaluation in the form of a trial trenching exercise within the field containing the enclosure site should be undertaken in order to satisfy the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the Framework. A brief interim report for the evaluation has been submitted to the Historic Environment Team. The evaluation identified one linear ditch with a large assemblage of pottery sherds and animal bone recovered from the second fill, which is currently being dated and investigated. Whilst the final report and post excavation results have not been submitted, based on the interim report, we consider that evidence related to the enclosure site has been identified and that this is likely to be of at least Iron Age date.
 - iii. In view of the above, and in relation to Paragraph 205 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is recommended that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. Based on the evidence submitted to date, this should consist of a strip, map and record exercise (initially c.50x50m with the potential to extend) on the site of the enclosure and a further phase of pre-commencement trial trenching on the remainder of the development area, followed by further mitigation (including by design / avoidance) as appropriate. The requirements of this phased programme of archaeological work will be reviewed and confirmed once the final evaluation report has been submitted to the LPA.
- 4.11 SC Highways No objection. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Shropshire Council as Highway Authority has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application, and requests that a Construction Management Plan condition and informative are added to the decision notice
- 4.12ai. SC Landscape advisor (initial comments) The methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects, and has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. The assessment of effects has been carried out in accordance with the methodology, and subject to one point of clarification may be relied on to make a sound planning judgement.
- ii. The LVIA finds that the effects are all either negligible/neutral or adverse in the long term, with no beneficial effects predicted. However, it should be noted that visibility of the proposed development is limited in the vicinity of the site and the level of predicted effects falls away over time. The mitigation measures proposed are appropriate in the context of the predicted adverse effects.

- iii. The omission of assessment of effects from public footpath 0508/6Y/1 to the south of the site acts to understate the level of visual change in the immediate vicinity of the site.
 - iv. Subject to clarification on the assessment of landscape character, the proposals comply with Local Plan policies relating to landscape and visual matters given that, on balance, the proposed development does not have a significantly adverse effect on landscape and visual amenity.
 - v. We have made 1 recommendation relating to the LVIA and 1 relating to a suggested landscape condition.
- 4.12b SC Landscape advisor (final comments 2/9/22) I am happy with the proposed amended LVIA wording which recognises the visual receptors on the right of way.
- 4.13 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. 10 representations have been received against the proposals. The main issues of concerns of objectors can be summarised as follows:
- i. Visual impact: The landscape impact from the Shropshire Way, Snitton Lane, Knowbury will be significant. Photos do not accurately replicate the view as seen with the human eye This landscape view has considerable value being loved by visitors and residents alike. The scenic quality of the landscape exceeds just the visual senses and is steeped in history and memories. Retaining this landscape is critical to the visitor economy of the town. The existing solar farm on the other side of Squirrel Lane is well screened by a convenient line of mature trees. To screen the site properly would require a significant level of tall tree cover which would take longer than the lifetime of the site to establish. Will with other existing development create an almost continuous joined up urban footprint following the path of Squirrel Lane across the landscape. Locating a development of this kind on this scale within the undulating landscape will result in high visibility and landscape intrusion from the North-East. If this Application were to go ahead the townscape of Ludlow would be altered beyond repair. The visual impact will be substantial. The site will be visible from the lower slopes of Clee Hill upwards, High Vinnalls and The Mortimer Forest, from Caynham Camp, The Shropshire Way and most probably also from the towers of St Laurence church and Ludlow Castle.
 - ii. Impact on arable land: Will change the existing use of arable land which is of good agricultural quality and should be retained for food production and to safeguard local farming practices. There is concern that food production will not be sufficient for the ever-increasing population. I know local farmers who are desperate for more land. At a time when we need to consider sustainable food production and ensure adequate food for future generations using agricultural land for a solar farm rather than for growing crops seem irresponsible. I acknowledge the need for green energy in general but the use of brown field sites and/or installing pv panels on

roofs of houses should be the first consideration. This is good agricultural land which has produced excellent crops for generations. Having left the EU, and with the other issues in the world, such as the war in Ukraine and sky-high fuel prices, food production in this country is more important than ever. The fields to the right are grade 2 land and according to Natural England and The National Planning Policy Framework these fields should not be given over for development

- iii. Recreation: Squirrel Lane provides an important gateway into the rural setting of the Shropshire Way and beyond. This is likely to become even more important with the residents of the new Shropshire Homes residential development. The installation of security fencing, signage, CCTV and other infrastructure along the lane will have a negative impact on the recreational benefits the lane provides, and on the general health and wellbeing of local residents.
- iv. Biodiversity: It is vital that wildlife habitats and corridors are not just maintained but increase. Once wildlife is displaced, it is difficult for some species to be reintroduced. We know that we have Bats in this area with roosts nearby. We have many red-listed and amber listed birds which nest and use this area. Dormice have been recorded in South Shropshire and I am concerned that there may be some in this area. There are great crested newts in this area, Ledwyche Pool has been found to support all the native species of newt, we even find them in our gardens! We do have a history of Otters in this area. There is also concern for the Brown Hares and Hedgehogs, both on the endangered list and both are present in this area. While biodiversity impacts are potentially positive there are important limitations to the Ecological Assessment. Fuller quantification and mapping of net additions to hedgerow and meadow and repairs/replanting of existing hedgerows are needed on the location maps. There need to be clear management plans (and 40 year budgets) for hedgerow maintenance and for the habitat area.
- v. Tourism: Visitors do not want a view of a huge area of solar panels, with the sun reflecting off the panels. If tourism were to suffer from poorly thought-through developments such as this proposed solar farm, the knock-on effects would almost certainly be that hospitality would suffer, local employment would suffer and one of Shropshire's main sources of income would suffer. This development would have no financial benefit to the people living in and around Ludlow. - It will not create any employment in Ludlow - It will not contribute anything to the county financially. - It could have a detrimental effect on Ludlow and the surrounding area, due to an inevitable drop in tourist numbers. At a time of economic hardship revenue is even more important.
- vi. Drainage: These fields run off and feed into the Ledwyche Brook which flows directly into the River Teme (a river designated as a SSSI). Any work carried out could have a potentially damaging effect on the River Teme, but the cost of this would not be fully felt until it was too late. Whilst the application states there is no increase in risk of run off and flooding, I am yet to see any evidence of this. The flood risk assessment has a number of important limitations including complete omission of the Ledwyche Brook and the existing flood risks into and out of the pond. A final drainage solution needs to be specified (beyond the existing outline to include maintenance of drainage systems and collection of seasonal monitoring data on water flow and quality impact).

- vii. Location: I am not against alternative energy and I fully appreciate we cannot continue to plunder the earth's resources as they are not endless. However I feel there are far more suitable sites than placing them in green belt areas and the countryside that surrounds our beautiful market towns and villages in Shropshire. There is no technical necessity for this solar farm being located as proposed: connection could be made to the grid at any point on the power lines radiating from the substation. Whilst we support the increased use of photovoltaic power generation this should not be at the expense of damage to important landscapes, residential environments, wildlife habitats, agricultural priorities, or the local economy.
- viii. Highways / construction: Squirrel Lane is a very narrow lane with well-established hedgerows and mature trees, there are no proper passing places along the suggested route into the site. Sending large lorries, the associated heavy plant and equipment for such an installation along this narrow road is not only going to cause disruption to local residents, but is also going to damage the road surface, hedges and trees. The lane is by no way large enough to accommodate this sort of traffic and this raises safety issues as well, as although it is a small lane, it is a busy lane with many people using it for leisure activities. The damage caused to the lane during the last installation was horrendous. Not only will we have large vehicles accessing the site from the North end, but also a cabling machine mess from the South. How will it cross the Ledwyche? What is the plan once it reaches the Grade II listed bridge? The Construction Traffic Management Plan (CTMP) is inadequate. There is a clear case for more solar power and the site is close to the existing substation. The developer has attempted to consult with local residents and has amended some aspects of the proposal. However, the proposals as they stand could cause unnecessary detriment to local residents and I cannot therefore support the proposals as they stand. My primary objection is to the Construction Traffic Management Plan (CTMP) which is not fit for purpose. There should be a schedule of penalty fines for all construction vehicles failing to follow the correct route set out in the project contracts, there should be CCTV monitoring of the route from/to the south to trigger automatic penalties and surveys of road damage should extend to the whole of Squirrel Lane to better pick up the costs arising from vehicles failing to follow the specified access route (we cannot simply assume the rules will be followed). Fines should be sufficient to cover damage costs and be used in full for repair costs so that there is no long term detriment to local road users from the damage caused. There should be an explicit aim to avoid any damage to the historic bridge on the southern approach. Access times should be reduced to 7-8 hours or less on weekdays and 4 hours on Saturday morning.
- ix. Other: Noise Pollution and Health Implications. Loss of property value. Cumulative impact - Cumulative impact. The Planning Committee will be aware that similar applications are in the pipeline. Specific proposals for local community benefit are not set out here but should be regarded as an intrinsic part of the proposal that the Planning Committee is being asked to support.. Proposals for a Community Liaison group are welcome, but need to extend into the operational phase with clear capacity to address and redress problems (such as damage to the road, noise nuisance, run off problems and habitat management) at the earliest possible stage.

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 The National Planning Policy Framework (NPPF) is a key material planning consideration. Paragraph 11 establishes a presumption in favour of sustainable development whilst Paragraph 158 advises that ‘when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) should approve the application if its impacts are (or can be made) acceptable’. As such, planning permission should be granted for renewable energy development 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.

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 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:
- i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
 - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
 - vi. Noise, air quality, dust, odour and vibration;
 - vii. Water quality and resources;
 - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
 - ix. Cumulative impacts.
- 6.1.6 Policy MD12 (the natural environment) aims to conserve, enhance and restore Shropshire's natural assets, and to ensure that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets including biodiversity and visual amenity. Policy MD13 (the historic environment) provides equivalent protection for heritage assets.
- 6.1.7 The emerging Shropshire Local Plan provides equivalent policies to protect natural and historic assets and local amenities with specific policies covering landscape protection and the AONB. Draft Policy DP26 (Strategic, Renewable and Low Carbon Infrastructure) covers renewable energy. The most relevant sections of the draft policy include:
2. Non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable. To aid in this determination, all applications should be accompanied by an assessment of the proposal's effect on the following during both the construction and operational stages:

- a. Visual amenity (including the considerations within Policy DP17);
- b. Landscape character (including the considerations within Policy DP17);
- c. Natural assets (including the considerations within Policy DP12);
- d. Historic assets (including the considerations within Policy DP23);
- e. Air quality, noise and public amenity (including the considerations within Policy DP18);
- f. Water quality and water resources noise (including the considerations within Policy DP19);
- g. Traffic generation and the nature of vehicle movements;
- h. The Shropshire Hills AONB (including the considerations within Policy DP24)...
- k. Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and non-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations).

The emerging plan is at a relatively advanced stage so some weight can be given to the policies at this stage.

6.1.8 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.

6.1.9 If there are no unacceptably adverse impacts after mitigation has been applied and / the benefits outweigh any residual impacts then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158. If however any unacceptably adverse effects remain after mitigation and outweigh the potential benefits then the development would not be sustainable.

6.2 Justification for the development:

6.2.1 Justification for choice of site: Section 158 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'.

6.2.2 The applicant undertook a detailed sieve mapping exercise in order to identify the proposed site. The primary constraint for the establishment of a solar farm site is the availability of a suitable grid connection. The Ludlow substation is a key focal point for electrical infrastructure in this region and the applicant has confirmed that there is capacity for the substation to accept the proposed 12 MW connection. The

proposed site is located within 1km of the substation and has the ability to be connected to it via cable. Additionally, the site has vehicular access, is available for the proposed use and is not affected by any environmental designations. Furthermore, the fields have a favourable southerly aspect, are not shaded, prone to flooding and the location would not result in the loss of any significant habitats. The proposals after mitigation are also not considered by the applicant to be constrained by other factors such as effects on heritage, leisure or residential amenity. Whilst therefore there is a significant amount of agricultural land in the rural area surrounding Ludlow the proposed site offers a potentially unique combination of advantages for a solar development which the applicant considers to fully justify the choice of location.

- 6.2.3 Choice of site – agriculture: Paragraph 174 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’. The Government’s renewable and low carbon practice guidance (2015) advocates the use of poorer quality land in preference to that of a higher quality. The applicant’s agricultural survey advises that 95% of the land within the application site is of Grade 3a quality (i.e. the lowest division of best and most versatile quality) with the remainder being poorer quality. The applicant did consider whether there were alternative fields available which were not of best and most versatile quality. However, the only available fields were nearer to the grade II listed Henley Park which would have raised significant heritage issues. As with Shropshire generally there is insufficient brownfield land available locally to establish an equivalent solar facility.
- 6.2.4 The survey goes on to advise that the land suffers from wetness due to the soil type and land drains have failed to rectify this problem which prevents working on the fields during the winter months. This in turn affects the landowner’s ability to undertake spring and autumn work which has to be completed within a small window across the farm. The survey advises that taking the land out of intensive agricultural production will therefore reduce pressure on the remainder of the farm. This will in turn allow the rest of the farm to be farmed more efficiently.
- 6.2.5 The proposals would involve introducing 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.
- 6.2.6 The agricultural survey concludes that ‘use of the land for solar is therefore one of a number of diversification schemes that the owners are pursuing on the estate, as prompted by the government’s review of farming and the countryside’. The proposals would support the economic viability of the farming business by providing a separate source of revenue, ensuring the stable profitability of the farm unit 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 and also benefiting the Shropshire Beekeepers Association who are active on nearby land.

- 6.2.7 Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022). Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used nationally by golf courses
- 6.2.8 In conclusion, much of the land within the application site is of Grade 3a best and most versatile quality. The NPPF advocates the protection of such land and renewable energy practice guidance advocates the use of poorer in preference to better quality land. Any loss of c26 ha of B&MV land, albeit temporary, is a material consideration. However, in this case the applicant's agricultural consultant has confirmed that drainage limitations of the land restrict how it is farmed by the Henley estate. It is further stated that removing this land from arable production will free up capacity, allowing other land within this large estate to be farmed more efficiently. In strategic terms the site area represents a small fraction of the total area of arable land available in South Shropshire.
- 6.2.9 The land will remain in agricultural use as sheep pasture between the arrays and will be fully reinstated at the end of the design life of the solar farm, with the soil having had time to recover from the effects of intensive arable farming. There will be no significant effect on the agricultural productivity or viability of the estate. Given also the strong justifications for the choice of location it is considered that the benefits of renewable energy in this instance significantly and demonstrably outweigh any residual impact arising from the temporary loss of best and most versatile land.
- 6.2.10 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 for export to Shropshire.
- 6.2.11 Choice of site – conclusion: 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. There is no evidence that the proposal will result in significant or permanent loss of agricultural productivity.
- 6.2.12 Climate change and economic benefits: The proposed facility would generate 12 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 180,000 tonnes of Carbon Dioxide emissions would be saved. This

is compliant with the climate change chapter of the NPPF, with strategic objective 9 of the Core Strategy, with the Council's declaration of a climate emergency in 2018 and with subsequent strategies referred to above in the consultation response from the Council's climate change task force. Solar installations reduce the dependence of local economies on energy imports.

6.2.13 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 2km to the south and 2.4km to the west of the nearest parts 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 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:

- i. The overall design of the Proposed Development has considered landscape and visual effects within the confines of the two arable fields to ensure the effects upon the landscape and visual receptors are limited. To this end the Proposed Development has been pulled back from the southernmost sections of Field 1 and offset from the northern boundaries of Field 2 to allow for buffers and mitigation.
- ii. The proposed mitigation and enhancement landscape measures along the southern and north eastern boundaries combined with management of other existing field boundaries between Fields 1 and 2 would also assist in reducing the duration of effects and aid in retaining and improving the field boundaries, in keeping with local strategies.
- iii. Direct landscape effects would include changing the prevailing arable land use to renewable energy generation. The solar PV panel layout has been designed to retain existing vegetation within the Application Site as far as possible and no notable tree or hedgerow sections would be removed. The overall field scale that is characteristic of the Application Site and the surrounding landscape would remain and views to surrounding features including hedgerows and ridgelines and to wider skylines within the AONB would be retained.
- iv. LVIA effects are considered to be relatively localised to the Application Site boundaries and from a single point of orientation to the northeast, with intermittent visibility likely from sections of the PROW network within 2.5km. There is also potential for some views from a small number of houses scattered in the local landscape at the same points of orientation. From other points to the southeast,

south, west and north views and effects are restricted by characteristics woodland and landcover patterns.

- v. From the orientation to the northeast the Proposed Development would be seen from intermittent ridge top locations with views in the short term, to the northern sections of the site and views across rows of panels, where they would be seen as a tonal or uniform textural change within the existing patchwork of fields, surrounded by a strong landcover pattern which provides a robust focus, containment and structure in the view
- vi. The panels would also sit at a point to the east side of the built-up area of Ludlow and away from more remote rural and intact sections of the landscape. It would also sit below more distant elevated horizons associated with the more values fringes of the AONB, allowing views to these high valued features to be maintained.
- vii. In the medium to long-term, the proposed landscape mitigation planting along the southern and north-eastern boundaries combined with management of other existing field boundaries along the western site boundary would help to screen the majority of the Proposed Development from most near and middle-distance views, as well as integrating the Proposed Development into the surrounding landscape with new contributions to the landscape character patterns in the surrounding landscape.
- viii. At the end of the Proposed Development's lifespan, the predicted effects are reversible as the land would be returned to its former agricultural use, similar in form to its current state.

6.3.3 The slides below are taken from the LVIA and show 8 viewpoints around the site and 3 photomontages indicating how the site would appear in years 1 and 15.



Fig 3

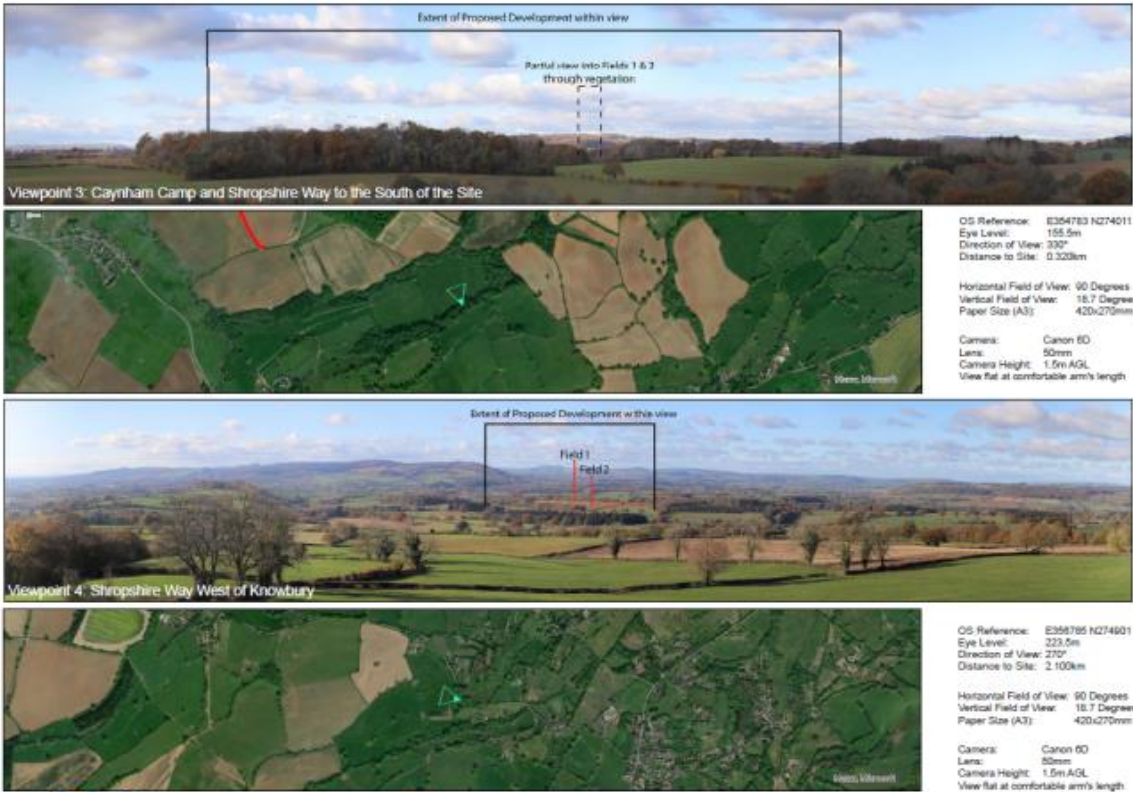


Figure 6
 Date: 22/11/2021
 Drawn By: Jamie McGhee
 Drawing No.: NED0094GD15/A

Fields with Development

Fig 4

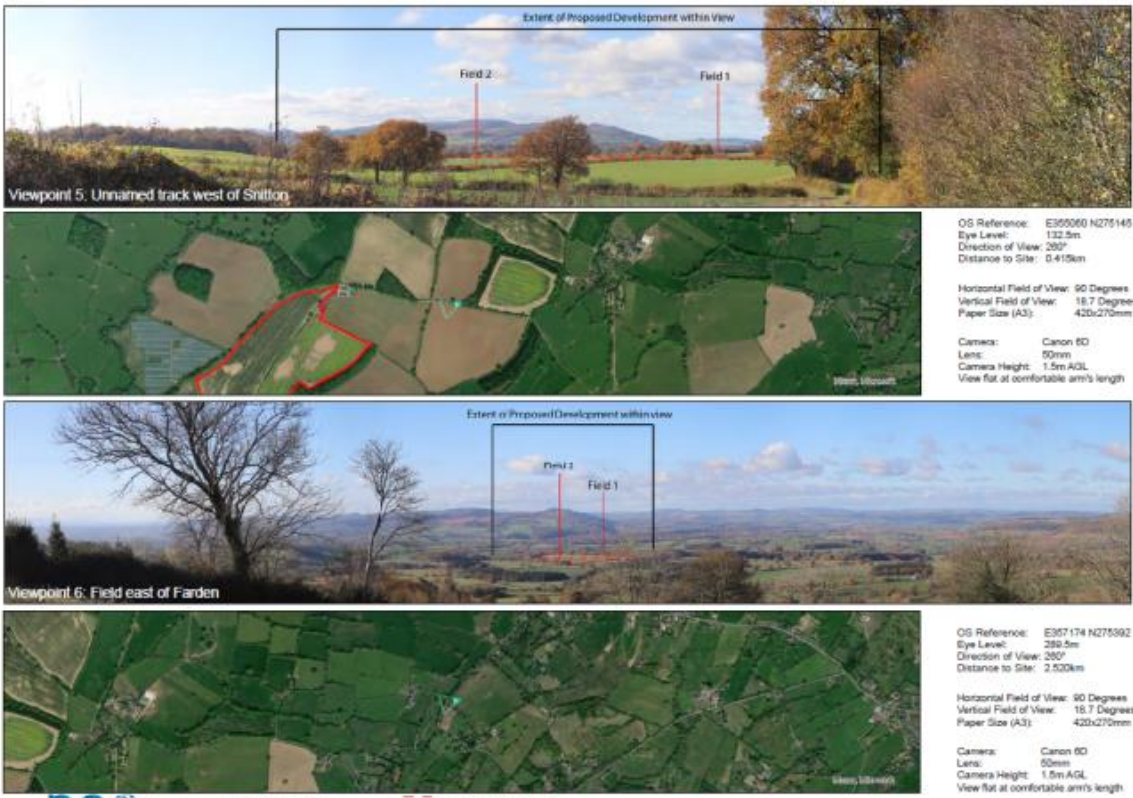


Figure 1.6
 Date: 22/11/2021
 Drawn By: Jamie McGhee
 Drawing No.: NED0094GD15/A

Fields with Development

Fig 5

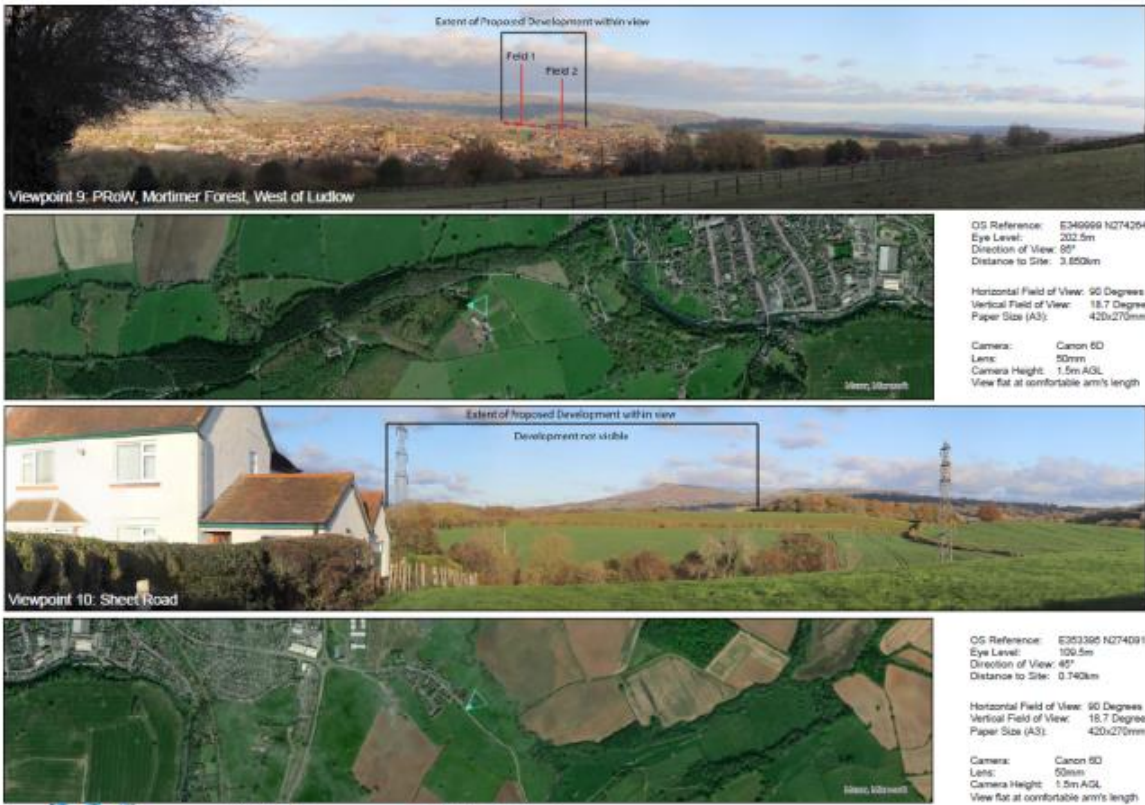


Figure 9

Date: 22/11/2021
 Drawn By: Jamie McGhee
 Drawing No.: NEO00665/0051A

Fields with Development

Fig 6



Figure 10
 Viewpoint 2: Residential Property, Squirrel Lane, Lower Ladychke

Fig 7



Figure 11
 Viewpoint 4: Shopping Area West of Incebury

Fig 8



Fig 9

- 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 or by the comments of the Council's landscape adviser (section 4 above) who has supported the LVIA methodology and conclusions. 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 in response to pre-application consultations and the maximum height of arrays nearest to Ledwyche has been reduced to 2m.
- 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 generally defined by mature hedgerows. 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. There is no evidence that the site would be visible or prominent from St Lawrence's church tower given the lower elevation of the site and the presence of an intervening 125m high ridge at Gallows Bank and associated trees.
- 6.3.11 Visual impact – glint and glare: An assessment of glint and glare undertook geometric analysis at 10 residential receptors, 13 road receptors and at two runways at Shobdon Airfield. The effects of glint and glare and their impact on local receptors has been analysed in detail and once mitigation measures have been introduced there is predicted to be No effect on all residential, road and aviation receptors. In particular:
- Solar reflections are possible at nine of 10 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at seven receptors, Medium at one receptor, Low at one receptor and None at the remaining receptor. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at one receptor and reduce to

None at the remaining nine receptors. Once mitigation was taken into consideration all impacts reduce to None.

- Solar reflections are possible at 11 of 13 road receptors assessed within the 1km study area. Upon reviewing the actual visibility of the road receptors, glint and glare impacts reduce to None for all receptors. Therefore, overall impacts on road receptors is None.
- No impact was predicted for rail receptors.
- No impact on Aviation Assets is predicted at Shobdon Airfield.

6.3.12 Mitigation measures recommended include the infilling of hedgerows and their maintenance at a height of 2 - 3m along the western boundary of the proposed development. This will screen all views from Residential Receptor 1. Therefore, reducing their impacts to None.

6.3.13 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 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. The Council's landscape adviser has supported these conclusions following some minor amendments recommended to the wording of the LVIA. It is considered that refusal on grounds of visual impact could not be sustained. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13)

6.3.11 Heritage appraisal: Section 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. 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 197).

6.3.12 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).

- 6.3.13 A Heritage Appraisal concludes that 'there are no designated or non-designated archaeology and heritage assets present within the Application Site. The closest recorded feature is Ledwyche Pool (NA55), whose extent is well-defined by dense woodland which now covers and encloses its eastern sections. As such, the solar farm and access track will avoid these trees with an appropriate buffer during construction. No direct impacts will therefore occur on this or any other known asset and no specific mitigation measures for known archaeology and heritage are considered to be necessary as a result'. 'This is considered to be sufficient as a post-determination measure in the event that consent is granted, but prior to commencement'.
- 6.3.14 The Appraisal advises that the site 'is expected to possess a Low general potential for archaeological remains associated with the prehistoric, medieval and post-medieval periods. It is recommended that an appropriate programme of archaeological works, in accordance with a written scheme of investigation (WSI) to be agreed with Shropshire Council'. 'Following the implementation of the recommended archaeological programme of works, measures will be in place for the further evaluation of the specific archaeological potential of the Application Site, as well as the full recording and preservation of any sub-surface remains of significance that are identified'. 'Indirect effects upon the surrounding heritage assets have been assessed as Low to negligible for Caynham Camp (NA01) and Negligible for all other assets within the calculated ZTV. Therefore, no specific mitigation is considered to be required for the reduction of any visual impacts'.
- 6.3.15 Historic England has chosen not to make detailed comments on the application. The applicant has undertaken geophysical survey work which has identified a generally low archaeological potential for the site and has submitted an archaeological Written Scheme of Investigation which has been agreed by the Council's archaeologist. This will facilitate further archaeological investigation prior to the commencement of the development. It is concluded that the proposals would not give rise to any significant impacts on heritage assets and any minor effects would be fully mitigated by the renewable energy benefits of the proposals. As such, the proposals can be accepted in relation to heritage policies and guidance including the historic environment chapter of the NPPF, core strategy policy CS15 and SAMDev Policy MD13.
- 6.3.16 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 for the construction phase. A noise report concludes that the only construction operation with the potential to generate noise is piling to anchor the steel array frames. Levels are however predicted to be low at the 4 sensitive properties in the assessment and piling would be completed within a 4-week period.
- 6.3.17 During operation the only plant with the potential to generate noise is the three inverter/transformer units. An assessment of noise under BS 4142 showed a low or

negligible impact at the sensitive properties during (worst case) night-time periods, with no need for mitigation. Predicted levels at each receptor are below the Night Noise Guideline value of 40dB set out in the WHO Night-time Guidelines. The same conclusion applies with cumulative noise from the existing smaller adjacent solar farm. Public Protection have not objected. It is concluded that the proposals can be accepted with respect to noise effects.

6.3.18 Access / traffic and construction: Once operational the proposals are expected to generate just 10-15 visits by light goods vehicles per year which is not significant. Therefore, a full traffic impact assessment is not required. During the anticipated six-month construction period, a total of 302 Heavy Goods Vehicles (HGV) deliveries will be made to the Application Site. During the peak construction period there will be an approximate maximum of 15 daily HGV deliveries. The Application Site will be accessed from an existing farm access points off Squirrel Lane which runs to the north of the Application Site. Swept path analysis shows that the existing access point is suitable in its existing form for the largest construction vehicles to enter the site. It appears that this access point is already utilised by HGVs for farming activities.

6.3.19 There will also be a dedicated person appointed for the management of the delivery booking system during the construction stage. The Applicant will conduct a pre- and post-construction condition survey of Squirrel Lane, from the junction where Squirrel Lane meets the A4117 to the site access point (approximately 0.8km), with the Applicant liable to repair any damage to the road attributed to the construction of the Proposed Development.

6.3.20 The Traffic Assessment Plan sets out a variety of specific mitigation measures that will be implemented during construction that will minimise the impact of the construction traffic on the environment and local communities; these include:

- Limitations on working times and HGV scheduling
- Site security and signage; and,
- Measures to control emissions of dust and other airborne contaminants.

A community liaison group would also be set up during the construction period with one objective with an objective identify additional ways of preventing, controlling and monitoring unintended traffic movements through Ledwyche during the construction phase.

6.3.21 SC Highways have not objected subject to a construction management plan condition. 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 valuable habitats. No designated sites in the surrounding area have any connectivity with the site. A Biodiversity Management Plan has been produced. This encompasses enhancement and compensatory measures to ensure the proposed solar farm will lead to a net gain for local wildlife. This includes the opportunity to provide several ecological gains such as the conversion of arable land into species rich grassland and new planting. 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 Core Strategy Policy CS8 (encouraging infrastructure that mitigates and adapts to climate change), Policy CS17 (protecting and enhancing Shropshire's natural environment) and SAMDev Policy MD12 (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. A sustainable urban drainage (SUDS) scheme accompanies the application and responds to local concerns about flooding of the Ledwyche Brook. Swales would be provided and planted with vegetation to protect against soil erosion. They would be maintained throughout the lifespan of the Proposed Development.

6.3.24 Filter strips would surround the concrete bases of the ancillary buildings to capture any runoff from the roofs. This would be discharged to a percolation area or into the sites' drainage network. The soil is considered suitable for infiltration and field runoff would be reduced relative to the current situation whereby the land is ploughed across the contours. The Council's drainage team has not objected. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

6.4 Timescale and decommissioning:

6.4.1 Current solar photovoltaic arrays have a design life of approximately 40 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future arable productive capacity is protected. A condition covering decommissioning has been recommended in Appendix 1. A decommissioning clause would also be included in the applicant's tenancy agreement and is supported by insurance. 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 At its' nearest the site is located 2km 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 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 would 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 development and conducted face-to-face interviews with more than 1,000 visitors during August 2013. 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.
- 6.6.5 Recent (sept 22) research by survey company Survation finds that 77% of UK public support development of solar and wind farms to tackle the energy crisis and reduce energy bills. <https://www.current-news.co.uk/news/77-of-uk-public-support-development-of-solar-and-wind-farms-to-tackle-the-energy-crisis-says-suration> . The survey breaks the result down by constituency and finds (in line 337) that in the Ludlow constituency of the application 93% support solar power, 91% support renewable energy projects in their local area and 91% believe that the Govt should use wind and solar farms to reduce energy bills.

- 6.6.6 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 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 UK solar park schemes. 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 be sensitively positioned, and would point away from the nearest residential properties in the interests of privacy.
- 6.7.4 Recent Government communications: Objectors have referred to recent ministerial correspondence establishing a general preference against the use of best and most versatile land for solar photovoltaic schemes. These statements are noted. 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.
- 6.7.5 Shropshire is a predominantly rural county and there is insufficient brownfield land to deliver the progress in renewable development expected by policies and guidance. Solar farm development must occur where there is potential for a suitable grid connection. This significantly limits the choice of location for such development. Notwithstanding this, solar farms are a temporary and reversible form of development. Agricultural activity can be maintained through grazing of sheep between the arrays and revenue from solar schemes can assist in cross subsidising other agricultural activity within the farm unit.

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 Chapter 14. Core Strategy strategic objective 9, Policy CS8, SAMDev Policy MD8). In addition, the proposals would provide a diversified income for the Henley Estate that would help to ensure the stable profitability 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. No adverse impacts to any heritage assets have been identified. (Core Strategy Policy CS6, CS16 & CS17, SAMDev Policy MD12, MD13).

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 (S158). 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 – 2021)

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 155: "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:

- provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 157 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...”

11.1.6 Paragraph 81 advises that ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.

11.1.7 Particularly relevant chapters of the NPPF are:

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

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”. Relevant Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where
- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS16 - Tourism, Culture and Leisure
- Policy CS17 - Environmental Networks

10.4 Site Management and Allocation of Development Document

Relevant Policies include:

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

10.5i. Emerging Development Plan Policy

The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. The emerging Local Plan is at an advanced stage of production currently in the

Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled. The emerging policies may attract some weight as part of the determination of this planning application.

- ii. The emerging Shropshire Local Plan (2016 to 2038) contains a new policy on climate change. Policy SP3 has been added though the draft policy does not explicitly refer to solar energy schemes. Policy SP3 confirms development in Shropshire will support the transition to a zero-carbon economy including reducing carbon emissions through a number of means, including through 'integrating or supporting both on and off-site delivery of renewable and low carbon energy'.
- iii. Emerging Policy DP26 'Strategic, Renewable and Low Carbon Infrastructure' is also of relevance and reflects the current wording of the National Planning Policy Framework whereby "non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable" and includes a list of technical assessments which should be submitted alongside the application.
- iv. Part k of Policy DP26 refers to solar farm development in particular and describes that:
"Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and on-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations)."

Part 3 of Policy DP26 describes that the assessment included within the application submission should be proportionate to the development proposed and include sufficient information to allow for an accurate evaluation of all impacts, both negative and positive, and should also cover all necessary ancillary infrastructure and the cumulative effects of existing or consent development types with similar impacts in the surrounding area.

- v. Other relevant policies contained within the emerging Local Plan include:
 - Policy S2: Strategic Approach
 - Policy SP4: Sustainable Development
 - Policy SP10: Managing Development in the Countryside
 - Policy SP12: Shropshire Economic Growth Strategy
 - Policy DP12: The Natural Environment
 - Policy DP16: Landscaping of New Development
 - Policy DP17: Landscape and Visual Amenity
 - Policy DP18: Pollution and Public Amenity
 - Policy DP21: Flood Risk
 - Policy DP22: Sustainable Drainage Systems
 - Policy DP23: Conserving and Enhancing the Historic Environment
 - Policy DP29: Mineral Safeguarding

10.6 Other Relevant Guidance

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

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

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

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

11.0 RELEVANT PLANNING HISTORY:

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

12.0 Additional Information

List of Background Papers: Planning application reference 22/02151/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Ed Potter
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 27th April 2022 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 (Ledwyche Solar Location Plan Reference 7325-DRW-PROP-0002-Location plan-v2.0), hereinafter referred to as ‘the Site’.

Reason: To define the permission.

Construction Management Plan

4. Prior to any development taking place a revised Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The revised CTMP shall include details of how traffic will be managed along squirrel lane to avoid / minimise vehicles meeting with construction traffic.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

Access

5. The sole access to and from the site during construction phase shall be by means of the route shown on the approved plan titled 'Ledwyche Solar Farm Proposed Haul Route (Figure 5.1 reference NEO00940/010/B) contained within the Construction Management Plan by Neo Environmental.

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

Arboriculture

- 6a. 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).

Landscape and Ecological Mitigation Plan

- 7a. No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. Planting plans, creation of wildlife habitats and features and ecological enhancements in accordance with the Appendix 2B: Biodiversity Management Plan (Neo Environmental, January 2022).
 - ii. Written specifications for establishment of planting and habitat creation;
 - iii. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - iv. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

- 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.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

8. 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.

Ecology

9. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Appendix 2B: Biodiversity Management Plan (Neo Environmental, January 2022).

Reason: To ensure the protection of and enhancements for habitats and wildlife.

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

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

- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

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

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Within 28 days prior to any pre-development site enabling works an inspection for badgers and otters shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence (further to that submitted in support of the approved planning consent), or a change in status, of badgers or otters is recorded during the pre-development survey then the ecologist shall submit a mitigation strategy for prior written approval that sets out appropriate actions to be taken during the construction stage. These measures will be implemented as approved.

Reason: To ensure the protection of badgers (under the Protection of Badgers Act 1992) and otters (under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)).

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

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

Fencing

13. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference DES0009; Deer Fence.
 - b. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference DES-0003 (CCTV Pole).

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

Archaeology

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

Reason: The site is known to hold archaeological interest.

Amenity complaints procedure

15. 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

16. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 40 years of the date of this permission and the Site shall be reinstated to agricultural fields. 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:

Design life

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

Drainage

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

- *Water Butts*
- *Rainwater harvesting system*
- *Permeable surfacing on any new driveway, parking area/ paved area*
- *Greywater recycling system*

Reference should be made to Shropshire Councils SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

Highways

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

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

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

- iv. *Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.*
- v. *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*

Ecology

- vi. *Hazel dormouse is a European Protected Species under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a dormouse; and to damage, destroy or obstruct access to its resting places. There is an unlimited fine and/or up to six months imprisonment for such offences. If a dormouse should be discovered on site at any point during the development then work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice. The Local Planning Authority should also be informed.*
- vii. *It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The*

bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition). If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

- viii. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.*
- ix. *Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.*

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

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

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of

escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse, or moved to a hibernacula. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801). Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

APPENDIX 2

FULL COMMENTS OF BITTERLEY PARISH COUNCIL

- 1.1 The Parish Council members have studied the application documents provided in detail and engaged in the local consultation. Many of the key documents do not appear to have been correctly assessed, significance of particular issues not appreciated, important elements are missing and issues discussed during consultation with mitigation proposals ignored thereby rendering the documents defective or insufficient to properly determine whether the application should be approved and/or what conditions would be appropriate to be applied. The scale of the issues are so significant that they cannot be resolved through conditions being applied or minor updates at this stage.
- 1.2 Despite having to object to this application, Bitterley Parish Council fully understands the need to decarbonise the UK in line with government policy by 2050 and the Shropshire County Council Climate Emergency plan detailing Shropshire zero carbon by 2030 and therefore the need to increase the renewable generating capacity in Shropshire considerably. Therefore, plans submitted to help achieve these goals need to be made, but they need to be sustainable, protect the cultural and historical identity of the county, promote biodiversity net gain off a sound baseline, protect the counties residents, wildlife, ecology, protect heritage buildings and landscapes from damage, visual effects and flooding from poorly submitted plans, assessments that fail to adequately mitigate and maintain the mitigations contained with them.
- 1.3 If sound and acceptable solar development can be achieved, the cumulative effect on the area of multiple solar farms is going to have to be considered and mitigated and

therefore this application should be considered as a starting point for this consideration and the cumulative impact of solar farms considered including other applications already in place in the local area (Previn Farm Caynham and Greete).

1.4 Summary of some key issues with the application:

1. The Ecological Assessment was insufficient in scope and failed to respond to known and likely species present.
2. The Construction and Traffic Management Plan is also insufficient, missing foreseeable scenarios and is not future proof.
3. The Visual Impact report used limited, selected points of reference that do not correctly identify the scale of the visual impact to the surrounding area that have been identified by members of the parish council from other reference locations.
4. The Biodiversity Management Plan and the Landscape and Environment Management Plan and the maintenance plan for drainage are all flawed, failing to provide a robust, comprehensive management plan that is future proof in regard of the site and responsibility for delivery. They fail to address the funding mechanisms required to ensure their long term implementation. Anticipated costs, mechanisms to ensure the necessary maintenance and potential replacement or other works are undertaken, the commitment of sufficient finances into a management company or other mechanism legally constructed to be dedicated to the purposes required should be set out and able to be conditioned to ensure responsibilities, finances, delivery mechanism and local input are in place before work is started.
5. There is significant danger that responsibility to undertake maintenance and stick to appropriate and clearly set out processes for the management of the site over the 40 year life of the scheme will not be acted on and there will be at best a need to reactively enforce against currently unclear responsibility on an ongoing basis through planning legislation that is flawed.

1.5 More detail on specific issues are set out below in response to most of the key documents in the application.

- i. Agricultural Assessment. The report states the land is poor for farming. It is not of high quality on a national scale. However, the land is known locally to have provided good yield and, as with surrounding fields, is locally of good standard with good production potential. South Shropshire farms of the area nearly all have a similar model of mixed livestock and arable in their sustainable approach to delivering food security. The loss of what is locally valuable farmland would be regrettable and a re-prioritisation of the value of locally good standard food production land compared to solar panels should be considered given what has happened to global food security. An innovative approach could have been taken to reduce the land lost to food production. Many solar farms are designed so grazing can take place easily under the panels and utilise 90% of the land. The developer with the help of local farmers and the landowner could easily revise the plans to include design aspects that would allow easy grazing and management of animals within the solar farm and reduce the land lost from 50 acres to 5 acres. This would present a win-win for renewable energy and food production. The lack of an innovative agricultural loss mitigation plan means the current plans should be rejected.

- ii. Noise assessment. The report seems to dismiss noise as an issue without having undertaken monitoring for reference background levels and has not appreciated the cumulative effect of noise. During consultation discussions took place regarding percussive pneumatic piling and its noise pollution effects on wildlife and residents. The developer was asked specifically to use screw piling and stated they did use such techniques. The feedback document from consultation to the developer stated that screw piling would be expected as part of the noise mitigation in the plans. No further feedback was given by the developer. It is therefore surprising that this consultation feedback has been ignored and underlines that the noise assessment and the developer has not understood the quietness of the area they are intending to work in. The noise assessment should be rejected as it is therefore insufficient and screw piling implemented.

- iii. Construction and traffic management plan. It is very poor that this document is so inaccessible for public to understand what is meant. It fails to address some key issues including the future traffic management in relation to the site and some obvious and likely scenarios that will occur. During consultation extensive discussions took place on the policing of the and control of traffic as this had been a continual issue when the first Solar farm that had been constructed on Squirrel Lane. The developer offered a policing solution for the Route and control mechanism of cctv, but the CTMP has ignored the consultation and there is no policing mechanism in it. The policing of the route and traffic is mentioned in the Design Access Statement to be thought about later with Shropshire Council- The control of traffic on Squirrel Lane is vital to the safety of those that use the lane and the construction traffic proposing to use the lane, leaving it for another day is not acceptable. The plan should not assume construction traffic would be slow just due to nature of the lane. There is no plan for when A49 or sections of the A4117 are closed. These are fairly frequent occurrences. There is no plan for movement of construction traffic both ways or coming across agricultural vehicles. There is no statement regarding stopping traffic coming over Ledwyche bridge, a grade 2 listed structure that has been previously damaged by large vehicles coming from the south during the construction and maintenance of the first solar farm on the lane. No detail of signage and placement. No mechanism for communicating any public concerns during construction. It does not deal with maintenance traffic that must come in the A4117 route. It does not take account of the existing traffic movement for public and other solar site maintenance. No requirement in place for a designated route and route map. No details of bunding for fuel and wheel washing during construction.

As part of consultation the residents queried why there was access for the DNO via the bottom south east gate and track and suggested that the DNO should follow all other construction and maintenance traffic to and from the site via the barn entrance on the North side of the development. The argument given by the developer was that there was no access gate from the solar farm to the track up to the DNO substations. It is noted that the plans now show a gate in the southern boundary so there is no need for DNO access via the track and gate- the DNO can have access to the transformers like all maintenance traffic via the A4117 and the barn access point- This should be amended on the plans and CTMP.

- iv. Landscape and visual impact assessment (LVIA). The assessment chose certain visual reference points and considered several residential areas in order to make the assessment. However, to give proper regard to the landscape and visual impact, the

area north of viewpoints 4 and 6 and directly east of the development at Farden, Snittongate and Knowbury need to be considered. This proposed solar farm will constitute a significant change to the landscape viewed from this area and it is critical to consider the major impact to the settlements, footpaths and AONB in this area when making an assessment of landscape and visual impact. This demonstrates the assessment is insufficient in its current form. Photographic evidence of this can be provided to the planning officer as we are not aware of photograph uploading for an application response.

It is notable that there are smaller fields nearby that given their landscape position and surrounding features would result in very little impact in comparison. The assessment does not consider alternative locations nearby for comparable impact. The development will be clearly visible from the Shropshire hills. You can see it from the Shropshire Way.

- v. AONB. National Planning Policy Framework NPPF paragraph 115 requires that “great weight should be given to conserving landscape and natural beauty” of the Shropshire Hills AONB. The Shropshire Hills AONB provides many high viewpoints with wide open, uninterrupted and undeveloped views across the rural landscape. As the proposed solar farm is set in the low lying landscape it will be clearly seen as unfitting within the setting of the AONB. The current incremental introduction of proposed solar farm development in this area will create a major impact on the rural, agricultural landscape and AONB.
- vi. Mitigation. One of the mitigations considered would be to raise the hedge on the northern boundary to shield the visual impact from Clee Hill, Farden and Knowbury. However, it would have to be 30-40 metres high to prevent the visual impact as the site is very visible in the landscape. There is in effect no mitigation that can completely hide the panels. Suggested planting for screening would take 15 of the 40 year scheme life to come to fruition. That is not acceptable. An option to provide a quick growing temporary screening hedge that is then removed once the long term hedge is established should have been included for the northern boundary and the hedge across field 1 screening Ledwyche Cottages 1 and 2. This development is on a much larger scale with much more significant local visual impact than the existing solar farm given it's position in the landscape. A photograph of the site is provided below with a reference location. This photograph shows why tree planting to north (right hand side) would not be tall enough to screen the site from view.
- vii. Ecological Assessment Ledwyche Solar Farm dates 23/02/2022

Comment 1: The assessment was carried out with the intention of ‘Determine the main habitat types within and immediately adjacent to the Application Site in relation to the Proposed Development footprint ‘The Extended phase 1 habitat survey ZOL should extend 50m’ The survey states access was only permitted within the landowner’s boundary. Field Survey says work extended into the 50m buffer zone- but then contradicts itself saying access was not available to adjacent land - In the case of all 4 statements above the survey team did not ask for access to adjacent landowners’ land- The extended survey was not completed and the statements are incorrect and contradictory

Comment 2: Table 2-8 states and Section 2.117 states there is no connectivity or direct hydrological connectivity between the site and the CWS S057/019 Ledwyche brook 194m away - There is a stream running along the south boundary which the site drains into that flows directly to the Ledwyche brook 194m away- a direct hydrological connection the statement is incorrect

Comment 3: In paragraphs 2.78 and 2.78 list 8 habitats and Appendix 2c photographs shows 6 habitat photographs - the report and appendix do not tie up the missing data should be provided

Comment 4: G2 Running water- Species unknown is listed - This is because it was not surveyed and should have been as part of the 50m buffer, this is rich habitat and has been left out of the report. The report is therefore incomplete.

Comment 5: The survey was carried out in daylight so the non-detection of nocturnal species Bats, Badger and Hedgehogs is not surprising. Bats and hedgehogs are present in numbers. The surrounding woods are used to release rehabilitated hedgehogs - Lack of nocturnal survey has missed protected or priority species listed in table 2.4

Comment 6: Great Crested Newts- Ledwyche Pond has had an inflow and outflow since it was built in the mid 1800's, in 2004 as it has today. Nothing has changed - The survey is incomplete and based on an incorrect assumption as proven by the 2004 survey and therefore dismissing GCN is incorrect - The survey does not take into account the standing water in the scrape and pools in the stream bed during spring and the GCN breeding season.

Comment 7: In Sections 2.93 2.94 of the Amphibians section specifically mentions 'other amphibians' – nothing is mentioned in the assessment about other amphibians, the report only goes on to assess the likely hood of GCW in Ledwyche pond and incorrectly dismissed GCN's – there is a huge diverse ecology of amphibian life in Ledwyche pond that has been ignored by the lack of a survey in the buffer zone and therefore the importance of the habitat of Ledwyche pond to 'other amphibians' has been ignored along with any potential mitigation required to protect the habitat.

Comment 8: Contrary to what the report says the presence of predator species suggest that there is an abundance of nesting birds and prey to support the predator species - if there. was not a food source there would not be predator species present - The report is contradictory and has not surveyed the surrounding area for bird life.

viii. Archaeology and Cultural Heritage Impact Assessment. Some of the most important historical archaeological sites within a short distance of the proposed development are:

- 1 Caynham Camp is a Scheduled Monument within 2.5km of the development site
- 2 Henley Hall, and Historic Park and Gardens, Grade II listed, within 2km of the development site
- 3 Bitterley Village, 12th Century Church of St Mary and other Grade II listed buildings within 4km of the development site
- 4 Ledwyche Bridge early to mid-18th Century Grade II listed within 1km of the development site

Notwithstanding these and the other sites listed in the assessment appendix the following comments are made about the assessment

Comment 1: The development site can be seen from Heritage Asset NA55 and no assessment has been done to establish the effect of the development from the asset. No mitigation has been proposed to protect the visual intrusion of the development from the asset

Comment 2: Much is made of the visual effects of the proposed application on heritage assets. The logic of constructing a 2m high ZTV is not explained. Any asset such as a Grade II listed property will have a height greater than 2m- the arbitrary height and therefore the suitability of assessing the visual impact of heritage assets is questionable.

Comment 3: The overlay of the ZTV on any OS map or similar is not included in the assessment so its adequacy or accuracy cannot be established. This not only affects this assessment but also has implications on the validity of the Landscape and Visual Assessment and any mitigation proposed in the assessment. This needs to be submitted as part of the application

Comment 4: 'Additionally, it may be appropriate to consider views from St Lawrence's church tower 2.7km to the east as this can be open to the public'- comment from the planning officer pre planning consultation advice. Nowhere in the assessment is any reference made of the effects of the proposal from St Lawrence church or on St Lawrence church. The church can be seen for the development site- once again the assessment seems to ignore the visual effects on heritage assets outside the application area. This is a major concern as this is part of the heritage amenity people come to enjoy.

Comment 5: The assessment ignores the visual and landscape effects from a series of HER Polyline Features and actually makes no assessment or comment on these as individual features- the proposed development can be seen from many of these features and should not be ignored. Sight lines to and from these features establish the visual heritage of the area and the assessment needs to review how the application will affect this heritage.

Comment 6: Policy MD13 in SAMDev and Policies CS6 and CS17 have the following quote 'Ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect'. The assessment report concentrates on the visual implications within the ZTV but fails to review and assess other implications such as physical damage and flood damages. The assessment therefore does not meet the criteria of the policy and should be done again

Comment 7: Policy MD13 and CS6 and 17 require adverse effects on the significance of non-designated heritage assets. Table 3 in the appendix lists 32 HER Polygon Features within 1Km. Table 3 lists 26 HER point features within 1Km. Table 3 lists 10 HER point to point features. In total 68 HER features are listed in the appendix with no

comments against them, the assumption being they have not been assessed individually and therefore the assessment does not meet the requirements of the policy. Each asset should be assessed and a comment made in the assessment individually to give the public confidence the assets were assessed correctly and their importance taken note of. These are an important visual amenity within the landscape and should not be dismissed out of hand

Comment 8: Map regression is mainly done comparing the 1884 OS map to the 1903 map. There is no logical explanation for this as the 1847 map shows a much better view of the development of the area and its potential importance to rural farm development and the modernisation of the farm during its ownership by the Downton Estate. Therefore, the assessment is based on a biased view of the landscape and its development and should be revised using the 1847 map. The farm development area developed in the 1850's now includes 4 HERs.

Comment 9: The text in the assessment refers to an 1884 OS map- the appendices refer to an 1885 OS map- there is clear confusion in the assessment - this needs clearing up and the correct date presenting

Comment 10: The Grade II listed bridge asset NA18 is assessed for the visual impact of the development but the assessment is devoid of any assessment due to increased traffic, potential damage from said traffic and fails to recommend any mitigation to protect the grade II asset. The assessor would seem not to be aware of the damage caused to the grade II asset during the construction and maintenance of the current Henley solar farm- The asset was closed for a number of months whilst it was rebuilt. Therefore, the assessment is deemed to be incomplete and fails in its duty to point out the risks to a grade II listed asset yet let alone recommend any protective measure for the asset.

Comment 11: The artificial pool benefits notably from its enclosed, aesthetic setting enveloped by woodland. Again, the assessment concentrates on the aesthetics and not any physical risk to Heritage Asset NA55-there is no mention in the assessment of flooding, run off mitigation, over topping and damage to the structure of NA55, any mitigation has not been assessed with regard to protecting the asset from damage in the future. The assessment is therefore lacking.

ix. Landscape and Environment Management Plan (LEMP)

Comment 1: This drawing contains important information about environmental mitigations that are critical to protecting the visual and biodiversity impacts of this application. It is inaccessible, difficult to find tucked away in appendix 3 behind some photographs - It should exist as a primary control drawing/document - It should not be illustrative, it should reference the BMP

Comment 2: The drawing is inaccessible by mobile devices, unreadable when printed out on A4 so its use to the public wishing to comment on the application, contractors and workers in the field is doubtful - Much of the content in the drawing margins should be in an accessible document

Comment 3: The colour coding and detail in the drawing is very difficult to read or find and colours in the code do not tie up with colours on the drawing as an example the proposed species rich grassland mix

Comment 4: On their left-hand side text 4 grassland mixes are specified on the right-hand side key only 1 grassland rich plantings area is identified - What are the other 3 areas, where are they on the plan? The plan and text are contradictory and confusing

Comment 5: Left hand side text mentions 'any planting within the ecological constraints buffer area...' - Right hand side key and drawing does not specify any such area so where is it?

Comment 6: Throughout the application assessments and statements much is made of the visual mitigation provided by existing hedgerows and tree, no infill planting on the Squirrel Lane hedge and the southern boundary is detailed where there are gaps. The state of the roadside hedge was pointed out to the developer during a consultation meeting in January 2022, the infill required seems to have been ignored - The hedgerows need to be walked (during a period when there are no leaves on the hedge) to agree where infill is needed and the Drawing needs to fully specify where infill is needed so it can be planted and recorded

Comment 7: Tree and Hedgerow mixes do not tie-up with BMP - Both documents should agree

Comment 8: There is no tree planting density specified telling a contractor what to plant where and in what mix, for example where 1 new tree is indicated what do you plant out of the mix? - Should be added

Comment 9: Timing and aftercare are specified across LEMP and BMP, neither has a full list or requirements there is nothing in the BMP maintenance section about inspecting tree guards, watering trees for the first year, keeping a 1m weed free area around hedge planting. Tree positioning will be vital to local areas of visual mitigation and should be discussed and planned with the local community before planting takes place. The maintenance of screening and planting should be for the life of the project not stop at 5 years, it should be remembered the assessments submitted describe a 15 year period before the mitigations take full effect so they need to be maintained and replaced if they fail for the full 40 years of the project. - The BMP and LEMP are mixed muddled confusing documents that need reformatting so 1 document contains the relevant information about planting, habitat creation, aftercare and maintenance.

Comment 10: Final numbers and locations of bird, bat, dormouse, hibernacula and invertebrate hotels will be determined on site by an ecologist. - A full Ecological Assessment was undertaken; the mitigation measures should be known by now and not subject to another iteration. Drawing should be up issued to include exactly what numbers and where they will be located.

Comment 11: Attrition is specified that any attrition that occurs within 5 years will be replace - This is unclear, is it annually or after 5 years, to do this you would also have to know what was planted where so records and accurate recording of planting will be required. The 5 year time frame is also at odds with the assessments included in the

plans which state mitigations may take 15 years to fully mitigate effects of the development- All mitigation measures should be maintained and replaced if they fail for the lifeform the project 40 years.

x. Flood Risk and Drainage Impact Assessment

Comment 1: Site description forgets to mention the site is bound by a stream on the bottom edge. - Report is inaccurate especially as it is a flood and drainage report- a stream would seem important to note

Comment 2: 'Following public consultation, a decision was also taken to include SUDS measures along the Ledwyche Brook. Residents highlighted that in recent years flooding had increased and welcomed opportunities to slow down surface water runoff. Whilst turning the site into permanent pasture will help in the first instance, the inclusion of additional swales along the southern edge of the site will further reduce current levels of run-off

-The assessment does not include any water quality assessment made before and during current run off so a comparison can be made after the building of the swales and drains to see if they have in fact reduced current run off as suggested. Should the required effect not be achieved remedial action will be required, a mechanism for doing this and the responsibility to do this should be included in the drainage plan.

- The Flood Risk Assessment fails to assess if the mitigation efforts taken will further reduce current levels of run off.

The report fails in 1 of the key objectives discussed in consultation

- As the stream on the southern boundary flows into a restricted pond that over tops and floods neighbouring gardens I see no assessment of the pond and subsequent flood risk.

-There is no flood prevention drain of last resort in these plans to divert water away from the pond overtopping down the stream and no study of what this should be.

Comment 3: The attached drawing is called outline -A finalised drainage drawing needs to be produced. - Finalise design and publish drawing so it can be review prior to planning permission for acceptability.

Comment 4: If additional soak aways are required round the 'buildings' who and how are these decided upon and built? - Detail needs adding to the proposal

Comment 5: There is no drainage plan that specified how the drainage and SuDS measures are to be maintained for example periodic cutting- what does this mean? it is unclear and unspecified. Observation of infiltration- when how and where? What records are kept- there is little point in doing this in the dry months, it should be specified that this is done during December to April and the drains, SuDS must have water in them at the time of inspection. Structural integrity- how is this inspected, when and what records are kept?

Comment 6: The site is not flat and currently suffers from run off from the north west top of the field to the bottom south east corner (as indicated in the agricultural report grade 3b land area). The field also suffers from run off down tractor ruts and seed drill lines so the suggestion that the likelihood of increased soil erosion needs to be quantified and studied.

- Where are the water quality reports from the current field set up showing suspended solids i.e., soil run off?
- Where is the action to remeasure this after the mitigation is in place to qualify the reduction in run off and soil erosion has reduced?

Comment 7: For suds to be effective they need a long term management plan and a mechanism put in place to ensure financed and actively managed by clearly responsible person(s) with a mechanism to hold to account. This is not provided.

xi. Biodiversity Management Plan

Comment 1: The Biodiversity Management Plan (BEMP) is a very important document in the protection of habitat and Biodiversity enhancement net gain. It is inaccessible tucked away in an appendix and is not issue and version controlled

- The document needs to exist as a version and issue-controlled document in its own right not an inaccessible appendix

Comment 2: The application makes many references to the importance of the 4-acre wildflower meadow in terms of Landscape mitigation and Biodiversity BUT this area is completely missing from the BEM in terms of creation and management. During consultation the importance of the management of this area has been stressed to the developer- this seems to have been ignored.

- BEM should include all aspects of Biodiversity enhancement for the life of the project and specifically the 4-acre wildflower meadow

Comment 3: BMP and Landscape Environment Plan (LEMP) contradict each other in species mixes and planting densities, neither document fully stipulates where and how much planting is to take place especially on hedgerow infill

- Both documents should reference each other and agree and fully specify where and what should be planted

Comment 4: Management recommendations are made - Will these be followed- they should be turned into actions and plans not recommendations.

Comment 5: Maintenance regime for all habitat enhancements – will be maintained for a minimum of 5 years - The effect of this project on the environment is for 40 years, to ensure the net gain for Biodiversity is maintained over the life of the project the biodiversity measures should be maintained for the life of the project- 40 years.

Comment 6: Management of hedgerows and trees

- There is no mention in the plan of planting records, what was planted where, attrition rates and replanting activity to mitigate attrition, the LEMP mentions attrition, replanting failed planting within 5 years will be replanted but how this is done, yearly or after 5 years is unclear - The plan is lacking in detail and record keeping

Comment 7- Indicative Managements schedule

- It should be a formal plan not indicative-
- The schedule stops at year 3 for habitat enhancement yet the text says years 5+, It should be for the life of the project

- There is nothing in the indicative schedule about record keeping or retention for inspection

Comment 8: The Application state the responsibilities are the Applicant ongoing

- As the project runs for 40 years the responsibility should be the applicant or if sold or divested the owner/operator of the site. Failing this the Land Owner



Committee and date

Southern Planning Committee

20th September 2022

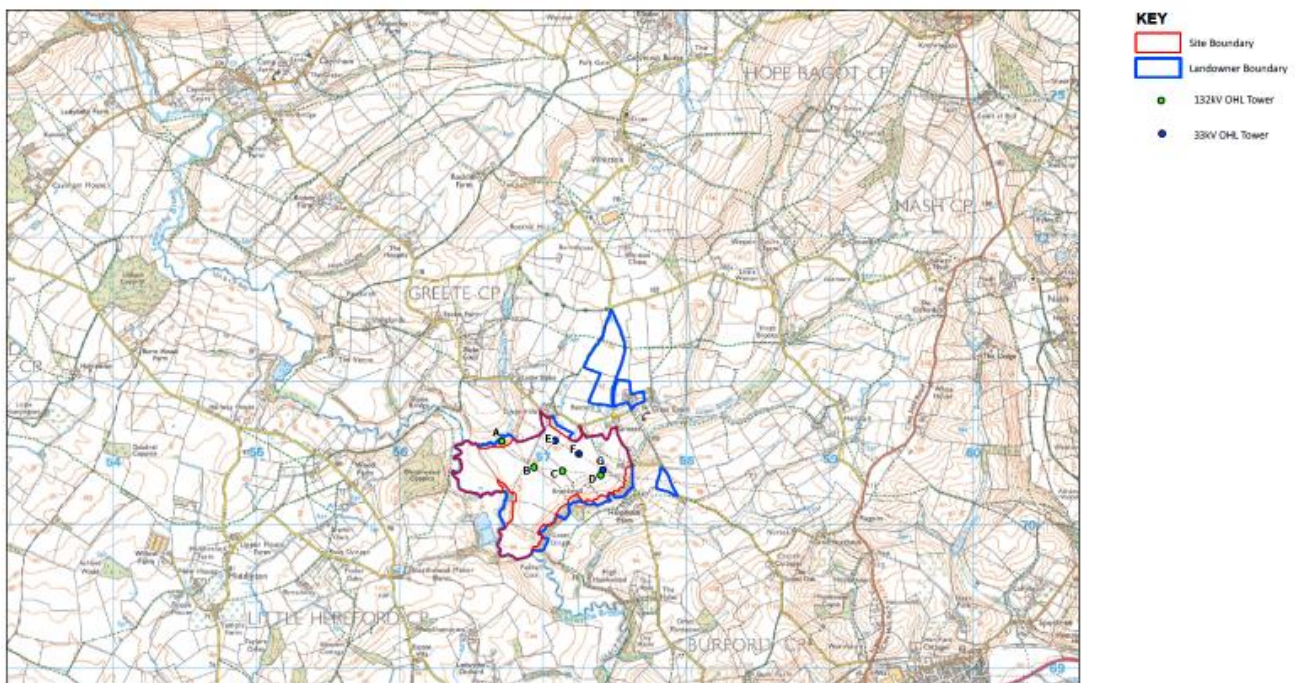
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/02565/FUL	<u>Parish:</u> Greete
<u>Proposal:</u> Construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas.	
<u>Site Address:</u> Brick House Farm, Greete, Ludlow, SY8 3BZ	
<u>Applicant:</u> Bluefield Renewable Developments Ltd	
<u>Case Officer:</u> Grahame French	<u>email:</u> graham.french@shropshire.gov.uk

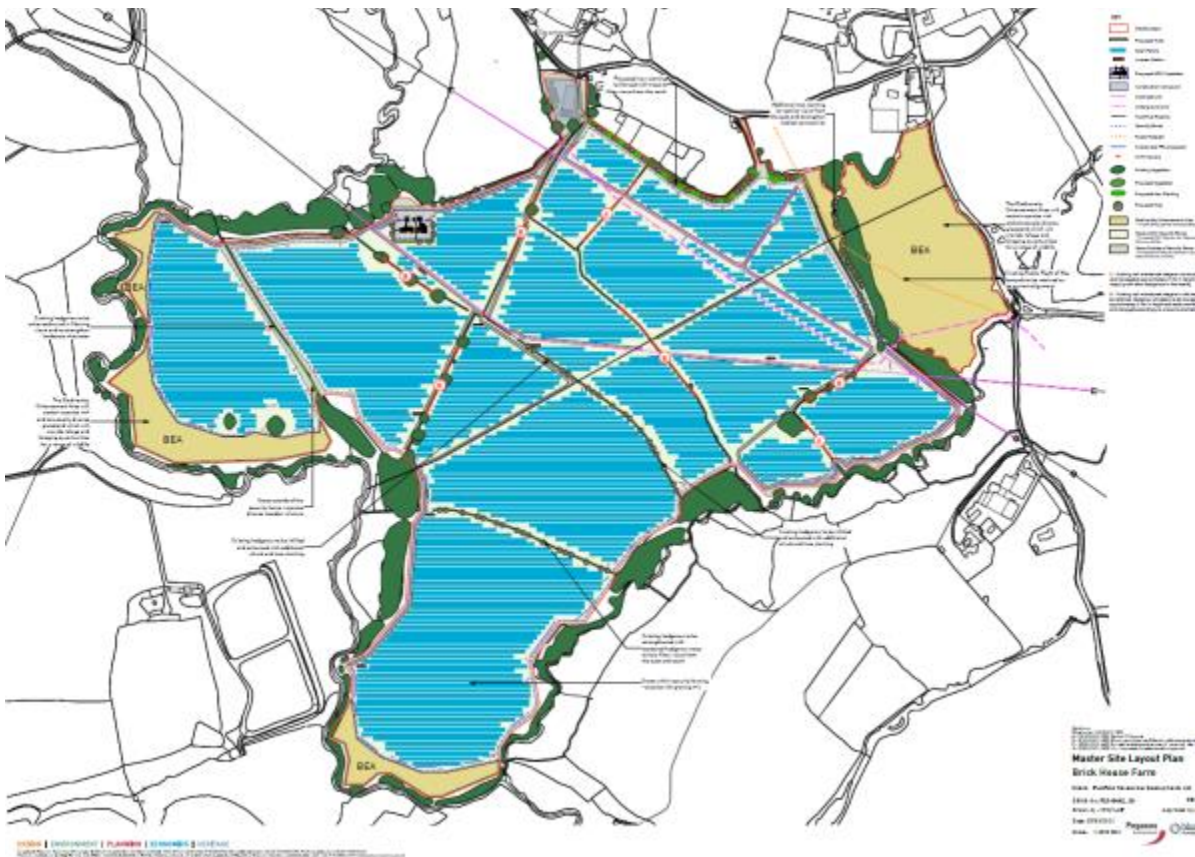
Recommendation:- Approve subject to the conditions set out in Appendix 1.



REPORT

1.0 THE PROPOSAL

- 1.1 The application is for a solar generating facility with a capacity of 49.99MW comprising solar photovoltaic (PV) panels and associated infrastructure including security fencing, CCTV cameras, an internal access track, underground cabling, inverters, substations, grid connection, environmental enhancement measures and other ancillary development.
- 1.2 Construction would take 6 months. The site would have an operational life of up to 40 years, after which it would be decommissioned, and the agricultural land would be reinstated.
- 1.3 The solar park would consist of photovoltaic solar arrays with a maximum height of 3m (limited to 2.1m in the south-western part of the site). The panels would be mounted to a metal frame securely fixed with appropriate ground piles and located in the areas shown on Plan 2 below.



Plan 2 – Site layout

- 1.4 The PV panels would be mounted in rows across the site in an east-west orientation to face the south at 15 to 25 degrees from the horizontal to maximise efficiency, with a maximum height of 2.8m. Approximately 95% of the land between the solar panels will be accessible for plant growth, biodiversity enhancements and complementary agricultural activities such as sheep grazing, during the operational phase of the scheme.

- 1.5 The following structures are also proposed:
- Inverter Substation
 - Deer proof perimeter fencing and access gates
 - Infrared CCTV fixed on poles
 - Landscaping and Biodiversity Enhancement Areas
 - WPD Substation Compound
 - 25m Communications Tower
 - Customer Switchroom
 - DNO Switchroom
- 1.6 The construction and decommissioning phases would also require the utilisation of a Temporary Site Compound positioned adjacent to the access point
- 1.7 Substations and Grid Connection: The proposed substation and associated ancillary infrastructure would be located in the north - western area of the site, to the north of the existing 132kV high voltage Overhead Line. An underground 132kV cable would connect the substation to an existing tower on the site. This position uses established vegetation and nearby woodland as a visual screen and wooded backdrop. Swales are proposed at locations around the periphery of the site as part of the drainage strategy.
- 1.8 Footpath: A right of way (footpath 0529/10A/1) running south-east to north-west through the eastern parcel of the Site would be retained and one of the proposed Biodiversity Enhancement Areas is at this location.
- 1.9 Security Fencing and Access Gates: The solar farm would be enclosed by a 2.5m high perimeter deer fence with small mammal access points to allow the passage of wildlife.
- 1.10 CCTV and Lighting: In addition to fencing, it is proposed that 2.5m high pole mounted CCTV security cameras will be installed inside and around the Site. The CCTV system operates by infrared which will avoid the need for floodlighting. The development would not require any external lighting during the operational phase.
- 1.11 Access Access for construction would be achieved via the existing access off Caynham lane to the west of Lower Cottage. A temporary construction compound would be established on land to the west of the access track; to be reinstated to agriculture upon completion of construction. The proposed internal access tracks would follow field boundaries and utilise the existing gaps in vegetation / field accesses where possible. The construction access would require removal of a 9m stretch of low clipped hedgerow.
- 1.12 Construction and operation - It is anticipated that the solar farm would take approximately six to nine months to complete. It is proposed that impacts during the construction phase are controlled via a Construction Method Statement and Construction Environmental Management Plan. Once installed, the facility would be unmanned, being remotely operated and monitored. Operational access would only

require about one trip by a small van or pick-up truck month for maintenance and cleaning.

1.13 Mitigation Measures and Enhancements: The proposed layout incorporates a number of built-in mitigation measures such as exclusion of the eastern parcel of land between the unnamed watercourse and Burford Lane which is potentially overlooked by residential properties and footpath users. Land within Flood Zones 2 and 3 would also be excluded.

1.14 The following planting measures are proposed:

- 6.4 hectares of Biodiversity Enhancement Areas.
- 1,418 square metres of native woodland with shrub understorey along the north-eastern boundary.
- Reinforcement of the existing woodland along the unnamed watercourse separating the eastern parcel to strengthen habitat connectivity and restrict views from the east.
- A new hedgerow with trees along the eastern, southern and western boundaries of the substation.
- Species-rich meadow grassland around the periphery of the site outside the security fencing.
- 815 linear metres of strengthening for hedgerows at an infill rate of 30% to help filter views from the north, south, and west.

The development would deliver an overall biodiversity net gain of 46% and a hedgerow unit gain of 20%.

1.15 Drainage - A SuDS type drainage system would be implemented within the site to reduce the rate of run-off to the adjacent water course.

1.16 Decommissioning: The solar farm would be decommissioned, and the site fully restored at the end of the 40-year operational lifespan. The decommissioning process would take approximately three to six months and would be secured by a suitably worded planning condition. The Applicant also has decommissioning obligations within their 40-year lease with the landowner including the requirement for a decommissioning fund to be set up.

1.17 Community benefits: Whilst not forming an integral part of the current application the applicant has also committed to provide a community benefit fund for use by the local community.

2.0 SITE LOCATION / DESCRIPTION

2.1 The Application Site extends to 54 hectares (ha) of agricultural land situated west of the hamlet of Greete and 2.2km south-east of Burford. The Site sits within the administrative boundary of Shropshire Council, with the western and southern boundary of the Site adjacent to the County of Herefordshire.

2.2 The land slopes south with boundaries defined by hedgerow and mature trees around the existing field pattern. The southern boundary is defined by Greet Brook

and Ledwyche Brook, flanked by a dense line of vegetation. The western boundary follows the edge of Ledwyche Brook flanked by continuing dense vegetation. The northern boundary is defined in part by Stoke Brook flanked with vegetation and continues eastwards across the arable field boundaries. The eastern boundary is adjacent to an unnamed road bypassing through Greete. The surrounding countryside is predominantly open arable farmland with small hamlets and dispersed farmsteads.

- 2.3 The site is not subject to any statutory or non-statutory nature or landscape conservation designations, nor are there any ecological designations bordering the Site. Shropshire Hills AONB at its closest point is c.2.4km to the north. The nearest designations are the River Teme SSSI, circa 1.7km south and circa 4km west; and Nine Holes Meadows SSSI, circa 4.6km south-east. The Site is located within an SSSI Impact Risk Zone for River Teme SSSI. However, the development does not fall under the criteria whereby the Local Authority would be required to consult with Natural England regarding potential risks to the SSSI.
- 2.4 The Site is not located within any statutory or non-statutory heritage designated sites. The closest Listed Building is Lower Cottage (Grade II - List ID: 1383519), c.20m east of the northern boundary. This property is owned by the application site's landowner.
- 2.5 Several Public Rights of Way (PRoW) are found in close proximity to the site. Footpath 0529/10A/1 runs south-east to north-west through the eastern parcel of the site. Footpath 0529/10A/1 connects to footpath 0529/10/2 and 0529/9/2 220m east of the site, linking Greete to Harthall. Footpath 0513/10/1 runs parallel to the southern boundary and 120m to the south of the site.
- 2.6 The applicant, Bluefield Renewable Developments Ltd, develops solar farms on behalf of the wider Bluefield Group and the Bluefield Solar Income Fund (BSIF). BSIF is listed on the London Stock Exchange and currently operates over 100 UK solar assets, with an aggregate capacity of 670MWp.
- 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 Chair of the Committee.
- 4.0 COMMUNITY REPRESENTATIONS
- 4.1 Grete Parish Meeting (GPM): Objection. The wording of a consultant's letter acting on behalf of Grete Parish Council is included in Appendix 2 below. The main objections relate to best and most versatile agricultural land, visual impact, traffic, ecology and amenity. Appendix 2 also includes a response from GPM to recent clarifications provided by the applicant.
- 4.2 Herefordshire Council: Any comments received will be reported in the additional representations report.
- 4.3 AONB Partnership: Standard comments on the need to protect the AONB.

- 4.4 Environment Agency: We would have no objection to the proposed development but make the following comments and recommendations.
- i. Site context and flood risk: The site is bounded by the Greet Brook to the south, Ledwyche Brook to the west, and Stoke Brook to the northwest. An unnamed drain runs to the Greet Brook in the east of the site. All watercourses in the vicinity of the site are designated ordinary watercourses and therefore Shropshire Council is the relevant risk management authority. The western and southern boundaries of the site are in Flood Zones 2 and 3 based on our Flood Map for Planning (Rivers and Sea) as defined in Table 1 of the Planning Practice Guidance (PPG). At this location, this is based on a national, generalised flood mapping technique called JFLOW as no model is present for this watercourse. We do not have any flood assets and hold no records of any third party-maintained assets in the vicinity of the site area.
 - ii. The Flood Risk Assessment (FRA) by PFA Consulting (May 2022) has used available information, however, we have no flood modelling for the watercourses and no historical data for the area. The FRA highlights that the vast majority of the proposed development is in Flood Zone 1 (low probability of fluvial flooding). The security fence running along the western and southern portions of the site is in Flood Zone 2 along with a few instances of minor encroachment into this Flood Zone by the solar panels. The FRA mentions flood depths of less than 0.4 m in Flood Zone 2 but presents no flood level for 1% AEP plus climate change level. Given the nature of the development and minor encroachment into Flood Zone 2, we would not expect modelling to be undertaken. Flood Zone 2 could be used as an indicative 1 in 100 year with climate change extent. The FRA suggests a negligible loss of floodplain storage as the solar panels are raised above ground level by at least 0.8 m on narrow frames and security fencing will be permeable to flood waters.
 - iii. The solar farm proposal is classed as 'essential infrastructure' (PPG Table 2) and is appropriate for development in Flood Zone 2 as highlighted in Table 3 of the PPG. The Biodiversity Enhancement Areas will be situated in Flood Zones 2 and 3 and contain no infrastructure associated with the proposed development. This element of the proposal is considered 'water compatible' (PPG Table 2) which is appropriate in the floodplain, providing ground levels are not raised. Access and egress will be via routes situated in Flood Zone 1 and should remain free of flood waters.
 - iv. Recommendations: The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is avoided or minimised. There should be no raising of ground levels above existing within those parts of the site which are located within flood zone 2 (as an indicative 1 in 100 year with climate change flood area) e.g. the biodiversity enhancement area. This will ensure floodplain capacity is maintained and prevent impact on flood risk elsewhere. We would also advise that the proposals should be designed (raised or flood-proofed) to avoid any potential water damage e.g., flood susceptible electrics.
- 4.5i. SC Climate Change Task Force: Support. The climate crisis is a serious threat to the lives of millions of people globally, nationally and locally. The mitigation of

greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes. Even if we are successful in mitigating the worst effects, we will continue to experience more pronounced and frequent episodes of extreme weather effects. The much greater frequency of extreme weather events will significantly increase insurance risks and threaten the health, wellbeing and future resilience of our communities and infrastructure.

ii. The Department for Business, Energy and Industrial Strategy publication – ‘Climate Change Explained’ has identified the following likely impacts:

- The effects of rising temperatures on the UK
- The effect of warming on rainfall patterns and water supplies
- Changes in the oceans
- The impact of warming on food production
- The impact on ecosystems
- The impact on human health
- Poverty
- The impact of extreme weather events globally

iii. In this context, Shropshire Council’s Climate Task Force strongly supports in principle the delivery of additional renewable energy generation infrastructure and capacity in the county as a positive contribution to the policy objectives outlined below. Solar farms have the potential to deliver significant environmental benefits in terms of:

- Decarbonisation of energy supplies:
 - “By 2030, 95 per cent of British electricity could be low-carbon; and by 2035, we will have decarbonised our electricity system, subject to security of supply.”
 - “The net zero economy will be underpinned by cheap clean electricity, made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – so we will fully decarbonise our power system by 2035, subject to security of supply.”
- Greater energy security
 - “The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies. Most critically, when we have seen how quickly dependence on foreign energy can hurt British families and businesses, we need to build a British energy system that is much more self-sufficient.”
- Green growth
 - “We also envisage that the renewable energy sector can become a major local industry with significant employment and wealth generation for Shropshire. We have therefore also projected a 30% surplus by 2030 to create an element of power ‘export’ from Shropshire to adjacent industrial regions.”

- iii. Shropshire Council declared a 'Climate Emergency' on 16 May 2019 reflecting the conclusions of the Intergovernmental Panel on Climate Change (IPCC) at that time. Shropshire Council subsequently adopted a Climate Strategy and Action Plan on 17 December 2020 which sets out a range of principles which include:
- Support Clean and Inclusive Growth:
 - a. Our local economy needs to grow while our emissions shrink. The transition to a green economy can provide significant growth opportunities for businesses as well as providing a cleaner and more inclusive future;
 - b. We want the Shropshire economy to shift to one which is zero carbon and abides by circular economy principles, whilst enabling our communities to build and enjoy their prosperity. The choices we make now will determine whether we can deliver on our obligations, and the extent to which we can do so in a way which is also socially progressive;
 - c. We will support skills and training which allow our communities and businesses to benefit from Shropshire's transition to a low carbon economy.
 - Work with others:
 - a. We are on a shared journey and will need to work with others. This will allow us to learn from them and make use of external resources to help us to achieve net carbon zero and manage the effects of extreme climate events.
 - b. We will help establish and support a Climate Action Partnership of stakeholders and the wider community. The Council will work with the Partnership to provide advice, support and encouragement to our communities, businesses and charitable organisations to help them to mitigate their emissions and adapt to the inevitable impacts of the climate crisis.
 - c. The climate crisis is of particular significance for young people who will inherit the consequences of our actions. We will therefore work with schools across the county to ensure that the Climate Emergency is integrated as an issue across the curriculum and provide opportunities for schools and young people to contribute directly to the development and implementation of our Climate Emergency Strategy.
 - d. Throughout the development and implementation of our Climate Emergency Strategy and Action Plan we will be as open as possible in engaging the wider community and provide opportunities for them to contribute.
 - Influencing the behaviour of others:
 - a. In addition to direct control of our own Green House Gas (GHG) emissions, we have significant influence over emissions indirectly resulting from our policies, and through our regulatory functions.
 - b. Shropshire Council also has significant influence through its purchasing power. We will put in place measures to assess the carbon footprint of our procurement choices.
 - c. We will lead by example and seek to positively influence the purchasing power or funding allocations of others like the Marches LEP and its members to favour low carbon initiatives and products.

Our vision is for Shropshire Council to become carbon net-neutral by 2030 and assist in the ambition for the whole of Shropshire to become carbon net-neutral in the same year. In addition to this, we aim to be entirely renewable energy self-sufficient as an organisation within the decade.

- The UK Government has committed to a legally binding target of net zero by 2050.
 - “Now is the time the world needs to go further and faster to tackle climate change. The UK is stepping up to that challenge. Here we set out our ambitious strategy – the first of its kind in the world of a major economy - to create new jobs, develop new industries with innovative new technologies and become a more energy secure nation with clean green British energy. At the same time we will reduce greenhouse gas emissions across the economy to reach net zero by 2050.”
- National Energy Security Strategy:
 - “Accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables.”
 - “With the sun providing enough daily energy to power the world 10,000 times over, solar power is a globally abundant resource. There is currently 14GW of solar capacity in the UK split between large scale projects to smaller scale rooftop solar.”
- Marches LEP Energy Strategy:
 - “The 2030 Vision within the Marches Local Enterprise Partnership (LEP) Energy Strategy, launched in July 2019, includes an objective for renewable electricity to meet 50% of local demand by 2030. This was confirmed at the Energy Strategy launch as being locally sourced renewables and not derived from national production.”
 - Recent modelling work undertaken by the Marches Energy Agency (2022) <https://mea.org.uk/wp-content/uploads/2022/05/Report-Meeting-the-Marches-Vision-of-50-power-from-local-renewables-by-2030.pdf> suggests that achieving 50% self-sufficiency in renewable power in the Marches would require, as a minimum, an additional 50 large solar farms (40 MW each), together with 625 small scale commercial roof PV (200 kWp) systems, 12 large commercial roof PV (3.811 MWp Lyreco type) systems and 75,000 domestic homes with solar PV by 2030. However, if alternative sources of renewable power such as wind turbines cannot be delivered as envisaged, then achievement of this objective would require at least an additional 120 large solar farms of 40 MW each.
- The Zero Carbon Shropshire Plan
 - “Over the next few years we need to make a rapid transition from natural gas, oil and other fossil fuels to renewable energy sources, including electricity (from wind, solar or hydro-sources), methane from anaerobic digestion, ‘green’ hydrogen, carbon-neutral synthetic fuels or biomass.”

Whilst we are planning for renewable energy self-sufficiency as an organisation by 2030, we actively support the community-led Shropshire Climate Action Partnership (SCAP) and have worked with them to

commission the mapping of renewable energy potential in the county https://zerocarbonshropshire.org/renewable_energy_mapping_project/ and they have identified a need for around an additional 5,000 megawatts (MW) of generating capacity if the whole county is to become self-sufficient in renewable energy. The ambition to utilise this generating capacity is set out in the Marches LEP Energy Strategy which states:

“BEIS energy and emissions projections 2017 forecast national renewable electricity generation making up over 50% of total electricity generation by 2030. The Marches is aiming to contribute to this in kind with renewable electricity to meet 50% of local demand.”

And goes further still by setting a target for the Marches:

“Our new Energy Strategy sets a target of 50 per cent of all electricity to come from renewable sources by 2030 and the creation of 1,000 low carbon jobs.”

The Zero Carbon Shropshire Plan supports the Marches LEP Strategy:

“Increase electricity generation so that Shropshire can be at least self-sufficient by 2030 using renewable sources and also become an exporter of electricity to generate wealth and employment locally.”

And suggests this can be achieved by:

“Create a number of large-scale photo-voltaic arrays (solar farms, PV) and wind farms (wind and PV offer commercial opportunities at similar cost but have different site factors and a mix of, for example, 1/3 PV and 2/3 wind offers the opportunity to maintain better continuity of supply and balance grid loads).”

The electricity distribution grid in Shropshire is heavily constrained and this means that opportunities to obtain a grid connection to allow power to be exported are very limited and are unlikely to improve. This significantly restricts where solar farms can be located, together with our ability to generate more renewable energy, which makes a crucial contribution to reducing carbon emissions and tackling climate change.

iv. Application Specific Comments:

It's recognised by the Climate Task Force that the development would contribute 49.99MW towards the approximate total of 5,000MW required to make the county self-sufficient in renewable energy. According to Greenhouse gas reporting: conversion factors 2022 – UK electricity this development would be expected to produce an approximate carbon saving of 9.7 ktCO₂.

4.6 SC Public Protection: No comments.

4.7 SC Trees: No objection. The Tree Team broadly supports the findings in the Barton Hyett Associates arboricultural impact assessment dated April 2022. The details indicate that a number of short sections of hedgerow might be removed to improve access and facilitate the boundary fence erection, any such losses should be appropriately compensated for. If this application is granted planning consent a higher level of detail on tree protection and specific solutions to potentially

damaging encroachments on the root zones of retained trees will be required to that end the Tree Team have recommended conditions (included in Appendix 1)

- 4.8 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.
- 4.9i. SC Ecologist: Comments to be reported in additional representations report.
- 4.10a. SC Archaeology (Initial comments) Further information required
- i. The Historic Environment Record (HER) records a rectangular single ditched cropmark enclosure (HER PRN 31505) of probable Iron Age to Roman date within the development site. A number of non-designated heritage assets relating to prehistoric and later activity are also located within the wider area. A number of designated heritage assets are located in the area, including but not limited to the Grade II listed Lower Cottage (National Ref: 1383519) on the northern boundary of the development site, the Grade II* listed Greete Court (National Ref: 1383517), the Grade II* listed Church of St James (National Ref: 1383510) and the Grade II* listed Stoke Court (National Ref: 1383520). In a wider context issues of setting may also affect other designated heritage assets including the Scheduled Bower moated site (National Ref: 1020146).
 - ii. A Heritage Desk Based Assessment (Pegasus Group, P21-0442, April 2022) has been submitted with the planning application in order to meet the requirements of Paragraph 194 of the NPPF and Policy MD13 of the Shropshire Local Plan. In terms of indirect impact the assessment identified that the proposed development may result in a small degree of harm, at the lower end of the less than substantial spectrum, to the significance of the Grade II listed Lower Cottage. The assessment concluded that the proposed development will cause no harm to any other designated heritage assets in the immediate or wider locality.
 - iii. In terms of direct impact on the archaeological interest of the proposed development, the assessment identified the potential for buried archaeological remains in relation to the single ditched enclosure from the later prehistoric or Roman period. The assessment found that the development site comprised farmland throughout the medieval, post-medieval and modern periods, suggesting the potential for buried remains of historic agricultural activity. Some structural evidence and/or domestic debris associated with the former barn associated with Lower Cottage, and the former cottage and outbuilding called Bran Wall / Brandwall of limited heritage significance, may also be found within the development site.
 - iv. In terms of indirect impact, we concur with the conclusions of the Heritage Assessment and are satisfied that the proposed development will not cause harm to the significance of any Scheduled Monuments through development within their setting. We understand that the Conservation Officer will provide further comments on the impact on the listed buildings and the built historic environment.
 - v. In terms of direct archaeological impact, in our pre-application advice, it was recommended that alongside a Heritage Assessment, the results of a field evaluation should be submitted with the planning application, to comprise a

geophysical survey of the whole of the proposed development site, and depending upon the results, an archaeological trial trenching exercise. A geophysical survey of the development site was undertaken in January 2022 (Headland Archaeology, January 2022, BHFG21). We request that this report is submitted with this planning application. The results of the geophysical survey identified anomalies likely to be the result of pedological and/or geological variations combined with topographical conditions, with a small number of anomalies likely to be of agricultural origin. Whilst the geophysical survey did not identify the enclosure site, the report indicates that the geological anomalies in that area are particularly dense and extensive, so the natural magnetic responses could be masking weaker responses from the enclosure. Its presence could therefore not be dismissed.

- vi. In view of this and given that Shropshire Council held aerial photography from 2013 indicates that the cropmark is convincing as an enclosure site, further evaluation in the form of a trial trenching exercise within the field containing the enclosure site was requested in order to satisfy the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the Framework. A written Scheme of Investigation (WSI) has been approved for this work, and we note in the Planning Statement, that the results of the trench evaluation will be submitted prior to the determination of this planning application. There should be no determination of the application until the results of the field evaluation has been submitted to the Local Planning Authority. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development in relation to Paragraph 203 of the NPPF, and whether further archaeological mitigation (including by design) would be required as a condition of any planning consent in relation to Paragraph 205. Please reconsult us again once the results of the required archaeological evaluation have been submitted by the Applicant.

4.10bi. SC Archaeology (subsequent comments 18/08/22) I confirm I have now had the opportunity to read the WSI, and can confirm approval of it.

4.11i. SC Conservation In considering the proposal due regard to the following local and national policies and guidance has been taken; when applicable: policies CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2021, Planning Practice Guidance and Historic England's GPA3 The Setting of Heritage Assets. In legislative terms Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) is applicable when considering whether to grant planning permission for development affecting a listed building or its setting, where the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- ii. The application proposes the construction of a solar farm together with all associated works, equipment, necessary infrastructure and biodiversity enhancement areas on this site at Brick House Farm, Greete. The site lies close to a number of listed buildings. The application is accompanied by a Heritage Desk-Based Assessment which concludes that the proposed development will result in

harm to the setting of the Grade II listed Lower Cottage, this harm being identified at the lower end of less than substantial harm and concludes no harm to other heritage assets. We would concur that the proposal will result in less than substantial harm to the setting of Lower Cottage and the harm identified should therefore be weighed against the public benefits of the proposal in line with paragraph 202 of the NPPF with great weight being given to the conservation of the heritage assets in line with paragraph 199 of the NPPF.

- 4.12i. SC Highways No objection subject to a Construction Traffic Management Plan condition. This condition ensures that construction traffic, particularly HGVs, access the site via the most appropriate route and that any damage to that route is repaired by the Developer. In addition, this condition aims to ensure that on site safety is considered and that in some cases, segregation occurs between construction traffic and existing traffic (e.g. development at, or near to, schools). The Construction Traffic Management Plan and Access Route should also ensure that the most appropriate route to access the site is used.
- ii. Section 59 of the Highways Act (1980) enables the LHA to recover its costs in making good extraordinary damage to the highway. This condition requires the Developer to enter into an agreement with the LHA in advance, stipulating how any abnormal wear and tear will be monitored and rectified. Reaching agreement in advance provides clarity to both parties of what is expected and helps avoid costly disputes at a later date.
- 4.13ai. SC Landscape advisor (initial comments) The methodology for the LVIA is generally clear, proportionate and compliant with the best practice set out in GLVIA3. It is appropriate for the nature of the proposed development and scale of likely effects. However, the assessment of effects has not been carried out in compliance with the methodology and at present we do not consider it to be reliable to be used to make a sound planning judgement. The proposed development has the potential to comply with Local Plan policies CS6, CS8, CS17, MD2 and MD12, however additional information will be required before we can recommend that compliance is demonstrated. We have made 3 recommendations relating to the LVIA which we consider should be addressed prior to determination of the application.
- ii. Although we have raised 2 concerns over shortcomings of the LVIA methodology, these have no material effect on the assessments given that the content of the LVIA addresses these issues. Other than these, the LVIA methodology is clear, proportionate and compliant with the best practice set out in GLVIA3. Information will be required before we can recommend that compliance is demonstrated.
- iii. The mitigation proposals are likely to remain appropriate and capable of reducing adverse effects, subject to submission of details on specification and aftercare. We therefore recommend that the LVIA be amended prior to determination of the application so that:
- Judgements of value and susceptibility are provided for landscape element receptors

- Assessments of landscape and visual effects are undertaken for the 3 development stages defined in the LVIA methodology
- The potential for ridge and furrow landform as a landscape receptor is considered

4.12b SC Landscape advisor (*note – the applicant amended the LVIA in accordance with the landscape advisor’s recommendations on 1/09/22*)

4.13 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. At the time of writing 111 representations have been received - 97 objecting, 13 in support and 1 neutral. A 6 signature petition in support of the proposals has also been received. The main issues of concerns of objectors can be summarised as follows:

Objection comments:

- Impact on arable land: The land has been independently (ALC) classified as 75% Grade 3b, producing valuable yields of cereals, potatoes and other crops, as well as raising cattle. Its' versatility as a resource has been demonstrated by the range of crops harvested and the consistent yields. At a time when agricultural land is at a premium it should not be taken out of production. In view of the war in Ukraine we need to grow more crops ourselves and stop being reliant on imports. Technology is moving forward so fast that the panels used today will soon be obsolete. Tying up agricultural land for so many years is an unacceptable waste. This planning application effectively removes a whole and productive farm from the Country's food production capabilities to be replaced by an industrial development in the centre of a village on good agricultural land farmed throughout the centuries. Shropshire Council has an opportunity to be an exemplar in rural planning by refusing this planning application in this location, encouraging and assisting the developer to seek a brownfield site for a solar project and ensuring that agricultural land is preserved in appropriate stewardship. This land has been farmed well for the last 70+ years and is very productive, producing very good yields of grain and grass for milk and beef cattle. It has been constantly manured with farmyard manure resulting in very good consistent fertility. In the current economic climate when food production is going to be of great importance this must be taken into consideration. Replacing good productive agricultural land with an ugly industrial complex will be a blight on unspoilt virgin countryside and will undermine the country's need for food security, as quoted by our prospective Prime Minister, Liz Truss. It would industrialise over 50 hectares of productive agricultural land (18% is classed as grade 2 or grade 3 and over 70% is classified as grade 3b). Initially the overriding aim would be to address the carbon reduction and renewable energy proposals set by the UK Government. However, recent World events have now added a further influence which has been addressed by the UK Government in its recently published Food Strategy.

- ii. Highways / construction: Access to the site is along narrow winding lanes with few passing places. It is hard enough having to reverse round blind bends for the local traffic. It would be extremely unsafe with site traffic. Many locals walk the lanes, with and without dogs and there are many horses in the area that are exercised daily along them. I find the applicant's Construction Traffic Management Plan, especially the mitigation suggestions to be unworkable. If this plan was to be accepted, I believe that highway safety would be compromised. One of the construction traffic route sections that concerns me the is the road described in the plan as Caynham Access Road which is a single tracked road of over 2 miles in length. I have ridden my horses for many years along this single-track road and there are large sections that are desperately narrow and sometimes steep. Drivers who aren't used to rural roads may not understand what to do when meeting horse riders. Are the applicant's suggesting that the construction traffic use the privately owned field accesses? The potential for causing damage to these accesses and field gates is highly likely. This bridge is Grade 2 listed very narrow and so steeply hump backed that the on-coming traffic cannot be seen until you are at the narrowest part of the bridge. The construction traffic route once you have negotiated this listed hump backed bridge then passes the local primary school located at the village of Ashford Carbonnel. There is only one swept path analysis that has been undertaken and that is on the specially constructed site entrance. No swept path analysis has been undertaken on any other part of the route even though there are numerous narrow bends on the Caynham Access Road. The six abnormal load movements that are going to be going along the Caynham Access Road would also benefit from being assessed by a swept path analysis to ensure the transport of these loads are possible without damaging the listed bridge, hedgerows, banks, trees, walls and verges. The roads in the vicinity of the site may be lightly trafficked but the applicants in their Construction Traffic Management Plan have failed to address highway safety (which is a material planning consideration) regarding vulnerable road users and primary school children, and everyday regular traffic along the single track Caynham Access Road. The proposed site can only be accessed by one road system which is narrow. This is used by local people and needs to be driven with care. Any extra heavy duty traffic will not only cause more damage to the already poor road system, but will increase the danger to local people. Delays to emergency services caused by traffic blockages could cause suffering or even death. The location under consideration may be conveniently placed for access to the National Grid but is reached down a winding single track lane with few passing places.
- iii. Location: There are millions of acres of rooftops both industrial and domestic that would better serve as a place for solar panels. It is short sighted to take the easy option and place them on much needed land. Better to help people to put panels on the roof. If it is really necessary to use land there must be suitable brown field sites that could be used instead. I am very aware that as a country we need to be more self-sufficient in energy and I am also very aware that the reason these solar farms are being proposed is their proximity to the main electric pylon system, but this must not be a factor in allowing these proposals to go ahead. Sufficient funds must be sought to allow solar farms to be created on brown field sites where the environmental benefits would be greatly increased.

- iv. Biodiversity: The farm has a high level of natural bio-diversity and good wildlife environments within the field margins; surrounded by rough pastures along the Greete brook and Ledwyche river system and many old hedgerow systems. Although the proposed scheme states it will improve the bio-diversity, the destruction of the already existing habitat and soil structure whilst constructing the Solar farm will be detrimental. As Biodiversity & Planning Officer of the House Martin Conservation UK & Ireland organisation, I am very concerned that the ecological survey and biodiversity strategy does not consider species such as house martins, which are endangered and are a red listed species in the UK, which forage over the land to be developed. These should be fully assessed by an independent ecologist before development can be considered.
- v. Visual impact: This proposal and the other 4 or 5 solar farms that are going to be proposed in the area surrounding Ludlow will have a very detrimental effect on the area and taking valuable agricultural land, be it arable or grassland and covering it with industrial solar panels will permanently change the vista of the area. A solar farm in this location would be totally inappropriate in terms of its visual impact on local residents. South Shropshire is an area of outstanding natural beauty with many historical artifacts and our towns, villages, country lanes, churches etc are what make this part of the world so special.
- vi. Heritage: The historical heritage of Greete will be impacted. I am also convinced that irreparable damage could be done to our beautiful rural roads and a Grade 2 listed bridge. There is potential for damage to a Grade 2 listed bridge along the construction traffic routing. The area where the proposed site storage is; is traditionally believed to be old Ridge and Furrow which is of historical importance and this will be entirely destroyed if the area is used as proposed.
- vii. Tourism: A community who does not benefit from this development, reliant on tourism and its impact on the local economy will be affected by this proposed development. There has been no consideration for the local people who have worked hard for their little PEACE of countryside.
- viii. Other: A footpath crosses the edge of the site. Is that to remain open? A fuel pipeline built in 1972 crosses the site might that be damaged in the course of construction and it will need inspection and maintenance. We all love, enjoy and care for this pristine and unspoilt terrain. To replace it with harsh and unforgiving industrial hardware would be damaging to the mental health of all for generations. We already have a problem with incoming workers who have no interest in the appearance and upkeep of our area. The inevitable devaluation of our properties. This is the wrong location for such development. These developments should be primarily located in the South and East of England where the gain will be greatest. We need to retain important farmland and the beauty of our landscapes in this region. The whole area south of the A49 and Ludlow will become a Solar Farm Valley if this and other applications are given the go ahead. We understand Shropshire does not have a fully formed policy on solar farms. This leaves the county planners without local guidance and at risk of creating the wrong policy on an application by application basis. The benefits to the local community are absolutely zero. After installation, no employment opportunities will be available as the site doesn't need workers and the loss of the agricultural use means no work for

agricultural workers. Thus there will be no incomes to be spent in the local economy.

Support comments:

- i. General support: This is the clean, green energy of the future for all and deserves support because it is another step towards a cleaner environment. I have seen many solar farms around the country with the land beneath the solar panels still in use for grazing sheep. A great step forward if the application is approved. I am in favour of this solar farm providing the lanes and infrastructure is put back to rights and the inconvenience is kept to a minimum.
- ii. Support Petition text: I am writing to you in support of planning application 22/02565/FUL for the installation and operation of a solar Farm at Brick House Farm. I support the application on the following grounds:
 - The solar farm will generate low-cost renewable energy, reduce reliance on imported fossil fuels and help address the climate emergency.
 - The proposed development would create enough renewable energy to meet the annual electricity needs of approximately 15,000 homes. It would also offset approximately 11,200 tonnes of CO2 each year, the equivalent to taking around 5,160 cars off the road.
 - The solar farm will contribute towards the security of energy supply in Shropshire through the provision of local, renewable energy supply.
 - The proposed development will provide a significant net biodiversity net gain.
 - The proposed development will be accompanied by a community fund which will invest in local projects and initiatives
 - The solar farm will only be temporary, allowing the land to rest for up to 40 years. Once the solar farm's life is over, full restoration of the site will be secured via planning condition.
 - Overall, the proposed development will have a positive impact on the community with careful consideration being given to avoid effects on landscape, heritage, or ecological designations.

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 The National Planning Policy Framework (NPPF) is a key material planning consideration. Paragraph 11 establishes a presumption in favour of sustainable

development whilst Paragraph 158 advises that ‘when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) should approve the application if its impacts are (or can be made) acceptable’. As such, planning permission should be granted for renewable energy development 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.

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 SAMDev Policy MD2 (sustainable design) requires development to contribute to and respect locally distinctive or valued character and existing amenity. Policy MD8 (infrastructure) requires that development shall only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified

requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. This includes with respect to:

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

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

6.1.7 The emerging Shropshire Local Plan provides equivalent policies to protect natural and historic assets and local amenities with specific policies covering landscape protection and the AONB. Draft Policy DP26 (Strategic, Renewable and Low Carbon Infrastructure) covers renewable energy. The most relevant sections of the draft policy include:

2. Non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable. To aid in this determination, all applications should be accompanied by an assessment of the proposal's effect on the following during both the construction and operational stages:

- a. Visual amenity (including the considerations within Policy DP17);
- b. Landscape character (including the considerations within Policy DP17);
- c. Natural assets (including the considerations within Policy DP12);
- d. Historic assets (including the considerations within Policy DP23);
- e. Air quality, noise and public amenity (including the considerations within Policy DP18);
- f. Water quality and water resources noise (including the considerations within Policy DP19);
- g. Traffic generation and the nature of vehicle movements;
- h. The Shropshire Hills AONB (including the considerations within Policy DP24)...
- k. Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and non-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around

arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations).

The emerging plan is at a relatively advanced stage so some limited weight can be given to the draft policies at this stage.

6.1.8 The "Zero Carbon Shropshire Plan" published in January 2021 by the Shropshire Climate Action Partnership describes its vision for a sustainable Shropshire as follows: "Shropshire will become net zero carbon by 2030. Starting immediately, organisations, businesses and communities across Shropshire will participate in a collaborative approach to rapid decarbonisation; large scale restoration of biodiversity and the natural environment; and the development of sustainable, resilient and inclusive communities and the enterprises required for a sustainable future.". Page 34 of the report advises that that 500 acres (200 ha) of solar farms (plus wind farms) will need to be installed to power the grid and private wire demand, and to create 120GWh/year of electricity generation capacity to provide green hydrogen for HGV/agricultural use.

6.1.9 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.

6.1.10 If there are no unacceptably adverse impacts after mitigation has been applied and / or the benefits outweigh any residual impacts then relevant policy tests will have been met and the development would be 'sustainable' when taken under the NPPF as a whole. As such, permission should be granted under NPPF paragraph 158. However, if any unacceptably adverse effects remain after mitigation and outweigh the potential benefits then the development would not be sustainable.

6.2 Justification for the development:

6.2.1 Justification for choice of site: Section 158 of the NPPF does not require applicants for renewable energy schemes to demonstrate the need for the development. However, the NPPF practice guide on renewable and low carbon energy 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'.

6.2.2 The principal determinant of suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network which must also have the capacity to receive the renewable electricity generated by the development. Other key determinants are land availability, technical suitability of the site to deliver the solar farm and its suitability within the planning context. These considerations impose significant constraints on the land which is suitable in practice for solar farm development.

6.2.3 Solar farm installations typically require an underground cable route to be developed to facilitate connection to nearby substations, thus requiring additional

off-site infrastructure. The Distribution Network Operator (Western Power Distribution) has confirmed, via a formal grid offer, that a technically and commercially feasible connection to the onsite high voltage 132kV line is available. Sites which offer these characteristics are scarce across the UK and within Shropshire, where grid capacity is now extremely limited. The Applicant has therefore subsequently secured and accepted this grid offer.

- 6.2.4 Choice of site – agriculture: The NPPF states at paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."
- 6.2.5 National Planning Practice Guidance on renewable and low carbon energy describes the specific planning considerations that relate to large scale ground-mounted solar photovoltaic farms. A local planning authority will need to consider amongst other matters that: "where a proposal involved greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays."
- 6.2.6 Core Strategy Policy CS6 describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land. The Applicant commissioned the preparation of an Agricultural Land Classification Report which concludes that 75% of the site comprises of subgrade 3b soils which is therefore not best and most versatile. The limiting factors for this grade as identified within the report are wetness or droughtiness; stone content; and slope. The amount of best and most versatile land identified does not exceed the 20ha required for Natural England consultation. Whilst some areas of Grade 2 have been identified these are confined to the Ledwyche Brook area and of limited size.
- 6.2.7 The applicant advises that the proposed solar farm is a temporary form of development which can be fully reversed at the end of its life. Agricultural production can also be maintained (though constrained) during the operational life of the solar park. Consequently, the development proposal would not result in the permanent loss of agricultural land resource or the degradation of its ALC grade. The applicant advises that the change from arable to sheep grazing will improve soil health by enabling an increase in soil organic matter and soil organic carbon and by increasing soil biodiversity and improving soil structure. Greet Parish Meeting has queried this conclusion (Appendix 2).
- 6.2.8 The applicant also advises that the MAFF provisional (pre-1988) agricultural land classification ALC information shows that Shropshire has a high proportion of best and most versatile agricultural land compared with the rest of England. Consequently, it is stated that the proposed development will not significantly harm national agricultural interest.

6.2.9 The applicant has provided the following further clarifications with regard to the agricultural effects of the proposals:

- Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022)
- Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used nationally by golf courses
- Brick House is predominantly grade 3b
- The current tenant farmer wishes to retire at the end of next year due to ill health. The landowner has ensured that he will be able to remain in the farmhouse in which he was born in perpetuity. We have discussed maintenance contracts with the current farm business manager
- Bluefield currently grazes sheep on more than 40% of its solar farms and intends to do so at Brick House Farm. This enables a balance of agricultural use and biodiversity enhancement

6.2.10 Greet Parish Meeting has challenged the stated ability to graze sheep on the site (Appendix 2). However, the applicant advises that this is undertaken successfully in over 40% of their sites. The officer has researched this and has no reason to doubt the ability to graze sheep on the proposed solar site in this instance.

6.2.11 In conclusion, most of the site is not best and most versatile quality and the land will remain in agricultural use as sheep pasture between the arrays. The land will be fully reinstated at the end of the design life of the solar farm, with the soil having not been subjected to the effects of intensive arable farming during this time, thereby allowing a natural soil ecosystem to develop. It is considered that the benefits of renewable energy in this instance significantly and demonstrably outweigh any residual impact arising from the temporary loss of arable land including some best and most versatile land.

6.2.12 Choice of site – alternatives: While the solar development could theoretically be developed elsewhere, much of the district is within the AONB and beyond the distance at which a grid connection could be achieved. The applicant's comprehensive site search survey advises that 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.

6.2.13 Choice of site – conclusion: It is considered that the justification for the choice of this site is capable of being accepted in principle, provided there would be no other unacceptably adverse land use impacts. There is in the opinion of the officer no evidence that the proposal will result in significant or permanent loss of agricultural land.

6.2.14 Climate change and economic benefits: The development would save approximately 8,200 tonnes of CO₂e1 each year, the equivalent to taking around 5,000 cars off the road. It would provide approximately 40,000MWh of renewable

energy per annum equivalent to the annual electricity consumption of approximately 10,400 homes². This is compliant with the climate change chapter of the NPPF, with strategic objective 9 of the Core Strategy, with the Council's declaration of a climate emergency in 2018 and with subsequent strategies referred to above in the consultation response from the Council's climate change task force. Solar installations reduce the dependence of local economies on energy imports.

6.2.15 The installation and maintenance of these facilities can 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).

6.2.16 The applicant has provided the following summary statement on the benefits of solar energy:

'Solar is key to addressing both the Climate Emergency and the Cost of Living Crisis:

- Between June and August this year, solar often provided up to 25% of UK daytime electricity. In the southwest, it was up to 65% (National Grid ESO carbon app)
- The demand for daytime electricity will grow as climate change increases the requirement for daytime cooling and as the EV fleet increases
- The cost of UK solar power is now less than one quarter of the cost of gas and less than one third of the cost of nuclear – it is also by far the quickest energy technology to deploy
- The government's Energy Security Strategy (2022) proposed a five-fold increase in solar by 2035. This can only be achieved by deploying solar on both land and buildings
- Without subsidy, solar farms are rarely viable on brownfield sites because the land value is usually too high.
- The BEIS Public Attitudes Tracker (June 2022) shows that solar is by far the most popular form of energy with 87% support for more solar. Only 7% expressed opposition to solar farms. (BEIS PAT Spring 2022 Energy Infrastructure and Energy Sources)

6.2.17 The officer considers that the above statements are consistent and aligned with the objectives of the Marches LEP Energy Strategy and the Zero Carbon Shropshire Plan as referred to in section 4 above by the Climate Change Task Force.

6.3 Environmental considerations:

6.3.1 Landscape and visual impact: Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: 'Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment taking into account the potential effects on the local landscape character and existing visual amenity value. The NPPF describes in Chapter 15 'Conserving and enhancing the natural

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

- 6.3.1 The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared in accordance with Landscape Institute guidelines. The LVIA assesses the baseline landscape and visual context at the site and its surroundings and the potential for landscape and visual effects arising from the development. It also identifies mitigation measures to reduce the effect of any identified impacts.
- 6.3.2 The LVIA confirms that the site does not fall within any statutory or non-statutory landscape designations and identifies no current schemes in the surrounding area with the potential to raise any cumulative impact issues. The proposed layout is described within the LVIA as incorporating a number of built-in mitigation measures including exclusion of the eastern parcel of land (between the unnamed watercourse and Burford Land) from the Site that is in closest proximity to and potentially overlooked by residential properties in Greete and users of footpath 0529/10A/1; the retention of footpath 0529/10A/1 as open as existing throughout all phases of the Lifecycle of the scheme; and exclusion of land for solar farm development along Ledwyche Brook within Flood Zones 2 and 3.
- 6.3.3 The LVIA advises that that development will also give rise to extensive landscape enhancements including:
- Biodiversity Enhancement Areas (BEA) providing a total of 6.4ha of habitat;
 - Planting approximately: 1400 sqm native woodland belt with shrub understorey along the north-eastern boundary to enhance screening to close-distance views from Greete, longer distance views from the AONB, and intervening land to the north, as well as enhancing wildlife corridor provision;
 - Reinforcement of the existing woodland along the unnamed watercourse separating the eastern parcel to strengthen habitat connectivity and restrict views from the east.
 - Implementing a new length of hedgerow with hedgerow trees along the eastern, southern and western boundaries of the substation to restrict views from those directions.
 - Proposing species-rich meadow grassland around the periphery of the site outside the security fencing.
 - Infilling and strengthening 815 linear metres of hedgerow at an infill rate of 30% within the site to strengthen landscape structure and assist in filtering views from the north, south, and west.
- 6.3.4 Overall the LVIA concludes that the proposed development has been designed to reduce its level of inter-visibility with the surrounding host landscape. Whilst it would physically introduce a new element into the receiving landscape, its presence would not manifest itself in the wider landscape due to the moderate level of enclosure

within and around the site, as a result of interactions with topography, vegetative cover, and the proposed mitigation measures.

6.3.5 The majority of the identified and assessed visual receptors that would experience a change in their would be very close range. Distant views from elevated land within the Shropshire Hills AONB would be experienced in the context of a broad and complex panorama encompassing the Teme valley set against the Herefordshire plateau, the site occupies a very small part of that landscape. Views achievable from the AONB would also be of the rear of the panel elevations and the view achievable from Clee Hill will also incorporate near views of a housing estate. The identified and assessed viewpoints, and visual receptors within the wider landscape are subject to negligible or neutral effects. The planting of a new woodland belt, and enhancement and reinforcement of an existing woodland belt and hedgerows within and around the site, may be viewed as a long-term landscape benefit. Overall, the LVIA concludes that the proposed development can be effectively integrated and assimilated into the surrounding landscape.

6.3.6 The slides below are taken from the LVIA.

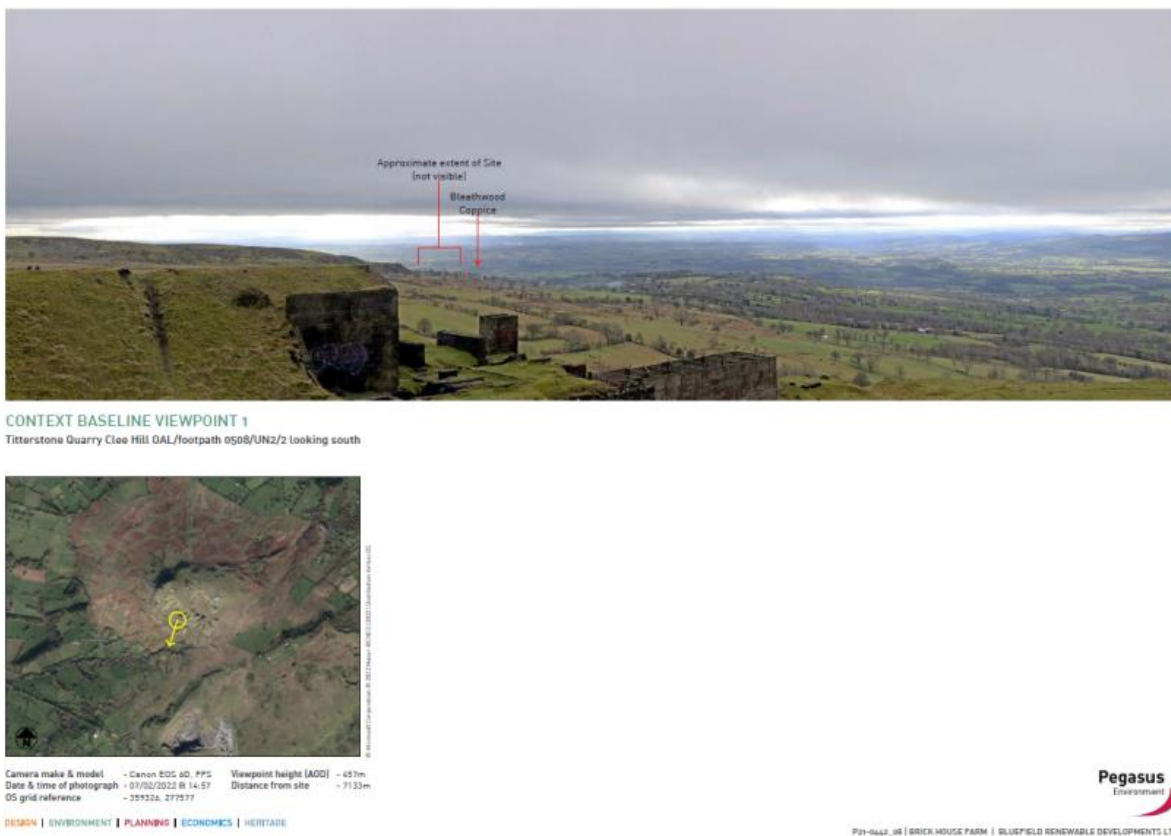
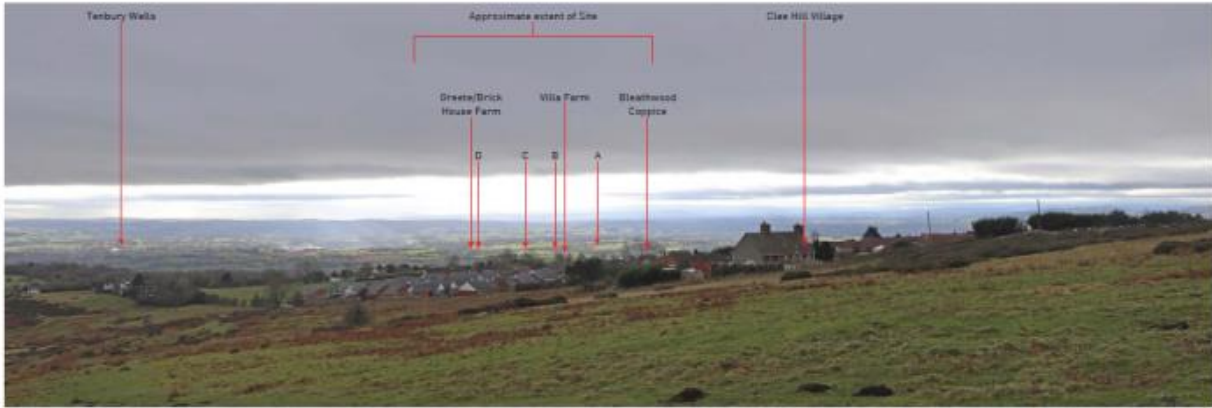


Fig 3



CONTEXT BASELINE VIEWPOINT 2

Clee Hill Toposcope viewing point OAL/Bridleway 0523/13/2, footpaths 0523/32/3 & 0523/33/3 looking southwest



KEY

A - D indicates perceptible overhead line towers within site

Camera make & model - Canon EOS 4D, PFG Viewpoint height (AGD) - 271m
 Date & time of photograph - 21/02/2022 @ 14:29 Distance from site - 1101m
 OS grid reference - 359424, 275320

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



P21-0622_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 4



CONTEXT BASELINE VIEWPOINT 3

Footpath 0532/2/2 looking southwest



KEY

A - D indicates perceptible overhead line towers within site

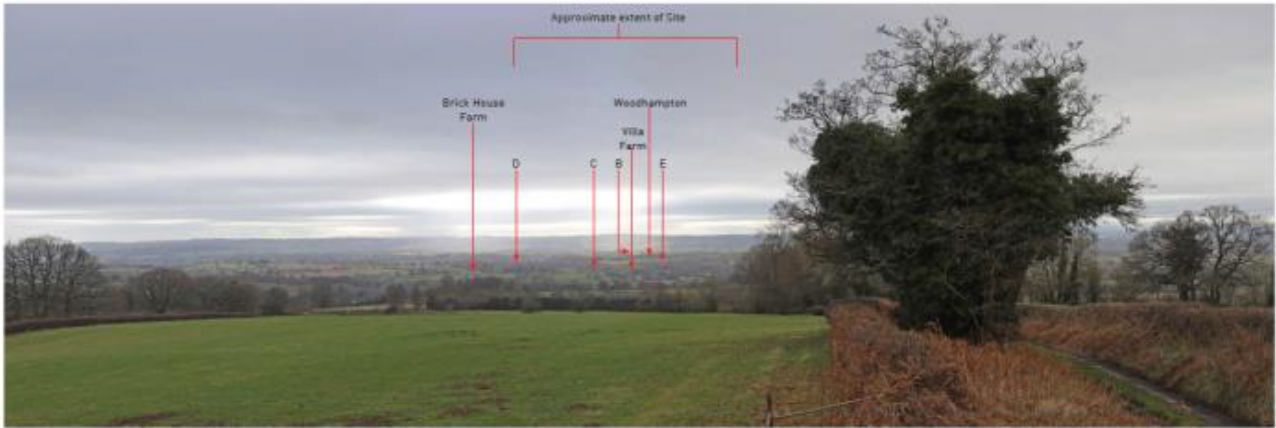
Camera make & model - Canon EOS 4D, PFG Viewpoint height (AGD) - 221m
 Date & time of photograph - 21/02/2022 @ 13:38 Distance from site - 3837m
 OS grid reference - 358647, 274344

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



P21-0622_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 5



CONTEXT BASELINE VIEWPOINT 4

Whitewayhead Lane/footpath 0564/21/1 looking south



Camera make & model - Canon EOS 80D, PPS
 Date & time of photograph - 07/02/2022 09:13:20
 OS grid reference - 357861, 274287

Viewpoint height (AOD) - 232m
 Distance from site - 25.25km

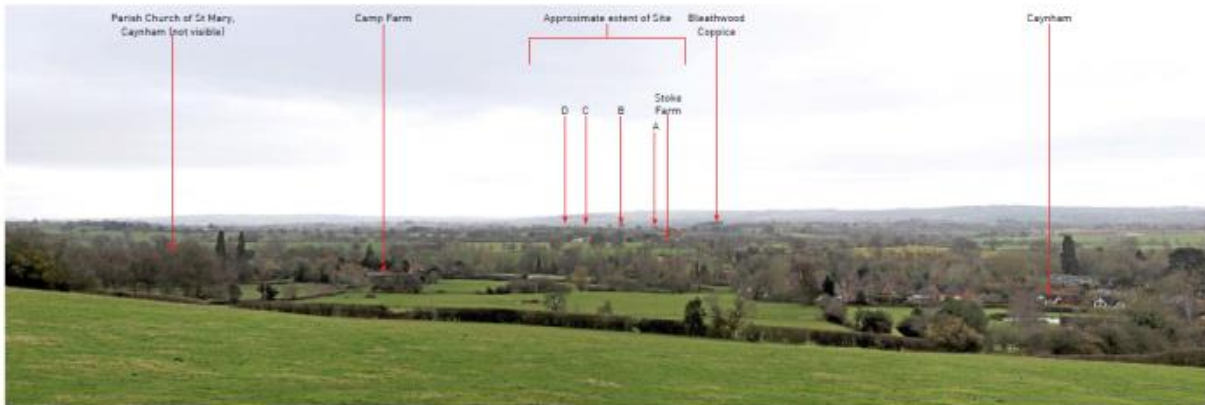
DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
 B - E indicates perceptible overhead line towers within site



P21-0442_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 6



CONTEXT BASELINE VIEWPOINT 5

Footpath 0514/19A/1 looking southeast



Camera make & model - Canon EOS 80D, PPS
 Date & time of photograph - 07/02/2022 09:12:59
 OS grid reference - 354838, 273587

Viewpoint height (AOD) - 166m
 Distance from site - 34.15km

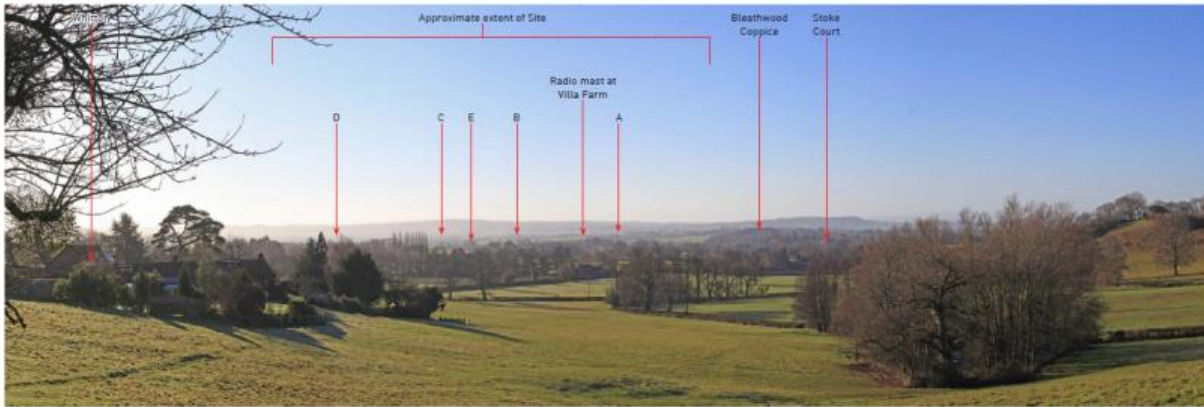
DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
 A - D indicates perceptible overhead line towers within site



P21-0442_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 7



CONTEXT BASELINE VIEWPOINT 6
Footpath 0564/14/1 looking south



Camera make & model - Canon EOS 4D, PPS
Date & time of photograph - 17/01/2022 @ 10:47
OS grid reference - 357501, 272832
Viewpoint height (AOD) - 137m
Distance from site - 210m

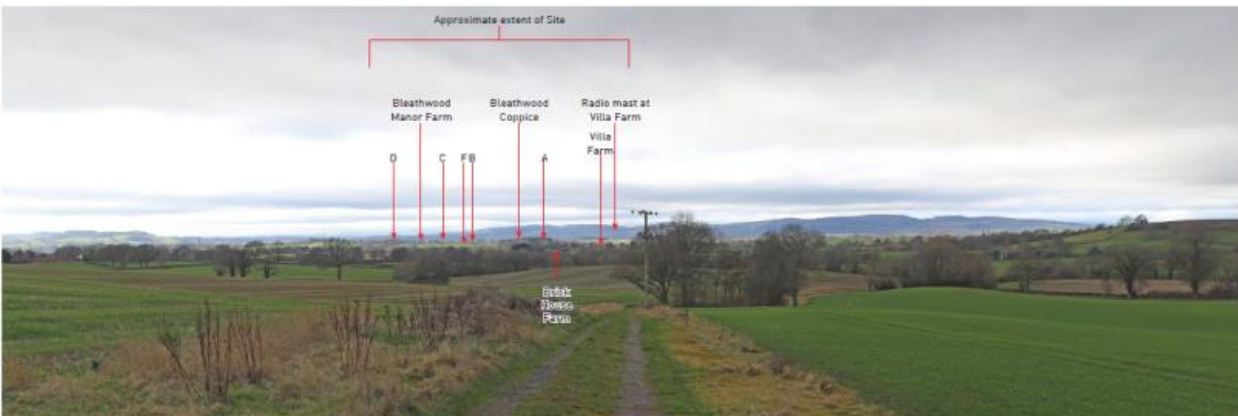
DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
A - E indicates perceptible overhead line towers within site



P21-6643_06 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 8



CONTEXT BASELINE VIEWPOINT 7
Footpath 0548/1/3 looking west



Camera make & model - Canon EOS 4D, PPS
Date & time of photograph - 07/02/2022 @ 14:29
OS grid reference - 357749, 271660
Viewpoint height (AOD) - 135m
Distance from site - 236m

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

KEY
A - F indicates perceptible overhead line towers within site

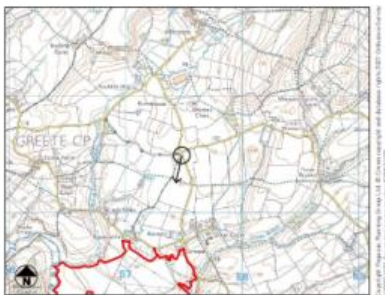


P21-6643_06 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 9



CONTEXT BASELINE VIEWPOINT 8
Bridleway 0529/11/2 looking south



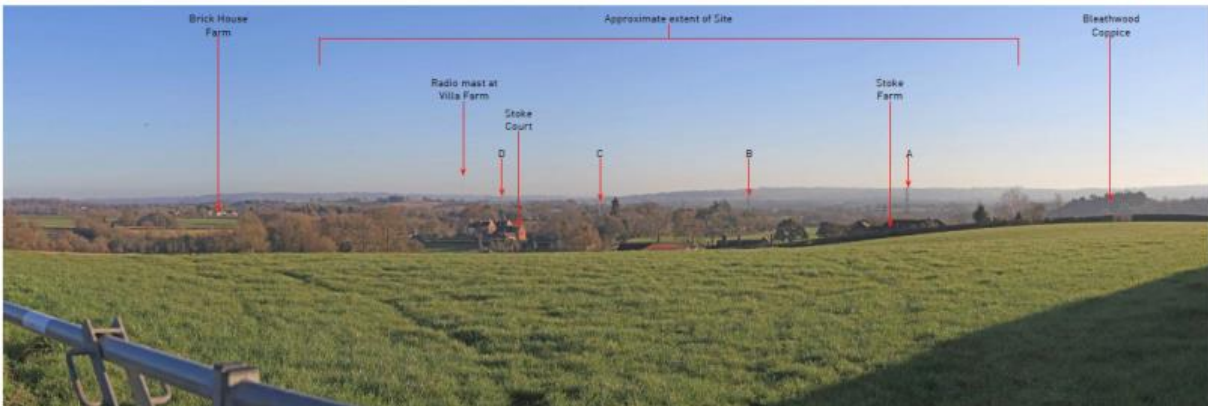
KEY
C, D and E indicates perceptible overhead line towers within site

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



P21-0442_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 10



CONTEXT BASELINE VIEWPOINT 9
Caynham Lane looking south



KEY
A - D indicates perceptible overhead line towers within site

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE



P21-0442_08 | BRICK HOUSE FARM | BLUEFIELD RENEWABLE DEVELOPMENTS LTD

Fig 11

- 6.3.8 The Council's landscape adviser has supported the LVIA methodology and conclusions subject to a recommendation for 3 amendments which the applicant has subsequently provided in an updated LVIA. The applicant's visual appraisal as assessed by the Council's landscape adviser supports the conclusion that the proposals can be accepted with respect to visual and landscape effects.
- 6.3.9 Visual impact – glint and glare: A Glint and Glare assessment concludes that no significant impacts are predicted on local amenities or road / footpath users. Hence, there is no need for the scheme to integrate any mitigation requirements related to glint and glare effects.
- 6.3.10 Visual impact – conclusion: Whilst the concerns of some public respondents with regard to visual impact are noted it is not considered that refusal on the grounds of landscape and visual impacts could be justified. This is having regard to the lack of objection to the LVIA from the Council's landscape advisor and taking also into account the benefits of renewable energy as highlighted in particular by the Council's climate change task force. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13)
- 6.3.11 Heritage appraisal: Section 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. 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 197).
- 6.3.12 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).
- 6.3.13 A Heritage Assessment assess the significance of the historic environment and archaeological resource at and surrounding the site, including the effects of the development on heritage assets and their setting. Relevant source information has been obtained and a site visit has been undertaken to assess the intervisibility between the site and designated heritage assets identified. The assessment has identified a cropmark in the southern field representing a single ditched enclosure from the later prehistoric or Roman period. However, there is currently no evidence to suggest a level of significance which would preclude development. No other

archaeological features with the potential to precluding the development have been identified.

- 6.3.14 A total of 17 Listed Buildings lie within a 1km radius of the site. The nearest is the Grade II Listed Lower Cottage, immediately outside the northern boundary of the site. The settlement of Greete contains a cluster comprising Grade II* Listed Church of St James, the Grade II* Listed Greet Court, and 9 Grade II Listed Buildings, situated approximately 200-350m to the north-east of the site. The Grade II* Listed Bleathwood Manor Farm lies c.630m southwest of the site; the Grade II* Listed Stoke Court and its Grade II Listed Stables lie c.650m north-west of the site; the Grade II Listed Stoke Farmhouse lies c.985m north-west of the site; and the Grade II Listed Woodyetts lies c.960m west of the site. There are no Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields, or Conservation Areas located within a 1km radius of the site.
- 6.3.15 The report assesses the potential impact of the development on the setting of the designated heritage assets identified within and beyond a 1km radius of the site, prepared with reference to 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 2' published by Historic England. Particular attention has been given to the Grade II Listed Lower Cottage, the Grade II* Listed Greet Court, and the Grade II Listed Brick House Farmhouse, on account of their historic associations and/or potential intervisibility with the site.
- 6.3.16 The far northern part of the site and northern central part of the site are considered to make a contribution to the setting of Lower Cottage as a result of the historic association of land ownership and partial intervisibility with the asset. The introduction of solar arrays and infrastructure to these fields is appraised to change the historic landscape character as experienced in views towards and from the asset. The assessment identifies that this may result in a small degree of harm, at the lower end of the less than substantial spectrum to the significance of Lower Cottage. The development has not been identified to cause harm to any other designated heritage assets in the immediate or wider locality.
- 6.3.16 A geophysical survey records a range of magnetic responses across site which are interpreted as likely to be due to natural causes. No anomalies have been identified at the location of the cropmark interpreted as a prehistoric rectangular enclosure. As the geophysical survey has not picked up any anomalies a schedule for further trench evaluation has been agreed with Shropshire Council's Archaeology Officer.
- 6.3.17 It is considered that sufficient information has been provided on heritage and archaeology to enable the planning authority to appraise the impacts of the development in accordance with the obligations of Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, Chapter 16 of the NPPF and the heritage provisions of Policies CS17, MD8 and MD13 of the adopted Site Allocations and Management of Development Plan (2015).
- 6.3.18 A small amount of harm at the lower end of the 'less than substantial' spectrum has been identified as occurring at the Grade II Listed building, Lower Cottage, to the north of the site. The NPPF describes at paragraph 202 that "where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

- 6.3.19 The Councils conservation section (Historic Environment Team) agree that the proposed development will result in harm to the setting of the Grade II listed Lower Cottage, at the lower end of less than substantial harm spectrum and concludes no harm to other heritage assets. They advise that harm identified should therefore be weighed against the public benefits of the proposal in line with paragraph 202 of the NPPF with great weight being given to the conservation of the heritage assets in line with paragraph 199 of the NPPF.
- 6.3.20 The officer considers with reference to NPPF paragraph 202 that the public benefits of this proposal in terms of renewable energy provision and addressing climate change are sufficient to outweigh the small amount of harm identified which will be temporary and fully reversible upon decommissioning of the site. It is concluded that the proposals would not give rise to any significant impacts on heritage assets and can therefore be accepted in relation to heritage policies and guidance including the historic environment chapter of the NPPF, core strategy policy CS15 and SAMDev Policy MD13.
- 6.3.21 Noise: A noise assessment has been prepared taking into account relevant planning policy and British Standards and WHO Guidelines and considering likely worst case noise levels generated by the solar farm. The assessment concludes that the operation of the solar farm would generate very low noise levels at surrounding properties throughout the day and night and would not result in unacceptable levels of noise, demonstrating full compliance with the requirements of the NPPF and development plan policy.
- 6.3.22 Access / traffic and construction: Paragraph 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe. SAMDev Policy MD8 (Infrastructure Provision) states that applications for strategic energy provision will be supported to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. The Policy states that in making this assessment particular consideration should be given to the potential for adverse impacts on the following (as related to highways, access, and construction):
- Noise, air quality, dust, odour and vibration
 - Impacts from traffic and transport during the construction and operation of the infrastructure development
 - Proposals for temporary infrastructure will be expected to include measures for satisfactory restoration, including progressive restoration, of the site at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use.
- 6.3.23 The application is supported by a Construction Traffic Management Plan which sets out the strategy for site access, routing for construction traffic, construction vehicle size and frequency and mitigation, including condition surveys. The site is proposed

to be accessed via an existing field gate access off an unnamed road (referred to within this statement as 'Caynham Lane') situated along the site's northern frontage which routes between Greete and Caynham. The Caynham Lane access road is a single lane carriageway measuring between 3-3.5m in width, with verge either side and limited passing places. Caynham Lane is subject to the national speed limit, however traffic surveys indicated that travelling speeds of vehicles using the lane were well below the limit. The road predominantly serves access to agricultural land and a small number of residential dwellings and opportunities to pass are presented at these entrances. Traffic flows along the road are low as confirmed during site visits and via an Automatic Traffic Count undertaken. Historic data indicates that there are no accident patterns or clusters within the vicinity of the site which would indicate a highways safety issue.

- 6.3.24 Due to the characteristics of the local lane between Caynham and the site, only smaller HGVs, with the exception of inverters and substation deliveries, would be permitted to access the site, larger HGVs will unload off-site at a temporary compound to the west of Caynham with loads transferred to tractor and trailer vehicles to deliver to the site. The traffic management measures proposed within the CTMP include the use of Stop/Go boards where one-way vehicle flow only is achievable. A Temporary Traffic Regulation Order (TTRO) would be sought to close part of the Caynham Access Road along the construction route. Residential access to properties along Caynham Access Road will be maintained at all times. Local residents would be given a single point of contact for information relating delivery and construction works.
- 6.3.25 A temporary onsite construction compound would enable delivery vehicles to offload equipment and turn effectively and provide temporary parking space for contractors' vehicles. The temporary construction compound would be fully restored to the existing use following completion of construction as controlled by planning condition. The construction phase would take 26-36 weeks to complete, assuming a six-day working. A maximum of 60 construction workers are forecast to be on the site during peak times during the construction period. Trips will be shared where possible to minimise the impact on the local highways network and parking provided within the temporary construction compound.
- 6.3.26 The construction traffic management plan (CTMP) demonstrates that suitable visibility splays can be achieved at the site access subject to the removal of a short section (9m) of existing hedgerow.
- 6.3.27 Shropshire Right of Way 0529/10A/1 is the sole PRoW which routes across the site and is situated wholly within the proposed 'Biodiversity Enhancement Area'. This PRoW will be maintained at all times during the construction and operational phase.
- 6.3.28 The CTMP concludes that the level of traffic during the construction or operation period can be accommodated by the highways network without giving rise to detrimental impact on its safety or operation. Highways condition surveys would be undertaken to ensure that any remedial work required to the highways following the construction phase is identified and implemented.

- 6.3.29 The Greete Parish Meeting and some local residents have questioned the ability to properly control construction traffic in practice given the narrow nature of the approach roads. However, SC Highways have not objected subject to a construction management plan condition. The NPPF are very stringent. Paragraph 111 of the NPPF advises that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. There has been no objection from SC highways who advise that a Construction Management Plan is sufficient to address highway issues during the temporary construction phase. As such it is considered that a highway based refusal reason could not be sustained and that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).
- 6.3.30 Ecology: The planning application is accompanied with an Ecological Assessment (EA) incorporating a Biodiversity Management Plan. The site is not located within any statutory designated sites for nature conservation and is outside of any Impact Risk Zones relating to this development type. Two SSSIs (Nine Holes Meadow and River Teme) and a Local Wildlife Site (Pastycraft Meadow) have been identified within a 5km radius of the site. The assessment concludes that there will be no direct effect on these sites due to the separation distances. The potential for indirect effects on these designated sites is limited due to there being no clear connected pathways. Greet Brooke and Ledwyche Brook provide potential pathways for effects on the River Teme SSSI. However, any discernible effects on the SSSIs are considered unlikely due to the passive nature of the development which will mostly affect intensively managed arable land and improved grassland of low ecological value. The solar panel array layout has been designed to avoid field boundary features such as hedgerows, trees, woodland and watercourses which provide the greatest ecological interest.
- 6.3.31 The proposed access tracks will largely exploit existing farm accesses and gaps in hedgerows, requiring only very localised removal or disturbance of short sections of hedgerow (maximum 5m wide. A short section of hedgerow (an approximately 9m length) will need to be removed at the Site entrance to allow for the visibility splay. Overall, the network of hedgerows will be retained and protected, maintaining habitat connectivity and linkages across the site and with the surrounding wider landscape. The assessment demonstrates that protected species will be protected subject to implementation of the measures described within the Biodiversity Management Plan.
- 6.3.32 Opportunities have been sought for nature conservation and enhancement of the site to provide an overall biodiversity net-gain. Three distinct areas within the Site, identified as a 'Biodiversity Enhancement Areas' will be left undeveloped and managed as open meadow. These measures will provide enhanced wildlife benefits over and above the low value agricultural land currently present. Land between and beneath the panels would be grazed by sheep on a rotational basis and managed to deliver biodiversity enhancements.
- 6.3.33 Hedgerows would be managed for wildlife, and a range of breeding boxes erected for bats and birds. Biodiversity Enhancement Areas including wildflower meadows and wild bird seed grasslands

- 6.3.34 The biodiversity impacts associated with the proposed development have been assessed and quantified utilising the Natural England/Defra Biodiversity Net Gain Metric Calculator. The calculation results show that the proposed development will result in a clear biodiversity net gain of 46% in Habitat Units, and 20.81% in Hedgerow Units. The applicant Bluefield would own and operate the solar farm and is committed to delivering biodiversity benefits across all its solar projects throughout their operational lifetimes.
- 6.3.35 The layout has been designed to minimise impacts on protected species and makes provision for the integration of a number of enhancements which will benefit protected species, for example, e.g. via the introduction of 15 bat roosting boxes. Overall, the development will not adversely impact upon the ecological value and function of the site and will deliver significant nett biodiversity gain. It therefore complies with Core Strategy Policy CS17 'Environmental Networks' and SAMDev Policy MD12 'The Natural Environment' and relevant legislation. This is subject to the ecological conditions which are included in Appendix 1.
- 6.3.36 Drainage / hydrology: The majority of the site falls within Flood Zone 1 (lowest flood risk). Along the western boundary a small number of solar panels and security fencing is located in Flood Zone 2, which is defined as medium probability. These panels will be raised above the flood levels and the security fence will be permeable to the flood water. All equipment is located outside of Flood Zone 3.
- 6.3.37 A Flood Risk Assessment (FRA) provides sufficient flood risk information to demonstrate that the development would be appropriately safe for its lifetime without increasing flood risk elsewhere. The FRA incorporates a Sustainable Drainage Strategy via the implementation of SuDS including the provision of swales in the lower areas of the site to intercept any extreme flows which may already run off site. The swales are provided as a form of drainage 'betterment'.
- 6.3.38 The FRA demonstrates that future users of the development would remain appropriately safe throughout the lifetime of the proposed development and that the development would not increase flood risk elsewhere and would reduce flood risk overall. It is therefore consistent with national and local policy objectives. The Council's drainage team has not objected and it is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).
- 6.4 Timescale and decommissioning:
- 6.4.1 Greete Parish Meeting have questioned whether appropriate decommissioning and reversion to agricultural land would take place in practice at the end of the operational life of the solar farm. Current solar photovoltaic arrays have a design life of approximately 40 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to 'normal' agricultural use, as stated in the application. This would ensure that future arable productive capacity is protected. A condition covering decommissioning has been recommended in Appendix 1. A decommissioning

clause would also be included in the applicant's tenancy agreement and is supported by insurance. 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 At its' nearest the site is located 2.5km from the Shropshire Hills AONB, a statutory landscape designation. The area 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.

6.6.2 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 would 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 generally 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 development and conducted face-to-face interviews with more than 1,000 visitors during August 2013. 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.

- 6.6.5 Additionally the applicant advises that recent (sept 22) research by survey company Survation finds that 77% of UK public support development of solar and wind farms to tackle the energy crisis and reduce energy bills. <https://www.current-news.co.uk/news/77-of-uk-public-support-development-of-solar-and-wind-farms-to-tackle-the-energy-crisis-says-survation> . The survey breaks the result down by constituency and finds (in line 337) that in the Ludlow constituency of the application 93% support solar power, 91% support renewable energy projects in their local area and 91% believe that the Govt should use wind and solar farms to reduce energy bills.
- 6.6.4 It is considered that there is insufficient evidence to support the conclusion that 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 engagement: A Statement of Community Involvement describes comments received from the local community prior to submission of the application, including with respect to:
- Potential landscape and visual impact, including from the PRoW;
 - Construction traffic routing;
 - Loss of arable land;
 - Potential impact upon biodiversity;
 - Potential impact upon tourism revenue.
- 6.7.2 The Applicant has responded to these concerns with amendments to the design of the proposals. In particular:
- The PRoW will remain in situ and unaffected during the construction/decommissioning phase of development.
 - The planning application is supported by a Construction Traffic Management Plan which describes in detail the construction traffic route as well as management and mitigation measures proposed.
 - The Applicant commissioned an Agricultural Land Classification Report which has been reviewed for robustness against the 'Working with Soil Guidance Note on Assessing Agricultural Land Classification Surveys in England and Wales, Guidance Document 1. Further soil sampling and analysis was also commissioned.
 - The development proposal will deliver Biodiversity Net Gain ('BNG') of 46% (habitat units) and 20% (hedgerow units) as described within the Ecology Assessment Report prepared by Avian Ecology Ltd. The amount of BNG is significantly in excess of the delivery of 10% which will be required for all new developments from 2023 as per the Environment Act 2021.
 - The Applicant notes the comment made regarding the potential impact upon tourism businesses in the vicinity at the consultation event however, no specific examples of potential businesses at risk of impacts were cited during the discussion.

- 6.7.3 Benefits: The development would generate 40,000MWh per annum, equivalent to the annual electricity consumption of approximately 10,400 homes. In terms of carbon saving, the generation of renewable electricity would provide a carbon saving of 8,200 tonnes CO₂e. The generation of this amount of renewable electricity represents a substantial contribution towards meeting national and local greenhouse gas emissions reductions targets.
- 6.7.4 The benefits of renewable electricity generation is also consistent with the imperatives of the 'Climate Emergency' declared by Shropshire Council and further articulated by the Shropshire Climate Action Partnership within the 'Zero Carbon Shropshire Plan' published in January 2021. This supports the delivery of a "number of large-scale photo-voltaic arrays (solar farms)" within the district required to achieve net zero by 2030.
- 6.7.5 The applicant advises that the scheme also represents a significant financial investment of over £25 million into the local and wider economy with approximately 100 temporary jobs (both direct jobs on-site and indirect/induced roles) being created during the construction period. Local contractors will be used where possible. Moreover, annual business rates contributions are estimated to be in the region of around £250,000 per annum for the 40 year operational time period, giving rise to a total of over £11m at 2.75% RPI over 3 years over the lifetime of the project, which represents a significant contribution to the Council's budget.
- 6.7.6 The proposal places a strong emphasis on the delivery of landscape and biodiversity enhancements which includes the delivery of dedicated Biodiversity Enhancement Areas and significant hedgerow and tree planting. The development will deliver an overall biodiversity net gain of 46% and a hedgerow net gain of 20%. The submitted Biodiversity Management Plan (appended to the Ecology Assessment report) describes further environmental benefits including new ecological features such as bat and bird boxes and insect habitats. Construction will also require the removal of invasive weeds which will deliver benefits for species at the site. Local contractors will be sought to maintain the landscape and biodiversity measures described within the plan as far as possible.
- 6.7.7 Whilst not a material planning matter the applicants have advised that they will 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 a local community group with payment into a community fund at a level consistent with that of other recent UK solar park schemes. This supports the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.
- 6.7.8 CCTV and privacy: It is proposed that CCTV would be used at the site for security reasons. Cameras would be sensitively positioned and would point away from the nearest residential properties in the interests of privacy.
- 6.7.9 Recent Government communications: Objectors have referred to recent ministerial correspondence establishing a general preference against the use of best and most versatile land for solar photovoltaic schemes. This correspondence is noted.

However, it does 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 without some use of agricultural land.

6.7.10 Objectors refer to recent Government proceedings at the Environmental Audit Committee where the former Environment Minister George Eustace MP referred to solar farms and agricultural land and stated that best and most versatile land was Grade 3b and above. The applicant refers to a subsequent letter from Mr Eustace MP to Philip Dune MP, Chair of the committee in which Mr Eustace corrects this and acknowledged that Grade 3b is not 'best and most versatile' land.

7.0 CONCLUSION

7.1 The proposed solar array would operate for a temporary period of 40 years and would be fully restored after decommissioning. The development would offset approximately 11,200 tonnes of CO₂ per annum, equating to an emission saving equivalent to a reduction in approximately 5160 cars per annum. This is equivalent to the average annual UK electricity consumption for approximately 15,000 homes per annum. The development would therefore make a positive contribution towards delivery of renewable electricity required to achieve the UK Government's legally binding greenhouse gas emissions reduction targets, along with the LPAs aims to meet their declared climate emergency targets. Additionally, operation of the solar farm would generate business rate revenue in the region of around £250,000 per annum for Shropshire Council for the duration of the operational period of 40 years.

7.2 The NPPF, development plan, and emerging development plan support the transition to a low carbon future and encourage the use of renewable resources. The development would deliver a range of public benefits which are in accordance with the economic, social, and environmental pillars of sustainable development and which will support climate and ecological resilience.

7.3 The application site is not subject to any land use designations which would preclude the the presumption in favour of sustainable development. Paragraph 158 of the NPPF makes clear that when determining planning applications for renewable development local planning authorities should "approve the application if its impacts are (or can be made) acceptable".

7.4 The planning application supporting documents indicate that the potential for adverse impacts arising from the development is low and capable of mitigation. This conclusion is supported by the responses of technical consultees.

7.5 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.

7.6 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S158). It is concluded that the proposals are sustainable 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 – 2021)

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 155: “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:

- provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 157 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...”

11.1.6 Paragraph 81 advises that ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.

11.1.7 Particularly relevant chapters of the NPPF are:

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
11. Making effective use of land

14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

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”. Relevant Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where
- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS16 - Tourism, Culture and Leisure
- Policy CS17 - Environmental Networks

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

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

10.5i. Emerging Development Plan Policy

The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. The emerging Local Plan is at an advanced stage of production currently in the Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled. The emerging policies may attract some weight as part of the determination of this planning application.

- ii. The emerging Shropshire Local Plan (2016 to 2038) contains a new policy on climate change. Policy SP3 has been added though the draft policy does not explicitly refer to solar energy schemes. Policy SP3 confirms development in Shropshire will support the transition to a zero-carbon economy including reducing carbon emissions through a number of means, including through 'integrating or supporting both on and off-site delivery of renewable and low carbon energy'.

- iii. Emerging Policy DP26 'Strategic, Renewable and Low Carbon Infrastructure' is also of relevance and reflects the current wording of the National Planning Policy Framework whereby "non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable" and includes a list of technical assessments which should be submitted alongside the application.
- iv. Part k of Policy DP26 refers to solar farm development in particular and describes that:
 "Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and on-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations)."

Part 3 of Policy DP26 describes that the assessment included within the application submission should be proportionate to the development proposed and include sufficient information to allow for an accurate evaluation of all impacts, both negative and positive, and should also cover all necessary ancillary infrastructure and the cumulative effects of existing or consent development types with similar impacts in the surrounding area.

- v. Other relevant policies contained within the emerging Local Plan include:
 - Policy S2: Strategic Approach
 - Policy SP4: Sustainable Development
 - Policy SP10: Managing Development in the Countryside
 - Policy SP12: Shropshire Economic Growth Strategy
 - Policy DP12: The Natural Environment
 - Policy DP16: Landscaping of New Development
 - Policy DP17: Landscape and Visual Amenity
 - Policy DP18: Pollution and Public Amenity
 - Policy DP21: Flood Risk
 - Policy DP22: Sustainable Drainage Systems
 - Policy DP23: Conserving and Enhancing the Historic Environment
 - Policy DP29: Mineral Safeguarding

10.6 Other Relevant Guidance

- 10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to "radically increase our use of renewable electricity, heat and transport". It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15 target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5 to 30 .
- 10.6.2 Planning practice guidance for renewable and low carbon energy (2015). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided

specifically with regard to the large-scale ground-mounted solar photovoltaic farms:

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

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

11.0 RELEVANT PLANNING HISTORY:

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

12.0 Additional Information

List of Background Papers: Planning application reference 22/02151/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Ed Potter
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 30th May 2022 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 (Reference P21-0442_01), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Highways

4. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

Reason: In the interests of maintaining highway efficiency and safety.

5. Prior to any construction works taking place and post construction a full condition survey shall be carried out on the route between the site access and the A49.

Reason: In the interest of safety of the users of the public highway and safety of the users of the site

Arboriculture

6. Where the approved plans and particulars indicate that construction work excavations or level changes are to take place close to or within the Root Protection Area (RPA) of any retained tree(s), large shrubs or hedges, prior to the commencement of any development works, a Tree Protection Plan (TPP) supported by an arboricultural method statement (AMS) where any breach of the tree(s) or hedgerows RPAs is proposed detailing how the retained trees / hedgerows will be protected during the development, shall be submitted and agreed in writing by the Local Planning Authority before the commencement of any ground clearance, demolition, or construction work

Reason: To ensure that retained trees shrubs and hedgerows are appropriately protected during the development, so that their condition and amenity value is not compromised or eroded.

7. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan

Landscape and Ecological Mitigation Plan

- 8a. No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - i. Planting plans, creation of wildlife habitats and features and ecological enhancements in accordance with the Biodiversity Management Plan by Avian Ecology.
 - ii. Written specifications for establishment of planting and habitat creation;
 - iii. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - iv. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

- 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.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

8. 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.

Ecology

9. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance the Biodiversity Management Plan by Avian Ecology.

Reason: To ensure the protection of and enhancements for habitats and wildlife.

10. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
 - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - iii. Requirements and proposals for any site lighting required during the construction phase;
 - iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - v. The times during construction when an ecological clerk of works needs to be present on site to oversee works;
 - vi. Pollution prevention measures.
 - vii. Identification of Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

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

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

11. Within 28 days prior to any pre-development site enabling works an inspection for badgers and otters shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence (further to that submitted in support of the approved planning consent), or a change in status, of badgers or otters is recorded during the pre-development survey then the ecologist shall submit a mitigation strategy for prior written approval that sets out appropriate actions to be taken during the construction stage. These measures will be implemented as approved.

Reason: To ensure the protection of badgers (under the Protection of Badgers Act 1992) and otters (under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)).

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan

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

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

Fencing

- 13a. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference BKH-DWG005; Fencing Details.
- b. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference BKH-DWG006.2 (CCTV Details) and drawing reference BKH-DWG006.1 (CCTV Layout).

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

Archaeology

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

Reason: The site is known to hold archaeological interest.

Amenity complaints procedure

15. 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 from the construction and operational phases of the development. 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

16. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 40 years of the date of this permission and the Site shall be reinstated to agricultural fields. 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:

Design life

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

Drainage (Shropshire Council Drainage Team comments)

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

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

- iii. *Watercourses are present on the boundaries of the development site. A 3m wide easement from the top of each watercourse bank, is required for maintenance purposes.*

Flood risk (Environment Agency Comments)

- iv. *The proposal includes a security perimeter fence. This wire mesh should have a minimum of 100 mm spacing to ensure the risk of blockage and diversion of flood waters is avoided or minimised. There should be no raising of ground levels above existing within those parts of the site which are located within flood zone 2 (as an indicative 1 in 100 year with climate change flood area) e.g. the biodiversity enhancement area. This will ensure floodplain capacity is maintained and prevent impact on flood risk elsewhere. We would also advise that the proposals should be designed (raised or flood-proofed) to avoid any potential water damage e.g., flood susceptible electrics.*

Highways

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

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

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

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

- vi. *The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.*
- vii. *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*
- viii. *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*

Ecology

- ix. *Hazel dormouse is a European Protected Species under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a dormouse; and to damage, destroy or obstruct access to its resting places. There is an unlimited fine and/or up to six months imprisonment for such offences. If a dormouse should be discovered on site at any point during the development then work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice. The Local Planning Authority should also be informed.*
- x. *It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat*

survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition). If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

- xi. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.*
- xii. *Widespread reptiles (adder, slowworm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.*

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

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

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Where possible, trenches should be excavated and closed in the same day to

prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse, or moved to a hibernacula. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801). Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

APPENDIX 2

FULL WORDING OF CONSULTANT'S OBJECTION ON BEHALF OF GREETE PARISH COUNCIL

1. Introduction:
 - 1.1 Addison Rees Planning Consultancy have been instructed by the Greete Parish Meeting (GPM) to make representations on the proposed solar development at Brick House Farm in Greete. Whilst there has been significant correspondence submitted by individual residents, raising a number of material concerns, GPM have the following primary concerns and objections which are set out in detail below.
2. Policy Background:
 - 2.1 Part 38 (6) of the Planning Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
 - 2.2 The Shropshire Council Development Plan comprises the Core Strategy Development Plan Document (DPD) adopted on 24th February 2011 and the Site Allocations and Management of Development (SAMDev) Plan adopted on 17th December 2015. Since the adoption of the Site Allocations and Management of Development (SAMDev) Plan, any saved planning policies from the district council are considered out of date and have been replaced by the Local Plan.
 - 2.3 Current Policy MD8 (Infrastructure Provision) of the Site Allocations and Management of Development (SAMDev) outlines the following:

“...New Strategic Infrastructure

 3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
 - i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Natural and heritage assets, including the Shropshire Hills AONB (PoliciesMD12 and MD13);
 - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
 - vi. Noise, air quality, dust, odour and vibration;
 - vii. Water quality and resources;
 - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
 - ix. Cumulative impacts.Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package”.

- 2.4 Emerging Local Plan - The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. This emerging Plan identifies a vision and framework for the future development of Shropshire to 2038, addressing such issues as the needs and opportunities in relation to housing, the local economy, community facilities and infrastructure; and seeks to safeguard the environment, enable adaptation to climate change and helps to secure high-quality and accessible design
- 2.5 The emerging Local Plan is at an advanced stage of production currently in the Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled and further information has been sought following the initial examination stage. As such, whilst the policy position is complex, the emerging policies may attract some weight as part of the determination of this planning application.
- 2.6 Of most relevant of the Emerging Local Plan, is policy DP26 (Strategic, Renewable and Low Carbon Infrastructure) which deals specifically with non-wind and low carbon developments. It states:
“Non-wind renewable and low carbon development will be supported where its impact is, or can be made, acceptable. To aid in this determination, all applications should be accompanied by an assessment of the proposal’s effect on the following during both the construction and operational stages:
- a. Visual amenity (including the considerations within Policy DP17);
 - b. Landscape character (including the considerations within Policy DP17);
 - c. Natural assets (including the considerations within Policy DP12);
 - d. Historic assets (including the considerations within Policy DP23);
 - e. Air quality, noise and public amenity (including the considerations within Policy DP18);
 - f. Water quality and water resources noise (including the considerations within Policy DP19);
 - g. Traffic generation and the nature of vehicle movements;
 - h. The Shropshire Hills AONB (including the considerations within Policy DP24)...
 - k. Large scale ground mounted solar photovoltaic solar farm proposals should show how they have made effective use of previously developed and non-agricultural land. Where a proposal requires the use of agricultural land, poorer quality land should be used in preference to land of a higher quality (see also Policy DP18). Proposals should allow for continued agricultural use wherever possible and/or encourage biodiversity improvements around arrays. The assessment should pay particular attention to the impact of glint and glare on neighbouring land uses and residential amenity as well as aircraft safety, (including defence operations).

The assessment should be proportionate to the development proposed and include sufficient information to allow for an accurate evaluation of all impacts, both negative and positive. It should cover necessary ancillary development such as security measures, lighting, access tracks and fencing. Impacts should be considered cumulatively against those existing or consented development types with similar impacts in the surrounding area. Mitigation measures to remove or reduce adverse impacts should be identified”.

The below assessment covers the material considerations outlined above, and specifically focuses on the significant areas of concern raised by GPM.

3. Material considerations

3.1 Natural Assets – Best and Most Versatile Agricultural Land

- i. The Agricultural Land Classification Report submitted for the application identifies that part of the site falls within Grade 2 land; with the remainder for the site being identified as Grade 3b. The site has been farmed well for the last 70+ years and is very productive, producing very good yields of grain (local farmers have confirmed that the land produces 4 tonnes per acre of wheat) and grass for milk and beef cattle. It has been constantly manured with farmyard manure resulting in very good consistent fertility.
- ii. The NPPF states at paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland." Further, Core Strategy Policy CS6 describes that new development should make effective use of land and safeguard natural resources, including high quality agricultural land.
- iii. Government guidance acknowledges that solar is a highly flexible technology and as such can be deployed on a wide variety of land types. Where possible, ground mounted Solar PV projects should utilise previously developed land, brownfield land, contaminated land, industrial land, or agricultural land preferably of classification 3b, 4, and 5 (avoiding the use of "Best and Most Versatile" cropland where possible). The local MP Philip Dunne chaired a meeting on 29th June in Parliament where the Secretary of State for the Environment stated that this type of land should not be built on.
- iv. Whilst the land identified as Grade 2 land in the applicant's report does not exceed the amount of best and most versatile land (20ha) required for Natural England consultation, National planning guidance for solar farms stipulates that any use of "Best and Most Versatile Agricultural Land" (defined as Grades 1, 2 and 3a) must be justified by submitting a detailed report identifying and assessing alternative sites nearby. Such assessments and considerations have not been made and development of this site above other/s that may be available in the area has not therefore been justified.

The proposal will therefore fail to safeguard some of the best and most versatile agricultural land. This adverse impact significantly counts against the development.

3.2 Impacts on Designated Heritage Assets

- i. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty in respect of listed buildings in exercise of planning functions. Subsection (1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- ii. Paragraph 194 of the Framework considers heritage assets by confirming 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...”.

Paragraph 199 also outlines that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

- iii. The development surrounds Lower Cottage, sited immediately outside the northern boundary of the site, which is a Grade II Listed Building. The size, scale and massing of the development will significantly alter the setting in which the Listed Building will be seen and appreciated. Other heritage assets in the immediate vicinity of the site include Grade II Listed Lower Cottage, the Grade II* Listed Greete Court, and the Grade II Listed Brick House Farmhouse. These are particularly important due to their historic associations and/or potential intervisibility with the application site.
- iv. It is acknowledged by the application submissions that the far northern part of the site and northern central part of the site are considered to make a contribution to the setting of Lower Cottage as a result of the historic association of land ownership and partial intervisibility with the asset.
- v. It cannot be downplayed that the introduction of solar arrays and infrastructure to these fields will significantly change the historic landscape character when experienced in views towards and from this heritage asset. The applicant’s assessment identifies that this may result in a small degree of harm, at the lower end of the less than substantial spectrum to the significance of Lower Cottage. We do not agree with this assessment and consider the harm to be substantial and that the weight attributed to this harm needs to be reassessed and balanced in the overall planning judgement.

3.3 Archaeological importance

- i. The site contains significant archaeological potential. This could be an Iron Age or Roman enclosure, there are two in Greete and standing stones marked on the 1893 OS map (as shown in the applicants’ submissions). The submission however, only focused on a 1km radius of the site, but the list of assets covers the whole of Greete. We believe the assessment should have covered a greater distance than 1km. The submission therefore fails to fully assess the potential impact of the development upon heritage assets.
- ii. Further, as identified from the Council’s Archaeological Officer comments, trench evaluation findings are outstanding and have not been provided by the applicants. As such currently insufficient information has been provided to enable the LPA to appraise the impacts of the development in accordance with the obligations of Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, Chapter 16 of the NPPF and the heritage provisions of Policies CS17, MD8 and MD13 of the adopted Site Allocations and Management of Development Plan (2015).

3.4 Landscape Character

- i. Local Development Plan policies CS6 'Sustainable Design and Development Principles', MD2: Sustainable Design', and MD12 'The Natural Environment' seek to ensure that new development protects, restores, conserves and enhances the natural environment taking into account the potential effects on the local landscape character and existing visual amenity value. The site is 90m above sea level and highly visible in the surrounding undulating landscape. The size, scale and sprawling nature of the solar farm fails to recognise the intrinsic character and beauty of the surrounding rural countryside.
- ii. A comprehensive assessment needs to be made on the landscape harm and visual impact of the development. The submitted LVIA takes into account the landscape and visual receptors and makes an assessment on the effects of the scheme. The LVIA particularly fails to consider in detail the cumulative impacts of the other pending solar farm proposals at Rock Farm, Caynham and Henley Hall. GPM are also aware that there are also at least three more potential solar farm proposals in the area also being informally considered, at Pervin and The Venns, and Bleathwood that could also come forward in the future. These, we believe are smaller but significant on the accumulating effect on the landscape. These cumulative impacts need to be carefully and thoroughly considered and assessed, particularly given the potential impacts on highly sensitive areas and views from the Shropshire Hills AONB and the views on the landscape from other elevated positions such as the High Vinnals and Clee Hill. The submitted LVIA completely fails to take these other sites and potential developments into account, dismissing them in the scoping information as being in preliminary stages.
- iii. Given the above, it is our view that the proposals fail to accord with the policy objectives of these policies to protect, restore, conserve and enhance the natural environment taking into account the local context and character as per Policy CS6 'Sustainable Design and Development Principles' and MD2: Sustainable Design; and MD12 'The Natural Environment'.

3.5 Visual Amenity

- i. The proposed scheme will have a substantial impact upon the visual amenities of the area. A development of this size and scale would result in an incongruous feature within a traditional agricultural area. The site is dissected by the public right of way 0529/2A/3. The site would also be visible from the Shropshire Rights of Way '0513/10/1', Little Hereford Footpath 18 and Little Hereford Bridleway 12. Users of public rights of way are regarded as the most sensitive receptors for visual impacts. The impacts of glint and glare must be thoroughly considered, both in respect of the health impact to walkers but must also apply to horses too given the proximity of well used bridleways in the area. Therefore, the provision of a large-scale solar farm in this location will have a significantly adverse impact visually upon those users of the public rights of way.

3.6 Air quality, noise and public amenity

- i. Should permission be granted, the construction and maintenance works associated with the development will generate noise and dust nuisance from the significant levels of vehicle movements to and from the site. This will have a detrimental impact upon the amenities of the surrounding residential properties, particularly given the rural nature

and use of the narrow country lane. The provision of solar panels would also require the site to be bounded by 2.2m high deer proof security fencing as well as other urbanizing security measures such as CCTV cameras and also associated lighting in an area of dark skies and where there is no light pollution from streetlights or other external lighting in the area. The applicants' assessment of the noise created identifies that there would be harm caused and that the levels of noise emitted from the substation and associated equipment would be – this remains a concern for the neighbouring residents and GPM.

3.7 Traffic generation and the nature of vehicle movements

- i. The suitability and condition of the highway network and access roads to the application site and impacts on highway safety is one of the primary concerns for GPM. There are a number of inaccuracies and matters that are significantly downplayed in the applicant's highways submissions that must be highlighted and clarified and that are particularly important to understand from a local perspective. The key concerns are summarised as follows:
 - The access lane is not unnamed and is called Greete Lane. - There are some 41 residencies in Greete who use this road as their main route to Caynham and beyond to Ludlow. The road is far more used and active than the submission data suggests, used much more than for predominantly agricultural purposes for accessing the surrounding agricultural land.
 - The access road is a single lane carriageway, which measures 2.7m at best (less than the 3-3.5m stated) in width. There are very limited areas with verges either side and the majority of the road has high field hedges on either side abutting the lane. Thus visibility is poor and manoeuvring is difficult if having to pass/reverse when vehicles meet.
 - It is suggested that there are 'limited passing places' on the road. There are no formal passing places along the entire length of the proposed access road. Any possible passing places rely on field gateways or driveways of individual properties (where the good will of the owners allow into their driveways to facilitate passing). These would not be suitable or practical for the frequency and types of large machinery and vehicles that would be required for the construction and decommission phases of this project.
 - Given the length of the road (some 2.3 miles) and the narrow single carriageway width of the road and high roadside hedges, it would be necessary for vehicles that meet to reverse a significant distance in order to pass. The ability to drive along this route, for ALL other traffic will be seriously curtailed. This could also be dangerous and lead to accidents.
 - There are particular concerns about access in the area for Fire, emergency and medical services. This is very important as this proposal will hugely increase the risk of fire. Also, many residents are elderly and have medical visits, which may well be obstructed by the works.
 - Given the rural and undulating character of the area, there are 21 blind bends and 2 blind summits plus several steep gradients along the extend of the access road. Walkers and horse riders frequently use this road and there are 9 or so PROW that directly exit or cross over this lane. This means that there are often pedestrians or persons in the roadway that pose a very real risk to highway safety.
 - The proposed traffic management measures (proposing one-way traffic and stop and go boards) are impractical and will not account for all trips along the lane. This may result in vehicles reversing from a side road onto the main road, for example if a vehicle

is traveling from Caynham it will have to reverse onto the Ashford to Clee Hill Road. This would be highly dangerous, potentially resulting in traffic exiting onto a busy road with limited visibility in reverse.

- It is known locally that there have been more road traffic incidents than reported in the highways submissions. Whilst there have been no fatalities, there have been notable accidents – specifically in 2017 and 2019 there were two incidents with casualties needing ambulance assistance.
- It is considered that the amount of trips along Greete Lane in terms of the day to day lives and livelihoods of residents, such as trips for school runs, work runs, farming duties, exercise activities, plus the associated 60 construction workers present daily will upend the local community entirely. This is contrary to The Shropshire Plan which states that large solar farms cannot be built at the expense of the community.
- The traffic management measures will necessitate a 'three way' system at the Caynham junction and a 'one way' system between the Greete junction and the entrance to the construction site.
- In the absence of 'off road' parking for vehicles waiting both on the Ashford and Cleehill road and on the Greete to Caynham road all vehicles, except construction traffic, will not be able to proceed past 'waiting' traffic. The suggestion that such waiting traffic would need to reverse to allow oncoming traffic to pass would be impractical. To reverse where? The few passing places available could only accommodate no more than one, or possibly two vehicles, as stated above.
- For the proposed solar farm development to proceed the Greete to Caynham road would need to be completely closed to ALL traffic, other than construction site traffic, for the whole of the development time table, i.e. 6 months or for however long it actually takes.

Therefore, the proposals are considered to pose an unacceptable impact on highway safety, and the proposed traffic management measures are impractical given the real-life conditions and use of the local road network.

4. Other matters:

- i. Clarification needs to be sought for the Council to be able to satisfy themselves on the following technical matters of the proposals in order to be able to make an informed decision on this application:
 - Whether there is sufficient information provided to assess the overall actual impact on wildlife and ecology and whether a biodiversity strategy has been considered. This is particularly in relation to the lack of consideration to the foraging value of the land for bats and birds, and specifically in regard to the consideration given to Housemartins, which are classed as endangered in the UK and are 'Red Listed'. No suitable mitigation has been suggested or considered for these protected species. The charity for Conservation of Housemartins highlight that Housemartins are a Red Listed species on the Birds of Conservation Concern report. These birds only make their nests out of mud, and feed on the wing, (airborne insects). The proposed bird boxes as shown on the ecological mitigation and enhancement details will not allow this species to exist on those fields.
 - Clarification and confirmation as to the extent of existing hedgerows across the entirety of the site and the extent of proposed hedgerow and tree removals. Reference is made to some hedgerow removal on the roadside, visible from Greete

Lane, but there is limited explanation as to further excavation of other hedgerows and trees within the site.

- The extent of the social impacts of the development, will result in the loss of a land which has been used for the past 55 years for camping by Church services, the river for wild water swimming, and horse riding. It is emphasized in government farming policy how much value is put upon these activities and that they should not be affected by such proposals.
- Clarification should also be sought as the extent and location of any electrical fencing – particularly in areas adjacent to public bridleways.
- Hedgerows –
 - There is no clear data showing which of the over 30 year old hedgerows and mature trees intended to cut back or demolish.
 - The maps are so small and blurred that any definition as to the intended excavation is impossible to discern.
 - The Tree Team indicate: "short sections of hedgerow will be removed to improve access and facilitate the boundary fence erection."
 - It is stated that "Approximately 9 meters of hedgerow to be demolished to form the Solar Farm entrance on Greete Road".
 - It is clearly stated by the Wildlife and Countryside Act 1981 that it is illegal to remove all or part of native hedgerows if they contain protected species and are over 30 years old. All the hedgerows are over 60 years old.
 - Any hedgerow over 30 years old is protected (therefore unlawful to remove) if it's on land used for agriculture or forestry. This applies to the hedge referenced above, including all others within the site.
 - The Wildlife and Countryside Act 1981 states that it is illegal to remove any hedgerow over 30 years old that contain Protected Animals. The Protected species below are contained within the hedge in question and the other hedges on site. These are - Bats, butterfly Large tortoiseshell, Butterfly small blue, Butterfly High Brown Fritillary, Butterfly wood white, Dormouse ,Spider ladybird, common toad , frog , hare, Hedgehog.
 - This hedge marks the boundary of Brook House Farm Estate and looks to be related to Lower Cottage, this cottage that was in existence before 1600, therefore it would be unlawful to remove any of this hedgerow.
 - Bluefields is stated in their data that they will be using existing hedgerow gaps for their machinery. There are no hedgerow gaps present on this land.
 - Hedgerows are a vital part of the ecosystem. The idea that Hedgehogs, bats, door mice and other protected small mammals would survive the destruction of their natural hedgerow/field habitat, and find their way through 135 acres of weed killed, panelled fields via a "conservation corridor" to a designated biodiversity field that Bluefield's intend to create, is heavily doubted.
 - There is no mitigation for the wildlife habitats currently in those hedgerows; the hedgehogs etc. These species will likely perish.
 - The Council must take these laws regarding hedges into account as part of their assessment of the application.

5. Conclusion:

- i. Drawing together the above, it is considered that there is insufficient information in respect of the archaeological significance and interest on the site, as well as very limited consideration given the properly assessing the cumulative impacts on the

landscape character of other future large scale solar farms in the local area. Further clarification should be sought in respect of protected species, particularly in regard to Housemartins and the impacts due to the extent of hedgerow removals as a result of the proposals. The development would result in the loss of best and most versatile agricultural land, and there would be harmful adverse impacts on designated heritage assets and highway safety.

- ii. We respectfully request that planning permission be refused for this development.

GPM has asked that they be kept informed of how any decisions will be made for this application, noting that they have been advised that the decision date has been delayed until 20th September 2022. They welcome opportunity to consider and comment further on any new information provided by the applicants prior to any decision being made by the Council.

Yours sincerely,
Simon Rees BSc, MA, MRTPI (Director)
AddisonRees Planning Consultancy Ltd
Email: Simon@addisonrees.co.uk
Phone: 07791163311

RESPONSE OF GREET PARISH MEETING TO APPLICANT CLARIFICATIONS 12/9/22

Regarding the Brick House Solar Farm proposal 22/02565/FUL in Greete: Greete Parish Meeting (GPM) attach their Official Letter of Objection, and underneath, a response to Bluefields' (BF) recent update briefing to you.

Although the two letters below deal with the above application it must be added that The "Cluster Effect" of so many applications, all in exactly the same area, Ledwyche, Pervin, Venns, Bleathwood etc, are of huge concern to many, due to the absence of laws in the current Sam Dev Policy, or draft of the New Shropshire Plan, to stop the growing queue of applications.

Please include the above in your consideration of this particular application which would be a large part of what is, fundamentally, one big Solar Farm application across this whole area of South Shropshire.

Kind regards,
Greete Parish Meeting.

Response to Briefing Update to Graham French

- i. BF: Solar farms currently account for 0.08% of total land use (Solar Energy UK 2022) Government targets for a fivefold increase in solar would result in 0.3% of the UK land area being used by solar (Carbon Brief, 2022). This is the equivalent to around half of the space used by golf courses.

GPM response: This is a clever but slanted statement: Bluefields refers to "total UK Land use". This proposal is about building on ARABLE LAND. The amount of arable land in the UK is in decline. It currently stands at 14.8

million acres, which is the lowest since World War 2. Arable Land is being taken out of cultivation at a rate of almost 100,000 acres per annum. GPM argues that it is for this reason that we cannot afford to lose this (and others) to solar due to both the crop growth, energy prices and Geo-Political issues.

ii. BF: Brick House is predominately grade 3B

GPM response: The word “predominately” is not appropriate. A “briefing” must be entirely precise and contain data. These are Bluefields own data in their original proposal:

SOIL

Grade 2 : 2.8%

Grade 3A 18.2%

Grade 3B 75.8%

These figures state over 20% of this 135 acre site is BMV land. This is before we get to the thorny issue of Grade 3b land which The Secretary of State for the Environment stated at a Parliamentary Committee “Grade 3b land is classified as best and most versatile”. Bluefields state that he is “incorrect”. Who says so ? Bluefields themselves? Or a third party? They must explain to the Council how they came to assert that on 29.6.22 George Eustice made an incorrect statement to a Parliamentary Committee. This soil grading is a key issue because the people that this Meeting represent simply do not believe the assessment that this land is sub-standard soil. Many of them and their forbears have productively farmed on those fields for many years so how can it suddenly be deemed “poor quality land”?

iii. Bluefields comments on the crop production on these fields with the following withering statement: Brick House is predominantly grade 3b and is currently used for growing potatoes supplied to McCains for oven chip production.

GPM response: This is wholly untrue. Potatoes are not grown on these particular fields, never have been. Here are pictures of barley and wheat grown in several of the fields in question taken in the spring and summer of this year. The Greete Parish Meeting understands that Bluefields needs to make reductive statements such as the one above in order for The Council to look favourably on their proposal, but ultimately it must be about the facts, not spin.

iv. BF: Food Security and Solar: “Record gas prices are driving the cost-of-living crisis, causing real harm to customers and the wider economy. As well as doing everything we can to protect customers now, we must diversify Britain’s energy supplies away from gas as soon as possible. Recent months have demonstrated that the arguments for boosting our energy security and building a home-grown supply have never been stronger. The economics of energy have fundamentally changed with green energy no longer a desirable but costly alternative, instead, it is now the secure, more reliable, and cheaper option.” Jonathan Brearley, Chief Executive of Ofgem, Net Zero Britain, Ofgem July 2022”

GPM response: The Soil Association says: “In order to ensure healthy and resilient food and farming systems in the UK, we must become more self-sufficient in delivering

what the population needs for a healthy diet.” The Soil Association web site, September 2022

- v. BF: Preferred access route for HGV’s from north - 40 HGV’s in total at a maximum of 4 a day.

GPM response: GPM note this figure has up from 4 HGV’s a day originally, then to 60x2 HGV’s a day and now back down to 40. GPM conclude from this that Bluefields know this construction plan is unworkable on 2.4 mile long / 3.5 m wide single track. They are now considering widening the track, which will mean bulldozing the hedgerows, which, as the Council knows, is illegal.

- vi. BF: “currently 500 solar farms...often built with single track access“

GPM response: This statement bears absolutely no relation to this proposal. Solar Farms are different sizes - this one large, and geographical lay-outs are obviously completely different. There is still no further information of where the Off-Site location will be, only that it will be West of Caynham, exact location to be confirmed quoted from their original Construction Management Plan(CMP). Bluefields state that Up to 80 construction workers during peak times will be used. This appears to have gone up from 60 in their original CMP. The transport needed for such a number is significant. The GPM has now re-read The Construction Management Plan. GPM urges the council to do the same. It is physically impossible to carry out its remit on Greete Lane and the surrounding areas. The Highways report is not accessible on the Council’s portal.

- vii. BF: Bluefields solar and Biodiversity section: “resting the land”

GPM response: Bluefields make this sound as if BF are bestowing the greatest of gifts upon nature. The truth is this proposal would mean the land would be degraded with little potential for biodiversity. The likelihood of it recovery after 40 yrs is small, it would take at least ten further years to grass, if at all. The grazing, the breeding boxes and hedgerow management is all tokenism. It in no way compensates for the lost potential of the land. The pictures in the “Brief”of sheep grazing on fields, though a good marketing ploy, is again spin. A local sheep farmer who has farmed on this local land all his life, said “If my sheep got in their they’d chew through the plastic of these wires underneath the panels, they’d be dead in a day”. Bird and bat death are common in solar farms such as the one proposed as they mistake the glass for water.

- viii BF: Bluefield will own and operate the solar farm and is committed to delivering biodiversity benefits across all its solar projects throughout their operational lifetimes.”

GPM response: Bluefields cannot guarantee this over the 40 year life of the project. The assurances given here are entirely unenforceable. Bluefield might decide to sell the site. In any event the ownership and management of the company is bound to change with time and different priorities will apply.

In the end Graham, the practicality (leaving the financial implications to one side) of all the above boils down to two things: Soil and Access. They are at the very heart of whether this application should be granted, or not.

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Committee and date
Southern Planning Committee
20th September 2022

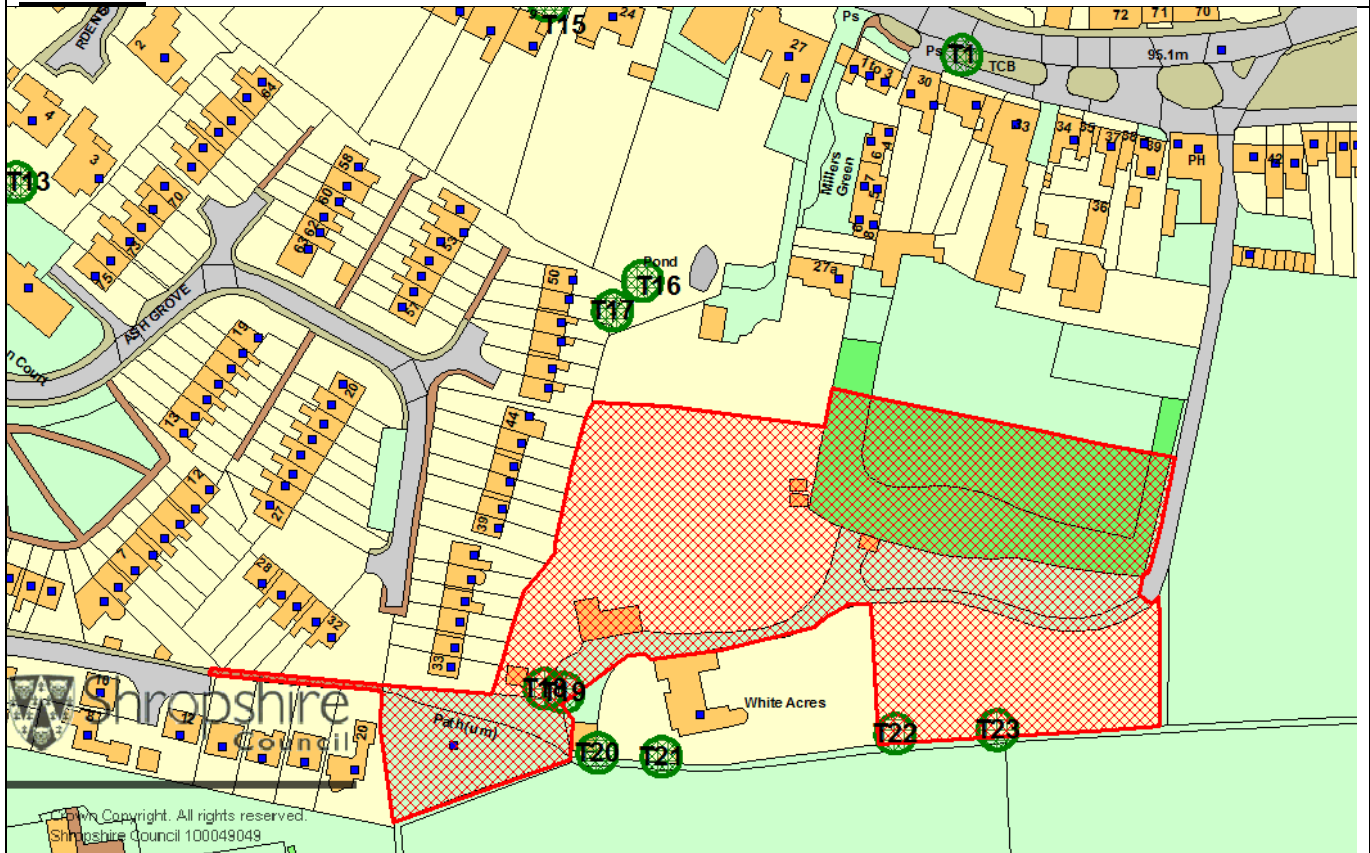
Development Management Report

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

Summary of Application

Application Number: 21/05665/FUL	Parish:	Albrighton
Proposal: Erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house		
Site Address: Land To The East Of Garridge Close Albrighton Shropshire		
Applicant: Shropshire Homes Ltd		
Case Officer: David Jones	email	: david.jones@shropshire.gov.uk

Grid Ref: 381296 - 303865



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

REPORT

1.0	THE PROPOSAL
1.1	This is a full application for the erection of 24 residential dwellings and associated parking/garaging access road and open space.
1.2	The existing bungalow, Whiteacres, is to be retained and does form part of the application site, but a second adjacent bungalow, garage and pool house to the north of the Whiteacres, will be demolished.
1.3	The 24 new dwellings will comprise a mixture of bungalows, two storey dwellings and three storey apartments as follows:
1.4	<ul style="list-style-type: none"> • 3 one-bedroom terraced bungalows which are proposed to be affordable in tenure. • 2 three storey apartments containing 8 two bedroom and 4 one-bedroom units (12 units in total). • 3 three bedroom detached bungalows. • 6 four-bedroom detached dwellings.
1.5	Material finishes comprise facing brick, render, stone banding, grey concrete roof tiles, UPVC windows, with some houses having hipped roofs, porches and gable end chimneys.
1.6	Access to the development would be along the public highway through Garridge Close. A new vehicular access road including a footway is proposed along the existing tarmacked private drive serving the last four properties at the eastern end of Garridge Close.
1.7	The existing vehicular access to the site is through a relatively narrow gap between two buildings on Albrighton High Street which then follows a track which forms part of the route of a public right way. This will be closed off for vehicular traffic from the development but pedestrian access for the development and from Garridge Close will be retained.
1.8	Open space will be provided in three parts with the largest extending along the eastern and southeastern boundaries of the site adjacent. On-going maintenance of these areas be undertaken by a private management company which would be secured by way of a legal agreement.

1.9	The discharge of surface water will be controlled through a Sustainable Urban Drainage System (SUDS). Plots 1-3 will be served by soak-ways as porosity is available in this part of the site. The remainder of the development will drained using an attenuation pond with controlled discharge to the existing public surface water sewers in Garridge Close. The attenuation pond will be managed by a management company and with the remainder of the surface water system offered for adoption by the water authority as part of the public sewer. The access roads will be offered for adoption by the Local Highway Authority and will include all road gullies and any highway drainage.
1.10	Foul drainage will be discharged directly into the existing public sewer via an adopted pumped main (though plots 1-3 will be gravity fed).
	The application is accompanied by a Design and Access Statement, Tree Condition Report/Arboricultural Impact Assessment/Root Protection Areas Method Statement, Soakaway Design, Ecological Appraisal, Highway and Transport Report, Heritage Impact Assessment, Flood Risk and Drainage Assessment, and a Biodiversity Metric Report.
1.11	The application is accompanied by a Technical Note on highway advice which confirms that observations have been made both during the day and at a time leading up to the opening of the primary school adjacent (8 am-9 am).
1.12	A policy note is also included with the application which specifically address the mix of housing proposed with the planning application. This explains how the mix meets the requirements of the retirement age population which the development is intended to service in compliance with policy S1.1a of the SAMDev and Policy ALB1 of the Albrighton Neighbourhood Plan Light (2013). On this basis it is stated that the proposal meets the requirements of Policy MD3 of the SAMDev by ensuring that the mix and type of housing proposed has regard to local evidence and community consultation.
1.13	In the course of processing the planning application the application was amended twice and these changes were consulted and publicised. The main changes were to a number of house types, the position of the foul pumping station and other changes there were various amendments to address the comments of consultees.
2.0	SITE LOCATION/DESCRIPTION
2.1	The site extends to approximately 1.5 ha (3.65 acres) in total and slopes very gradually down from west to east. It is currently the extended garden to the property known as Whiteacres and includes a significant number of trees and grassed areas. It is a fairly secluded site with a long narrow tree lined vehicular access commencing from between two properties on the High Street to the north. It also includes strip of land connecting the main part of the site to Garridge Close to

	the west which comprises a residential cul de sac through which the new vehicular access to the development is proposed.
2.2	The highway through Garridge Close commences from a junction with Newhouse Lane to the west where it is initially tarmacked and has pavements either side. Thereafter it becomes a shared surface access finished with brick pavements and having double yellow lines on the northern side. This part of Garridge Close forms part of the adopted public highway. At the eastern end of Garridge Close there is a tarmacked private drive serving the last four properties at the end of Garridge Close which is demarcated from the bridleway with a timber knee rail type fence.
2.3	There are also residential areas at Ash Grove to the west and other properties to the north. There are open fields to the east forming part of the conservation areas and to the south which form part of the greenbelt. Albrighton Primary School and Nursery is located immediately to the south of Garridge Close on Newhouse Lane which forms a junction in proximity to the north with Cross Road.
2.3	Within the boundary of the existing plot at Whiteacres there are currently two properties located towards its eastern end, including the main existing dwelling, a bungalow, Whiteacres, which is excluded from the application site and is to remain, while the other bungalow and its garage and a pool house are to be demolished.
2.4	There is a bridleway that runs from the end of Garridge Close which then extends along the length of the southern boundary of the application site and onwards east. The existing access at the eastern end of the application site also forms the route of a public footpath that extends south from the High Street along the eastern boundary of the site and then onwards to the south west onto Newhouse Lane.
2.5	The north-east quarter of the site falls within part of the Albrighton Conservation Area which extends to the north and east of the site.
2.6	The site is heavily treed, with a variety of mature and younger deciduous and evergreen trees, woody shrubs and hedges being present. There are also tree preservation orders designated on the site.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	Although the development is compliant with relevant development plan policies, the Parish Council has objected to the application and having been considered by the agenda setting meeting the application is being referred to the Committee for determination.
4.0	Community Representations
4.1	Consultee Comment

4.1.1

Albrighton Parish Council

20.12.2021 Both the SAMDev Plan (2015) and the Albrighton Neighbourhood Plan (ANP) Light (2013) state that this site should be used to deliver:

"housing that is capable of occupation by people of retirement age. A proportion of one and two bed units is sought within the development."

It is unfortunate that the wording of the policy is not succinct and is open to interpretation.

However, within the explanation notes of Policy S1: Albrighton Area of the SAMDev Plan, at paragraphs 4.4 & 4.5 it sets out the evidence that Albrighton has an ageing population "that is mismatched with a housing stock dominated by family housing."

Policy ALB2 (ALB2a) States: "The land at White Acres is allocated for small scale residential development. These dwellings shall be in the form of a housing scheme appropriate for people of retirement age".

It is clear that the aim and objective of these policies is to use this site to accommodate some of Albrighton's ageing population, giving them the opportunity to move to smaller accommodation within the Village. This would then free up vacated larger, under occupied houses within the village for families to move in to.

Although it is accepted this proposal allows provision for more 1 & 2 bed dwellings than the previous proposal (20/03508/FUL). The proposed Site Layout Plan demonstrates that the vast majority of the land area of the site is to be occupied by larger homes.

Therefore, the ratio of smaller dwellings compared to the number of larger homes, when viewed through land area, is disproportionate and unacceptable. The Parish Council accepts that the larger houses will be built to 'Lifetime Homes Standard' indicating that these could be occupied by people of retirement age.

However, the reality is it is unlikely that people of retirement age will want to move from one large dwelling to another. Therefore, the Parish Council believes the proposal is contrary to the aims and objectives of the relevant planning policies including SAMDev Policy S1 and ANP Policy ALB2

The application proposes a total of 24 new dwellings to be built on the site, yet the local plans clearly state the site has provision for 20 units. Therefore, the Parish Council considers this application to be an overdevelopment of the site.

The Parish Council also has grave concerns regarding the amount of traffic that will be generated by the development using Garridge Close and its effect on highway safety and the free flow of traffic.

The applicant cites planning application 19/02785/REM as evidence that there was always an intention to extend Garridge Close. However, this application was for a small extension of the road to accommodate three small dwellings and not for a road to service a further 22 dwellings (including White Acres) which would be the case if this application was approved.

Garridge Close has no dedicated footpath resulting in pedestrians and vehicles sharing the same surface. It is highly likely that the level of proposed develop will significantly increase the volume of traffic using this road.

This is exacerbated by the number of larger dwelling proposed which are likely to generate more vehicle trips. As a consequence of pedestrians and the larger number of vehicles sharing the access to this road, the development is likely to have a detrimental effect on highway safety.

This is intensified at School pick up and drop off times as the road is extensively used during these times by parents parking their cars. The nearby former Sports and Social Club is at present used by parents for informal parking. However, if the proposed redevelopment of this site into residential accommodation is approved this parking area will cease to exist, putting additional pressure on Garridge Close and further endangering highway safety.

The increased traffic volume will also have an unacceptably adverse effect on the amenity of the existing residents of Garridge Close through noise and nuisance.

The Parish Council respectfully asks that this application is refused for these reasons.

04/07/2022 Thank you for re-consulting us regarding the amendments to the original application. APC maintains all its reasons for objection from the first consultation and is disappointed that none of the reasons for objection have been addressed by the Developer. APC would also like to point out that since the former Sports and Social Club has now been granted outline planning permission for conversion to residential use, the parking in Garridge Close at school pick up and drop off times has got substantially worse. We would request that an updated traffic survey be carried out, to take account of the change in circumstances.

02/08/2022 Albrighton Parish Council notes the change in location of the pumping station. This minor change does not alter or stance of objecting to this development as planned.

4.1.2

Councillor Nigel Lumby

20/12/2022 Neutral This application follows on from the previous application 20/03508/FUL which I spoke against, as the ward councillor at South Shropshire Planning Committee. That application was refused.

A number of issues I raised have been addressed-

1. The pond has gone, which means that all space is usable
2. The large properties have been moved from the South aspects. This means that the trees on that line have more chance to survive as they will have less impact on persons living in apartments
3. The ratio of 1-2 bed dwellings compared with overall has gone from 7 out of 18- 38% to 15 out

of 24- 62%. This may be seen to represent a bigger 'proportionate' amount of the type envisaged in Samdev plan

4. The dwelling design is now more in keeping with the neighbourhood. The apartments are now three story, however the top story are built into the eaves, lessening the impact. Three story apartments/houses can be found nearby in the conservation area in the High Street, opposite the chemists and next to the Harp.

5. Removal of 5 bed dwellings and their multi vehicle issues. However, this redesign has created a greater strain on the limited access to the site. I have always accepted that Garridge Close is the proposed access to the development land identified in the Samdev plan. I appreciate residents in Garridge Close, some having been there the whole 20 years, do not. Working on 2 cars per household, using parking space requirements, that's 36 cars on the old application and 48 on this new one. Representing a 33% increase in potential traffic, another 12 cars. Can the issues of Garridge Close be mitigated?;

1. Parents parking to drop off/ pick up children at start and end of school day to primary school around corner (Newhouse Lane), where existing residents of Garridge Close say they create bottlenecks, blockages and a dangerous environment for young pupils in the road. I remember the planning officers at the last committee saying that any identified issues around poor parking are a matter for enforcement. However I believe the best way to mitigate is to use planning/CIL to design out the issue. Could consideration be given to stepping out the kerb into the road to make parking on Newhouse Lane immediately by the junction inappropriate to remove the space. Or consideration to double yellow lines on the junction, which are easier to enforce than proving inappropriate parking is an obstruction. Or a safety fence on the pavements by the junction, which would make it safer for children and again discourage parking.

2. Permanent parking or vehicles on the right of Garridge Close at its narrowest section, rendering a large section very narrow, one car width wide. The parked vehicles are in the main owned by residents of Ash Grove who have put non-authorized gates in the fence of their rear gardens that abut Garridge Close. This part of Garridge Close has no footpath or indicated part of the road as a footpath.

	<p>This permanent narrowing could be mitigated by parking restrictions which would make it unattractive to park in Garridge Close and would open up the road. i.e. 7-7pm. 1-hour parking. Mon-Sat. This means that overnight parkers would need to have removed their cars by 8am and would discourage parking on return from work without having to move them again. This would free up the road and whilst not the intent, may provide short term parking for parents dropping off. Parking that is soon to be lost on the social club site, where parents have traditionally parked for years.</p> <p>The traffic survey supplied by the applicant misses the points above. It calculates expected use at peak times and others but does not consider the junction at school time or the reduced width of the road by parking.</p> <p>This creates a dilemma for me. This proposal offers more to Albrighton in relation to sought after 1-2 bedroom properties for retirees and perhaps younger persons. If this is rejected, we are back to the appeal of the original plan, which if successful was of no benefit to the target group as per SamDev or younger persons seeking apartments.</p>
<p>4.1.3</p>	<p>Drainage & SUDS</p> <p>15.12.2021 The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.</p> <p>All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.</p> <p>Comments:</p> <p>The drainage layout and design are acceptable.</p> <p>Confirmation is required of the drainage system extents to be offer for adoption as part of the S104 agreement and whether the swale will be included. Should the swale not be included, a proposed maintenance regime, including details of who will take responsibility, should be submitted for approval to ensure that the system remains in good working order throughout its lifetime.</p> <p>It is strongly encouraged that the swale is offered for adoption as part of the S104 agreement.</p> <p>28/07/2022</p> <ol style="list-style-type: none"> 1. The revised layout has resulted in a slightly lesser drained area to the attenuation pond therefore the proposals are acceptable. 2. Further to our comments dated 15/12/22, confirmation is required of the drainage system extents to be offer for adoption as part of the S104 agreement and whether the swale will be included. Should the swale not be included, a proposed maintenance regime, including details of who will take responsibility, should be submitted for approval to ensure that the system remains in good working order throughout its lifetime.

	<p>It is strongly encouraged that the swale is offered for adoption as part of the S104 agreement.</p> <p>03/08/2022 No further details regarding the adoption or maintenance of the drainage system or swale have been provided to satisfy our comment 2 dated 28/6/22.</p>
<p>4.1.4</p>	<p>Design Out Crime Officer West Mercia Police</p> <p>20.12.2021 I comment on this proposal as Design Out Crime Officer for West Mercia Police.</p> <p>I refer to my comments dated 09/10/2020 concerning a previous planning application for this site. From reviewing the current application it would appear that none of my concerns as detailed below have been addressed. There were also a number of objections from local residents who shared the same concerns. Although this is a new application for more dwellings my concerns remain the same.</p> <p>Having reviewed the plans provided and having made a visit to the site I have concerns with regard to the point of access onto the new proposed development. This access road currently serves a number of dwellings that are open fronted with direct access onto the existing road. Existing dwellings have off road parking but at the time of my visit there were a number of vehicles parked along the road that restricts the road width. There is also a public footpath that edges the road. I have been made aware that the local residents have not been canvassed by the developer to gain their views and concerns. This will have a major impact on those dwellings and residents and their concerns should be listened to. I note that there are a number of objections from local residents who are concerned about traffic flow, on road parking, child safety and the area being used as a drop off and collection point for children attending a local school. I agree with their concerns and would ask that consideration is given to the comments made during the decision making process.</p> <p>Therefore, should this proposal gain planning approval the below advice should be considered by the developer.</p> <p>The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. Secured By Design is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The opportunity for burglary offences to occur can be reduced by up to 87% if Secured By Design is achieved. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.</p> <p>Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must</p>

	<p>be shown to have been manufactured to a design that has been tested to an acceptable security standard.</p> <p>In recent times there has been a tendency to install thumb turn locks on front doors. This type of locking device should only be considered when the lock cannot be easily seen from the outside, any glazed panels are fitted with laminate glass to standard PAS24:2016 / STS 201 and a deflector is fitted to the inside of any letter box opening. Thumb turn locks should never be considered for rear doors if they are half glazed and the internal thumb turn can be easily seen from the outside. This will increase the potential for burglary and other offences to occur. The principles and standards of the Secured By Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com</p> <p>During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.</p> <p>29/06/2022 I refer to the comments made for a previous application. My comments remain unchanged and reflect the concerns of local residents. I copy my original comments as below.</p>
4.1.5	<p>SC Parks and Recreation</p> <p>17.12.2021 Under Shropshire Councils SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.</p> <p>2. The types of open space provided need to be relevant to the development and its locality and should take guidance from the Place Plans.</p> <p>3. All POS provided must be useable space and therefore should not include LPG stations, swales, water basins or attenuation pools.</p> <p>4. The ongoing needs for access to manage open space must be provided for and arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council.</p> <p>31/03/2022 I can confirm that I am happy that the public open space is suitable for the development intended.</p>

4.1.6

SC Ecology

26.01.2022

RECOMMENDATION:

Conditions and an informative (detailed below) are recommended to secure biodiversity mitigation and enhancement, in accordance with the NPPF, MD12 and CS17.

Comments

I have reviewed the submitted Ecological Appraisal and am happy with the survey work undertaken and agree with the conclusions and recommendations. Conditions are recommended to secure the protection and enhancement of biodiversity.

Biodiversity Metric

The applicants have submitted a biodiversity report alongside a Biodiversity Metric Calculator (excel spreadsheet) to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development. The report and spreadsheet are very difficult to cross reference as habitats within the report (or shown in the habitat plans) are not the same as those entered into the spreadsheet. It would assist if there was a habitat plan, both before and after development which accorded with the habitats as entered into the spreadsheet. In this way, the accuracy of the final biodiversity score could be evaluated.

In the absence of this information, I have however, annotated the submitted spreadsheet with some comments (sent separately) however, it is not clear whether the site delivers net gain, or indeed, secures no net loss of biodiversity at this time, in terms of purely habitats. There appears to be a net gain in hedgerows across the site, which is welcomed, but not to the degree purported.

To mitigate for biodiversity loss, or indeed to improve on a positive net gain score, I recommend that features for biodiversity are incorporated into the scheme, to provide habitat for birds and bats and to provide connectivity for hedgehog. A condition to secure such features is recommended.

Recommended Conditions

Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority), an appropriately qualified and experienced Ecological Clerk of Works (ECoW) shall be appointed to ensure that the Working Method Statements, as set out in sections 6.3.2 and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021) are adhered to.

Reason: To secure appropriate working methods to ensure the protection of bats and great crested newt which are European protected species.

Prior to first occupation, the ECoW shall provide a report to the Local Planning Authority demonstrating implementation of the Working Method Statements as set out in sections 6.3.2 and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021).

Reason: To demonstrate compliance with the Ecological Appraisal Working Method

Statements to ensure the protection of bats and great crested newt which are European protected species.

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

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

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

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

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

- a) Description and evaluation of the features to be retained, created and managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

No development shall take place (including demolition, ground works and vegetation clearance) until a biodiversity features plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- a) Location and specification for the erection of a minimum of six bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes).
- b) Location and specification for the erection of a minimum of six bat boxes suitable for crevice dwelling bats.
- c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.

Reason: To secure features for biodiversity as part of the development in accordance with MD12, CS17 and section 174 of the NPPF.

Recommended Informative

The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird

nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. [Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.] Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at

<https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>

If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

03.03.2022 Comments

Since my last comments dated 24 January 2022, revised/additional information has been submitted demonstrating qualitative and quantitative changes to biodiversity calculated for habitats (area) and hedgerows using the DEFRA biodiversity metric. This was in response to my previous comments that the submitted information made it difficult to conclude one way or the other whether the development demonstrated at least a no net loss of biodiversity, or indeed a net gain.

Biodiversity Metric

The applicants have submitted a biodiversity metric report (ref: 20-02-027-82MR dated 16 Feb 2022) alongside a Biodiversity Metric Calculator (excel spreadsheet) (dated 15.02.2022) to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development.

I have analysed the submitted spreadsheet and updated it with my views on the existing and proposed habitats. For transparency, I have added reviewer comments to justify changes I have made. Of note is the addition of 'urban trees' in the baseline which was not included in the applicant's spreadsheet, to take account of the tree loss outside of areas already counted by being classed as 'woodland'.

My calculations conclude that there will be a net gain in hedgerows across the site in the order of + 114.75 %, which is welcomed, although the hedges created will be small and narrow and not wide and tall hedgerows of most value to wildlife, however, it is still a substantial net gain. There will, however, be a substantial loss of habitat (area) in the order of -68.86%. This reflects the loss of many trees across the site which the tree team have expressed their concern about and whose comments I support.

I recommend seeking the retention of more trees (and hence habitat area) within the scheme, to mitigate for biodiversity loss, however, if this is not possible, then a balanced planning decision should be made to demonstrate that the loss of trees and biodiversity are outweighed by the benefits of the scheme. It may be the case that offsetting (tree planting) may be required, as also supported by the Tree Team in their comments.

The incorporation of features for biodiversity into the scheme, to provide habitat for birds and bats and to provide connectivity for hedgehog may also go some way to offset impacts to biodiversity, as well as the hedgerow gain, however, even taken account as a whole, I would conclude that there would still be an overall substantial biodiversity loss, as a result of the proposed development.

03 March 2022 Please see my latest comments after having carefully considered the submitted biodiversity metric calculator.

As you'll see, my conclusion is that there is a substantial loss of biodiversity (-68.86%) rather than the net gain in area terms the applicant's spreadsheet concluded. I also attach my version of the calculator for transparency together with my reviewer comments.

There will be a net gain in hedgerows, though as noted in my response, these will not be high and wide hedgerows but small managed hedgerows within built development so of lesser value for biodiversity, however, their condition is taken account of in the calculator, so there is a gain.

07/09/2022 No objection

COMMENTS:

Since my last consultation response on this application revised/additional information has been submitted demonstrating qualitative and quantitative changes to biodiversity calculated for habitats (area) and hedgerows using the DEFRA biodiversity metric. Further discussions have also taken place with the applicant to retain as many trees as possible, as well as incorporation of habitats of value for biodiversity within the site itself.

The applicants have submitted an updated biodiversity metric report (ref: 20-02-027-82MR dated 9 June 2022) alongside a Biodiversity Metric Calculator (excel spreadsheet) (dated 29.07.2022) to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development.

It is concluded that, without compensation off-site, that there will be a net gain in hedgerows across the site in the order of + 114.75 %, however there will be a substantial loss of habitat (area) in the order of -68.86%.

	<p>In accordance with the mitigation hierarchy, off-site works have been identified and agreed to take place at Donnington and Albrighton LNR, which is within the same settlement as the application, to compensate for the loss of biodiversity on the development site.</p> <p>I therefore have no remaining objection to this application on ecological grounds, subject to a suitable developer contribution and agreement to compensate for the loss of biodiversity on the site, in accordance with SC policy MD12 and the NPPF.</p>
4.1.7	<p>SC Conservation (Historic Environment)</p> <p>31.12.2021 A small parcel of the site towards the north partially falls within the Albrighton Conservation Area, where Grey House and 31 High Street and their respective curtilages extend southwards towards the site. The part of the site that lies within the conservation area consists of rough grassland and doesn't contain any heritage assets, though some non-designated heritage assets lie around the periphery of the site including Albrighton Hall and its associated historic grounds. There are no principle objections to the demolition of the existing bungalow and garage that dates from the 1960s, where it is noted that Whiteacres shall be retained. The site is covered by trees and vegetation, especially to the north of the site. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).</p> <p>It is noted that the site is allocated in SAMDev that forms part of the Shropshire Local Plan (allocated site ALB003) and has been subject to pre-application discussion (PREAPP/20/00068) and a previous planning application 20/03508/FUL that was refused by the south planning committee. The following comments are taken from the 2020 proposal and has been slightly modified as follows:</p> <p>The submitted HIA by Pat Frost of Castlering Archaeology is noted where it states that the proposal has 'no adverse impact' where it would not detract from the existing conservation area where some listed buildings are present, along with Albrighton Hall and its historic curtilage/grounds which is classed as a non-designated heritage (as defined under Annex 2 of the NPPF), where it is deemed that there is no intervisibility and therefore neutral impact. This has been supplemented by an HIA by Berry's that states a similar conclusion with regards to potential impact. There is concurrence with these findings where it is considered that the overall conclusion is that the proposal consists of 'less than substantial harm' as defined under paragraph 202 of the NPPF, albeit it leans towards the lesser end of the spectrum, where this very much depends on</p>

the retention of the existing trees on the site and to ensure existing screening is maintained and enhanced in order to mitigate against potential impact and retention of established character. The site plan in the proposed Design and Access Statement shows retention of trees to the north of the site which is important especially with regards to retaining a degree of separation to the listed curtilages of 31 High Street and The Grey House. Currently the site feels very separate and detached from the village centre, where this sense of detachment should be retained as part of this development. It is noted that there shall be some open space, affordable housing and Lifetime Homes provision on this site where this needs to be flagged up in the Design and Access Statement to be considered as a 'public benefit' which should be addressed as part of addressing the paragraph 202 balance.

Whilst the general proposed design is generally fine taking account of the local vernacular with regards to architectural detailing (i.e. sash windows and segmented headed casements), previous discussion has been made with regards to the proposed housing types where the Principal Planning Officer highlighted concern with the apartment blocks being three storeys where this has now been reduced to two storeys which is supported, though it is encouraged that the upper storey windows should be reduced in size.

No objection subject to proposed amendments as recommended above, where the details of the proposed boundary treatments (use of brick walls and metal estate fencing) are noted, where there are no principle objections subject to conditions with regards to joinery details and all external materials and finishes (samples etc).

10.03.2022 These comments supplement those previously submitted on 31.12.21 where there is no in principle objection. SC Conservation had the following queries (clarification and recommended amendments)

- Reduce the proposed window size openings for the upper storey dormers, and
- Proposed boundary treatments with the recommended use of brick walls and metal estate fencing.

The revised elevation plan (178(2)/P09 (Rev B) is noted where the revised dormer windows are noted, where it is considered that the amendment is satisfactory. There is no clarification regarding the boundary treatments, though they are noted on the proposed site layout plan (178(2)/999/1004 (Rev), though it was subsequently accepted that this could be controlled by way of a planning condition.

05/07/2022 These comments supplement those previously submitted on 31/12/21, where the principle recommended amendment is that of the upper storey dormer windows to the apartment blocks and the need to reduce these. It is noted that the position of the swale fence has been amended.

	<p>No further comments, where previous comments still stand.</p> <p>28/06/2022 No further comments.</p>
4.1.8	<p>SC Archaeology (Historic Environment)</p> <p>09.12.2021 We have no comments to make on this application in respect of archaeological matters.</p>
4.1.9	<p>SC Highways</p> <p>09.02.2022 Further to the recent exchange of emails regarding the above mentioned planning application. Shropshire Council as Highway Authority have now had an opportunity to consider the details submitted and raise no objection to the granting of consent. Concerns have been raised with regard to the suitability of Garridge Close to accommodate the additional vehicle movements likely to be generated by the proposed development. Whilst Garridge Close appears to be a shared surface, it was originally constructed with the intention that future development would take place. Therefore, on that basis, it is considered that based on the proposed scale of the development the impact on Garridge Close would not be severe and therefore a Highway objection to the granting of consent cannot be sustained.</p> <p>The applicant's attention is drawn to the proposed "no-dig" construction, and that a commuted sum may be required to ensure this section of highway can be maintained appropriately, this can be secured through any future Section 38 agreement. Consideration should also be given at an early stage to the location of any streetlighting columns to ensure that access to allocated parking specifically Plots 13 to 24.</p> <p>It is recommended that a condition requiring the applicant to submit a construction management plan prior to commencement to minimise the impact on Garridge Close. Suggested wording is as follows;</p> <p>1. Construction Traffic Management Plan (CTMP)</p> <p>No development shall take place, including any demolition works, until a construction management plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. and shall provide for:</p> <ul style="list-style-type: none"> i. A construction programme including phasing of works; ii. 24 hour emergency contact number; iii. Hours of operation; iv. Expected number and type of vehicles accessing the site: <ul style="list-style-type: none"> · Deliveries, waste, cranes, equipment, plant, works, visitors; · Size of construction vehicles; · The use of a consolidation operation or scheme for the delivery of materials

- and goods;
- Phasing of works;
 - v. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - vi. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
 - vii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - viii. Locations for storage of plant/waste/construction materials;
 - ix. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - x. Arrangements to receive abnormal loads or unusually large vehicles;
 - xi. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - xii. Any necessary temporary traffic management measures;
 - xiii. Measures to protect vulnerable road users (cyclists and pedestrians);
 - xiv. Arrangements for temporary facilities for any bus stops or routes;
 - xv. Method of preventing mud being carried onto the highway;
 - xvi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

24/06/2022 Further to previous Highway comments submitted 9th February 2022, Shropshire Council as Highway Authority have now had an opportunity to review the revised details submitted. It is noted that the submitted Landscaping Plan Drawing number 178(2) 999 /1006 Rev D indicates that the proposed access road is to remain private. On this basis, Shropshire Council as Highway Authority continues to raise no objection to the granting of consent, subject to a planning condition being placed on any permission granted that requires a Construction Management Statement to be submitted for approval.

It is should noted that Drawing GC-SF-507: Rev A Surface Finishes Plan does not seem to reflect other details submitted and seeks to remove any footway provision within the site.

01/08/2022 On the basis that the proposed development is to remain private, Shropshire Council have no further comments, but would recommend a planning condition is placed upon any permission granted that requires a Construction Management Plan to be submitted prior to commencement.

4.1.10	<p>Ramblers Association</p> <p>No comments received at the time of writing.</p>
4.1.11	<p>SC Rights of Way</p> <p>No comments received at the time of writing.</p>
4.1.12	<p>SC Regulatory Services</p> <p>29/06/2022 The plans indicate the siting of a small-scale foul sewer pumping station in close proximity to proposed housing, I would recommend that the applicant be required to submit a suitable noise assessment with respect to potential impact from the pumping station upon nearby dwellings.</p> <p>Given the scale of the development site and proximity of existing residential dwellings the potential impacts from noise and dust during demolition and construction phase will need to be appropriately considered in a construction management plan.</p> <p>28/07/2022 Further to liaison with the applicant and submission of the additional information concerning the foul pumping station Ref: SHL/FPS Response - Whiteacres , I confirm that I do not now consider it necessary for submission of a noise assessment.</p>
4.1.13	<p>SC Affordable Housing</p> <p>06/07/2022 The application site lies in an area where the prevailing target rate for affordable housing is 15%. Therefore, for a development comprising 24 dwelling there is a planning policy requirement for 3.6 of these to be delivered as affordable dwellings. This requirement translates into 3 affordable homes and a financial contribution for the remaining fraction. The application submission acknowledges the proposed provision of 3 x 1 bed bungalows; that meet Nationally Described Space Standards and therefore considered to be acceptable provision. These affordable dwellings are required to be delivered as one shared ownership and two affordable rented and subject to a S106 which maintains affordability in perpetuity and restricts allocation. The 0.6 financial contribution requirement would also need to be reflected within the S106.</p> <p>08.09.2022 I can that confirm that we would support the inclusion of 'affordable rented' and 'social rented' tenure, as these would be equally acceptable affordable housing tenures.</p>
4.1.14	<p>SC Learning and Skills</p> <p>No comments received at the time of writing.</p>
4.1.15	<p>SC Trees</p> <p>09.02.2022 I have reviewed documents and drawings submitted with this application and on behalf of Shropshire Council Tree Team I would like to comment on arboricultural aspects of the proposed development.</p> <p>The site comprises the large garden of an existing dwelling, Whiteacres (to be retained) a subsidiary bungalow (to be demolished), various outbuildings and an</p>

adjoining area of unused meadow to the north. That part of the site is located within the conservation area and six of the mature ash and oak trees along the site's southern boundary are protected under a Tree Preservation Order (TPO). The site is heavily treed, with a variety of mature and younger deciduous and evergreen trees, woody shrubs and hedges being present.

Part of the development proposals would entail switching the existing site access, which is along a single-track lane accessed through a narrow gap between properties on Albrighton High Street, to a new access to be created via an area of land to the west of the site, off Garridge Close. That land already has planning permission for the construction of three properties (ref: 14-03657-OUT and 19-02785-REM). The Tree Team does not object in principle to the proposed redevelopment of this site, providing the necessary and correct balance can be struck between the inevitable loss of some of the existing tree cover and the social and economic benefits of the development.

In considering this current application it is instructive to compare it to the previous application from the same applicant (ref: 20-03508-FUL), which was refused consent, contrary to case officer recommendation, on 25.06.2021. The reason given for refusal is as follows:

'Although the site is an allocated site (Site SB003 - Land at Whiteacres in the Shropshire Council Site Allocations and Management of Development (SAMDev) Adopted Plan (December 2015) and Site ALB002a in the Albrighton Neighbourhood Plan (ANP) 'Light'(June 2013)) for up to twenty dwellings, the development would be contrary to SAMDev Policy S1 and ANP Policy ALB2, in that it would not largely comprise appropriate housing for occupation by people of retirement age in accordance with the requirements of the SAMDev Allocated Sites' Development Guidelines and ANP Policy ALB2. It would also by virtue of its design, layout and loss of trees not adequately respect and enhance the character and significance of the Conservation Area and its setting, and would have an adverse impact on the trees and ecology on and around the site that would not be adequately mitigated. The development would as a result give rise to less than substantial harm to the significance of the designated heritage asset and would not give rise any to public benefits sufficient to outweigh that less than substantial harm. The development would also be likely to result in an unacceptable increase in the level of traffic on Garridge Close, as a result of the deviation from the envisaged type of housing. The development would therefore also not be compliant with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2, MD12 and MD13 and the NPPF.'

The refused application was for 18 new dwellings, comprising 3 terraced bungalows, 11 detached houses and 4 apartments. The apartments were in a single block on the northern side of the site, within the conservation area. By contrast, the current application is for 24 dwellings, comprising 3 terraced bungalows, 9 detached houses and 12 apartments. The apartments are now

proposed to occupy two blocks of 6 units each, located on the southern side of the site.

From an arboricultural perspective, the current arrangement is preferred, in the sense that the apartment blocks would be less visible from the rear of the existing residential dwellings to the north of the site, being moved to the opposite side of the development. The detached dwellings as currently proposed on the northern side of the site could be more readily screened by new tree planting, as part of an approved landscape scheme. In addition, the apartment blocks would be screened from the south to a reasonable extent by the existing mature trees, woody shrubs and hedgerow that form the southern site boundary. This arrangement also places the existing trees and hedgerow at this location on communal ground, rather than within private residential gardens, as was the case with the refused application. I consider that this should result in less pressure to excessively prune or even remove the trees, several of which are protected under a TPO.

Turning now to the detail of the impacts of the proposed development upon trees on the site. The submitted tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020) identifies a total of 142 trees, tree groups, woody shrubs and hedges within the site. Of these, 129 are early-mature, mature or older, with just 13 being classed as young. In addition, there are currently two standing dead trees within the site.

The final iteration of the refused application entailed the removal of 70 early-mature or older trees, tree groups and hedges, 61 of which were category 'B' and 9 of which were category 'C' or 'U'. All the TPO and category 'A' trees on the site were to be retained. (BS5837: 2012 - Trees in Relation to Design, Demolition and Construction classifies category 'A' trees as being of high quality with a remaining life expectancy of at least 40 years; category 'B' trees are of moderate quality with a remaining life expectancy of at least 20 years; category 'C' represents trees of low quality and category 'U' trees have less than 10 years life expectancy under the current land use).

The current application entails the removal of all the aforementioned 70 trees, tree groups and hedges, but in addition requires the removal of a further four trees (T44, T71, T72, and T76; although T72 is dead and can be discounted) and one further tree group (T132). I consider the majority of these additional tree removals to be of relatively minor significance, but the loss of tree T44, an early-mature, category 'B' walnut located towards the centre of the development, is regrettable and will, in my opinion, have a detrimental impact upon the appearance and quality of the proposed development.

The overall tree loss summarised above must be balanced against the proposed new planting to be carried out as part of an approved landscape scheme. The submitted Landscaping Plan (dwg: 178(2)-999-1006) shows 21 new standard sized

trees to be planted throughout the scheme. However, I consider that this number should be reduced to 17 through an amended landscape plan, because in my opinion some of the suggested tree planting locations are unsuitable, as follows:

Plots 4 and 6: two trees located too close to the detached garages - remove; Plot 7: tree located close to front of house – substitute for smaller variety eg Amelanchier variety (snowberry), or Prunus amanagowa (flowering cherry); Swale: two trees located too close to garages to plots 11 and 12 – remove; Either side of entrance to apartments parking area: fruit bearing trees located too close to (overhanging) parking bays – substitute for non-fruiting species eg Amelanchier variety (snowberry), or Prunus amanagowa (flowering cherry).

In addition to the above, I would recommend removing the suggested area of 'thicket / scrub mix' on either side of the bridleway east of the three bungalow units. There is insufficient space for additional tree planting here due to the presence of existing trees to be retained. The suggested thicket planting also falls under the canopy spread and within the root protection area of adjacent TPO trees and the competition with them should be avoided.

Aside from these points regarding the proposed locations of new tree planting, I note that specific details have yet to be provided regarding planting pit design and associated infrastructure. Further details will also be required as to the proposed methodology for wild flower seeding or planting, some of which is located within the root protection area of retained trees, so as to avoid any potential root damage during ground cultivation. These landscaping details could be provided under condition to any planning permission granted.

In terms of overall tree numbers, discounting young trees (taken to be of negligible amenity value) and taking account of those trees to be removed and the proposed new tree planting (17 trees not 21 as currently shown on the Landscaping Plan), the development as currently proposed will result in the net loss of 57 out of the 129 early-mature and older trees, tree groups and hedges on the site.

Turning to considerations of local plan policy, important trees and groups of trees qualify as a natural asset for the purposes of adopted Shropshire Council SAMDev Policy MD12 – Natural Environment. This policy encourages development that appropriately conserves, enhances, connects, restores or recreates natural assets. Development that will have a significant adverse effect upon a natural asset will only be permitted if it can be clearly demonstrated that there is a): no satisfactory alternative means of avoiding such impacts through re-design or relocation on an alternative site; and b): the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of avoidance then mitigation then compensation measures will be sought. An application should demonstrate that on-site mitigation or compensation measures are not feasible, before off-site measures will be

considered (such as tree planting, for example, towards compensation for unavoidable tree loss). Applicants may, where appropriate, make a contribution via a section 106 agreement to funds to support the conservation and enhancement of natural assets, including the planting of trees, woodland and hedgerows.

This approach is supported by SAMDev Policy MD2 (Sustainable Design), which at paragraph 3.8 states that ‘to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13.’

Section 3.12 of MD2 goes on to state that ‘new planting of trees, woodland and hedges should be incorporated to reinforce existing landscape features and will be particularly favoured in publicly accessible or visible locations within the site. Consideration should be given to the appropriate use of trees and plants, reflecting the character of the site and its context, including the use of native trees and provision of long lived, large canopied trees. Sufficient space should also be provided to safeguard existing vegetation where possible. Where the layout, density or design of development results in the loss of existing vegetation, suitable mitigation measures should be put in place on site, in the first instance, or through off site compensation measures where this is not possible, in accordance with the principles in Policy MD12 Natural Environment.’

My consultation responses to the previous refused application raised the issue of potential off-site tree planting, or financial contribution from the developer towards it, being employed to compensate for the substantial net tree loss resulting from the development as currently proposed, in accordance with SAMDev Policies MD2 (Sustainable Development) and MD12 (Natural Environment). In the absence of a reduction in the number of proposed dwellings in the current scheme, to allow the retention of more category ‘B’ trees and / or space for planting a greater number of new trees, I remain of the opinion that suitable compensation for this net tree loss should be secured, for example through a s106 agreement, as a prerequisite of planning permission. Subject to that caveat, I would recommend attaching the following tree protection and landscaping conditions, should permission for this current application be granted:

All pre-commencement tree works and tree protection measures detailed on drawing 178(2)-P-ARB and in the Arboricultural Method Statements and Tree Protection Plans contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas , Method Statement, Forester and Arborist Services Ltd, 09.01.2020) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

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

The development shall be implemented in accordance with drawing 178(2)-P-ARB and the approved Arboricultural Method Statements and Tree Protection Plans contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

All construction activities within the root protection area of protected trees T31 and T32, as identified in the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020), shall be undertaken in accordance with approved drawings 3454 Rev A, 178(2)-P-TPO1 and 178(2)-P-TPO2, under the supervision of and monitoring on site by the project arborist.

Reason: to ensure damage is avoided to important protected trees on the site.

No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:

- a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

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

The approved tree planting scheme shall be implemented as specified and in full prior to completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

03.03.2022 I can report that I consider your offer of £30,000 under a s106 Agreement towards restoration of the tree lined parade on Albrighton High Street to be acceptable from an arboricultural perspective. I consider that this would have sufficient public amenity benefit to compensate for the net loss of trees to development within the site (in conjunction with new tree planting as part of an approved landscape scheme within the site).

This therefore satisfactorily addresses the concern raised in my consultation response to the planning application of 9th February 2022. That response also contained recommended tree protection and landscaping conditions to be applied, should permission be granted. I stand by those recommended conditions. I would stress that this addresses the concerns I raised from an arboricultural perspective; there are of course numerous other material considerations to be taken into account which will have a bearing on the determination of the application.

07/04/2022 I have reviewed the amended Landscape Plan (178(2)-999-1006 REV B), amended Arboricultural Plan (178(2)-P-ARB REV B) and amended Arboricultural Impact Assessment submitted further to my previous consultation response (dated 9th February 2022).

I note that amendments have been made to the new tree planting proposals in terms of tree species and certain planting positions that largely address the concerns raised in my previous response. There remains one issue that has not been addressed on the amended Landscape Plan, in that the two trees proposed to be planted on the left and right hand sides of the entrance to the parking area between the two apartment blocks are still shown as rowan and crab apple respectively. These are perfectly acceptable trees in themselves, but since their canopies will overhang the parking bays closest to them, I would recommend substituting them for a species that, whilst bearing ornamental blossom, does not bear fruit and has a much more upright (less wide spreading) branch structure, such as the cherry variety Prunus manogawa. (A similar substitution has already been made in front of plot 7, for reasons of confined space). However, this is a

recommendation based on potential future nuisance issues and I would not see it as grounds for objection to the Landscape Plan.

As a final comment on the tree planting proposals, I note that plot 4 has been substituted for a different house type and garage arrangement, as a result of which I consider that there is now room for a suitable tree to be planted in the garden on the north side of the dwelling. This would not only add to the tree stock, but also serve as a useful visual screen between the rear of plot 4 and the front of plot 6 behind (north of) it. Of the planting palette included on the Landscape Plan, I would suggest a silver birch would be suitable.

Turning to the overall layout and design of the scheme, I note that the shape of the swale has been altered to allow retention of Tree 44 an early-mature walnut. I consider this to be a tree of high amenity value in a central location that will enhance the appearance of and add character to the development. However, reference to the amended arboricultural report (p28) shows this tree has potential to increase significantly in size and that its canopy starts at a height of 2m above ground level. The layout as currently proposed shows that the canopy of this tree extends on its west side over halfway across the access road serving plots 10 12, directly in front of plot 9 on the opposite side of this road. Given the low height of the canopy and the future growth potential, I would strongly recommend that the layout be further amended if possible, so as to create a greater distance between Tree 44 and the access road to its west. I would suggest this could perhaps be achieved by moving plot 9 slightly to the west and angling it slightly north-east to south-west, to align more with the garages to its north. This would allow the mouth and southern end of the access road to be shifted slightly further away from the tree. I hope that this suggestion could be put to the applicant for their consideration.

Subject to the points of detail regarding tree planting and site layout discussed above, I support the revisions put forward in the amended documents and would refer to my previous consultation response of 9th February 2022 for recommended conditions to be applied, should permission for this application be granted (although the reference numbers for the approved documents and drawings would need amending to reflect the current versions).

05/08/2022 I have reviewed the amended drawings submitted since my last consultation response of 14th July 2022 (which incidentally does not seem to have been registered against this application) and wish to provide further comment regarding arboricultural issues.

My consultation response of 14th July supported the revision of the layout so as to retain the walnut tree (T44) towards the centre of the site, but raised three specific points of concern regarding:

i) the different locations of the tree protection measures for T44 as shown on the Boundary Treatment Plan compared to the Arboricultural Plan;

- ii) the different locations of services to installed though the root protection area (RPA) of protected ash tree (T32) as shown on the General Arrangements Plan compared to the Works Near TPO Tree sheets 1 and 2;
- iii) the species choice for the new tree to be planted close to the north-eastern corner of plot 12.

Having reviewed the amended drawings, I can report that the latest revisions have addressed the concerns identified above. I therefore have no remaining objection to this application on arboricultural grounds, subject to suitable measures to protect retained trees from damage or harm during demolition and construction activities, implementation of an approved scheme of landscaping, and a suitable developer contribution as necessary and appropriate to compensate for loss of tree amenity on the site, in accordance with SC policies MD2 and MD12.

I would recommend attaching the following conditions, should permission be granted:

-All pre-commencement tree works and tree protection measures detailed on drawing 178(2)-P-ARB Rev D and in the Arboricultural Method Statements and Tree Protection Plans contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas , Method Statement, Forester and Arborist Services Ltd, 09.01.2020 [registered 13 June 2022]) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

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

-The development shall be implemented in accordance with drawing 178(2)-P-ARB Rev D and the approved Arboricultural Method Statements and Tree Protection Plans contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020 [registered 13 June 2022]). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

-All construction activities within the root protection area of protected trees T31 and T32, as identified in the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020 [registered 13 June 2022]), shall be undertaken

	<p>in accordance with approved drawings 3454 Rev A, 178(2)-P-TPO1 Rev B and 178(2)-P-TPO2 Rev B, under the supervision of and monitoring on site by the project arborist.</p> <p>Reason: to ensure damage is avoided to important protected trees on the site.</p> <p>·No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until full and final details of the landscaping scheme shown on the approved Landscaping Plan (178[2]-999-1006 Rev F) have been submitted to and approved in writing by the LPA. The final details shall be prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, and include details of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.</p> <p>Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.</p> <p>·The approved tree planting scheme shall be implemented as specified and in full prior to completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.</p> <p>Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.</p>
4.1.16	<p>Country Parks and Heritage Sites Manager (South)</p> <p>07/09/2022 I confirm that I am happy to accept the proposal for £20,000 payment to be made for management of Donington and Albrighton Local Nature Reserve. This will be as part of compensation works for proposed development work at Whiteacres, Albrighton. This was discussed at the recent Donington and Albrighton Local Nature Reserve management committee meeting (Emma and Bob are copied in)</p> <p>In terms of the Greenscape report, we can carry out the following recommendations at the nature reserve;</p> <p>Removal of variegated yellow archangel and cherry laurel from wet woodland</p>

	<p>The planting of scrub mentioned in the report will be carried out in conjunction with coppicing of willow trees. Without the coppicing, the young trees will struggle for light. The planting list will include other British native species, as well as those mentioned. We reserve the right to plant the scrub at areas of the reserve most suitable (using our discretion). Therefore, it will not be limited to those locations mentioned in the report. The increased light levels reaching the woodland floor will have benefits in terms of ground-flora, invertebrates and food webs</p> <p>Our management works will not include removal of daffodils. These have been planted by members of the community so, although non-native, they have cultural and aesthetic value</p> <p>In summary, I am confident that the biodiversity of the nature reserve can be improved considerably, using our local ecological knowledge of the site.</p>
4.1.17	<p>MOD Safeguarding</p> <p>18/05/2022, 11/07/2022 & 28/07/2022 The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.</p> <p>The application is for the erection of 24 dwellings, with associated parking, garaging, and landscaping. The 2 3-storey dwellings are approx. 11m in height, and the 2-storey dwellings are approx. 8m in height.</p> <p>The application site occupies the statutory safeguarding zone(s) surrounding DCAE Cosford. In particular, the aerodrome height and technical safeguarding zones surrounding the aerodrome and is approx. 2.04km from the centre of the airfield.</p> <p>After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.</p> <p>The MOD must emphasise that the advice provided within this letter is in response to the data and/or information detailed above/in the developer's letter/document titled 'Design and Access Statement' dated 03/12/2021. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.</p>

4.2	Public Comments
4.2.1	<p>This application was advertised via press notices and a site notice was posted on three occasions following the receipt of amended plans and the overall publicity period expired on the 30.08.2022. Eight objections have been received at the time of writing on the following grounds:</p> <p><u>Publicity Arrangements</u></p> <p>Residents have not been notified directly. The site notice was not displayed as stated.</p> <p><u>Historical and other Planning Matters</u></p> <p>The first approval for the use of Garridge Close as an access was for the construction of only 3 dwellings. The proposed building plans on the social club will reduce parking options for the school.</p> <p><u>Housing Mix</u></p> <p>The proposal does not meet the requirements for Albrighton's ageing population due to the number of 3 and 4 bedroom properties.</p> <p><u>Overdevelopment</u></p> <p><u>Highway Safety and Convenience</u></p> <p>The proposed development would result in an unacceptable increase in traffic along Garridge Close which is too narrow. Currently congestion and parking problems along Garridge Close and Newhouse Lane are caused traffic associated with the school and occupants of adjacent residential properties which use Garridge Lane to access the rear of their properties. Parking also occurs on the junction of Garridge Close and Newhouse Lane which is narrow and there is a pedestrian crossing adjacent and this is dangerous. The shortening of driveways will mean that vehicles protrude out into the road and mean that vehicle movements will be closer to houses.</p> <p>Potential for restricted access by emergency vehicles and delivery vehicles. Parking restrictions are not supported (as no parking would then be available for Garridge Close residents) but a residents parking scheme is and would ensure that the road not obstructed.</p> <p>Contrary to the highway report submitted with the planning application:</p> <ul style="list-style-type: none"> • The beyond 2 Garridge Close there is no pedestrian area, the block paved road is a shared surface for cars and pedestrians. • There is currently no free flow of traffic along Garridge Close at peak times.

- It is considered that the data supporting the report is inaccurate and misleading in terms of the number of existing and proposed vehicle movements.

There is no pavement and demarcating a pedestrian area is not sufficient in pedestrian safety terms. The safety of users of the bridleway is queried and the fact that it is overgrown means pedestrians have to walk on the road.

Concerns are expressed in relation to the impacts of construction traffic including Large Goods Vehicles (LGV's) and parking for contractors. As part of any permission access for residents of Garridge Close in the course of construction needs to be maintained.

The previous planning application was refused and one of the reasons was based on the an unacceptable increase in traffic along Garridge Close. This was based on 19 dwellings whereas the current proposal increases the number of dwellings.

The properties at Ash Grove have pedestrian gates opening onto Garridge Close which are used for deliveries and refuse collection. Cars are parked on Garridge Close belonging to residents of Ash Grove.

Garridge Close is block paved and it is questioned who will maintain this should it be damaged by construction traffic. It is stated that the deeds of a number of properties at Garridge Close have shared responsibility for the tarmac section of the road and it is queries who will pay for these to be changed.

There have been incidents where parked cars are damaged by delivery drivers due to insufficient manoeuvring space being available.

Precedent

The development could potentially create a vehicular access to a further development to the rear of the Harp Public House and exacerbate highway problems.

Loss of trees and biodiversity

There are trees which have Tree Preservation Orders present on the application site and the development will result in the loss of established trees and biodiversity. Stated that the boundary the property goes through the centre of a tree trunk.

Residential Amenity

The proposal would change a quiet cul dec into an access for a larger development which will impact on residents, their well-being/mental health and property values. Construction traffic would pass in close proximity to houses and with mud, dust and noise impacting on residents.

	<p><u>Other Matters</u></p> <p>Questioned why a pumping station is required and how it will be maintained.</p> <p>Damage to services. Impact of construction traffic on housing foundations.</p>
5.0	THE MAIN ISSUES
	<p>Material Planning History Principle of the Development Highways Safety and Convenience Arboriculture and Biodiversity Historic Environment Open Space Affordable Housing Flood Risk and Drainage Residential Amenity</p>
6.0	OFFICER APPRAISAL
6.1	Material Planning History
6.1.1	<p>A planning application under reference 20/03508/FUL was refused planning permission on this site on the 25.05.2021 for 20 residential units. It was refused contrary to the officer recommendation for the following reason:</p> <p>Although the site is an allocated site (Site SB003 - Land at Whiteacres in the Shropshire Council Site Allocations and Management of Development (SAMDev) Adopted Plan (December 2015) and Site ALB002a in the Albrighton Neighbourhood Plan (ANP) 'Light'(June 2013)) for up to twenty dwellings, the development would be contrary to SAMDev Policy S1 and ANP Policy ALB2, in that it would not largely comprise appropriate housing for occupation by people of retirement age in accordance with the requirements of the SAMDev Allocated Sites' Development Guidelines and ANP Policy ALB2. It would also by virtue of its design, layout and loss of trees not adequately respect and enhance the character and significance of the Conservation Area and its setting and would have an adverse impact on the trees and ecology on and around the site that would not be adequately mitigated. The development would as a result give rise to less than substantial harm to the significance of the designated heritage asset and would not give rise any to public benefits sufficient to outweigh that less than substantial harm. The development would also be likely to result in an unacceptable increase in the level of traffic on Garridge Close, as a result of the deviation from the envisaged type of housing. The development would therefore also not be compliant with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2, MD12 and MD13 and the NPPF.</p>
6.1.2	<p>An appeal was made against this refusal of planning permission and the decision is currently pending. The refused application was for 18 new dwellings, comprising 3</p>

	terraced bungalows, 11 detached houses and 4 apartments. The apartments were in a single block on the northern side of the site, within the conservation area. By contrast the current proposal comprises 12 apartments (4 -one bedroom and 8 - 2 bedroom), 6 bungalows (3 of which are affordable 1 bed terraced type and 3 are three bedroom detached type) and 6 two storey dwellings (4 bedroom). Material differences between the current application and that subject to application 20/03508/FUL will be considered in the main body of the report below.
6.1.3	One of the primary concerns raised in the objections of the parish council, West Mercia Police and in representations received from members of the public relate to the adequacy of the road through Garridge Close for vehicular access for this development. It is material that planning permission (under references 14/03657/OUT and reserved matters application 19/02785/REM) has been granted for three dwellings utilising the tarmacked shared drive at the end of Garridge Close. Whilst this permission is for a lesser number of dwellings than that proposed under the current application it is a material consideration in the assessment below.
6.1	Principle of development
6.1.1	The relevant development strategy policy is that set out in the Shropshire Local Development Framework Adopted Core Strategy (March 2011) “Core strategy” and the adopted Shropshire Council Site Allocations and Management of Development Plan “SAMDev” (December 2015).
6.1.2	The principle of development is not a significant issue in the determination of this application insofar as the site comprises the allocated housing site, ALB003 within the adopted SAMDev Plan (2015) and in the allocated housing site ALB2a in the Albrighton Plan (2014). As such the principle of the development for residential purposes has been established in the Local Plan and Neighbourhood Plan. The only significant issues in relation to the principle here are raised by the Parish Council who contend that the development should provide housing for people of a retirement age and that the number of dwellings proposed is excessive.
6.1.3	Policy S1 of the SAMDev states that “Albrighton will provide for local needs, delivering around 250 dwellings over the Plan period” and that “local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance” It further stated that “land is allocated for housing development as set out in Schedule S1...”, this includes Land at White Acres (allocation ALB003) and indicates provision on the site of 20 dwellings.
6.1.4	The associated Development Guidelines state: “Development to deliver housing that is capable of occupation by people of retirement age. A proportion of one and two-bed units is sought within the development. Development proposals should respect and enhance the character and significance of the Conservation Area and its setting and provide an attractive

	pedestrian route between the High Street and Garridge Close. Vehicular access should accord with the 'Manual for Streets' concept of shared streets with very low vehicular speeds".
6.1.5	Policy MD3 (Delivery of Housing Development) of the SAMDev requires that residential proposals on sites of five or more dwellings include a mix and type of housing that has regard to local evidence and community consultation.
6.1.6	The Albrighton Neighbourhood Plan "Light", which pre-dates the adopted SAMDev Plan, states that the "dwellings shall be in the form of a housing scheme appropriate for people of retirement age" and that "any proposals should be subject to the development enhancing the adjoining conservation area and its setting".
6.1.7	One of the grounds that planning permission under reference 20/03508/FUL was refused was that it would not largely comprise of appropriate housing for occupation by people of retirement age. In planning application 20/03508/FUL the housing mix and type proposed was 10 4-bedroom two storey properties, 1 5-bedroom two storey property, 3 1-bedroom terraced bungalows and 4 two storey 2 bedroom flats. The officer report on this planning application acknowledged that whilst this scheme comprised predominantly 4- and 5-bedroom family housing given that 3 1-bedroom terraced bungalows and 4 two storey 2-bedroom flats were also proposed it could not be considered non-compliant with the development guidelines and the allocation of the site for housing which only requires that a proportion of one and two-bed units is provided and that properties were capable of occupation by people of retirement age.
6.1.8	The housing mix and type now comprises 12 apartments (4 -one bedroom and 8 - 2 bedroom), 6 bungalows (3 of which are affordable 1 bed terraced type and 3 are three bedrooms detached type) and 6 two storey dwellings (4 bedroom). The housing mix and type now predominantly comprises smaller units (being the 12 one and two bed apartments and the 3 one-bedroom bungalows), further the provision of 6 bungalows in the development makes these units more suitable for persons of retirement age. In addition, the application is accompanied by a policy note which details how this housing mix and type was arrived at having regard to local evidence and community consultation as required under policy MD3. The policy note explains that this community consultation was undertaken in the process of adopting the local plan and in processing the planning application under reference 20/03508/FUL. It is also material that in accord with the comments of SC Affordable housing that 15% or 3.6 of the 24 units should be affordable in tenure in accord with material planning policy. The 3 x 1 bed bungalows are proposed as affordable units and these would be secured by way of a legal agreement with two being for affordable rented and the other being provided on a shared ownership basis. A financial contribution equating to 0.6% of the values of an affordable housing unit would also be secured by way of the legal agreement. On this basis and notwithstanding the comments of the parish council it is considered that the proposal is wholly compliant with all material planning policy aspects in relation to housing mix, type and consultation requirements.

6.1.9	<p>The parish council consider that the provision of 24 units comprises overdevelopment as the allocation in the SAMDev indicates provision on the site of 20 dwellings. The figure of 20 in the SAMDev is an indication of the number of residential units which is likely to be brought forward on the site and not a maximum ceiling figure. The National Planning Policy Framework (2021) “NPPF” provides guidance in paragraphs 124 and 125 on achieving appropriate densities in developments and advises that planning decisions should support development that makes efficient use of land taking into account the listed criteria which include the identified need for different types of housing, infrastructure, the desirability of maintaining the areas character and in securing well designed attractive healthy places. As explained in the preceding section the proposal subject to the current application proposes smaller units with a view to aligning with the requirements with the development guidelines and the allocation of the site for housing in meeting an identified housing need for older occupants. A detailed assessment of number of dwellings proposed including consideration of the adequacy of the highway infrastructure and whether the development maintains the character of the area having regard to the NPPF’s requirements is undertaken below.</p>
6.2	<p>Highways Safety and Convenience</p>
6.2.1	<p>One of the significant issues in relation to the planning application which is evident in the comments of objectors, the parish council and West Mercia Police are various concerns in relation to the vehicular access through Garridge Close.</p>
6.2.2	<p>The issues raised appear on the one hand to be very strongly motivated by concerns about the existing use of Garridge Close by vehicles of parents of children at the adjacent Albrighton Primary School and Nursery at drop-off and pick-up times and the difficulties this causes for residents, with the Close being used for parking and turning, causing congestion and disturbance. On the other hand, the design and layout of Garridge Close itself raises concerns because it comprises for most of its length a relatively narrow shared access driveway, which is already used to a degree for on-street parking. As a result, there is already a high degree of concern by the residents, that the provision of access to the application site is inadequate and that Garridge Close is not of a design or standard suitable to accommodate another 25 dwellings (this includes the existing bungalow at Whitehaven the access for which would be re-routed through Garridge Close). There is also a concern, with the existing level of traffic and the use by school related traffic, about pedestrian safety and access for emergency and other vehicles.</p>
6.2.3	<p>The main issue in relation to the application is not about the existing issues that residents experience, but about whether the access through Garridge Close is adequate to accommodate the development proposed, albeit it is appropriate to take into account the circumstances and issues relating to the existing traffic conditions and the pedestrian environment.</p>

6.2.4	A key consideration in this instance is that the site is an allocated housing site, and the allocation was made on the basis of the access being achieved through Garridge Close, there being no other available access. The existing access, from the High Street, would not be useable as this a long narrow single width tree lined private road that extends from a narrow gap between the properties fronting on to Albrighton High Street. It is also material that as explained in the introduction of this report planning permission has already been granted for an access through Garridge Close for a development of 3 dwellings on this site.
6.2.5	The comments of the Highway Authority acknowledge the concerns that have raised in relation in relation to the suitability of Garridge Close to accommodate the additional vehicle movements likely to be generated by the proposed development. They go on to explain that Garridge Close was originally constructed with the intention that future development would take place. Further they consider that based on the scale of the proposed development the impact on Garridge Close would not be severe and a highway objection to the granting of consent could not be sustained.
6.2.6	Concerns are also expressed in relation to the impacts of construction traffic associated with the development and the consequent impacts in terms of amenity, dust, noise but also on the condition of the public highway leading to the site. These are legitimate concerns and mitigation measures are considered necessary in the duration of the development given that all construction traffic will travel through Garridge Close. The Highway Authority have recommended a planning condition requiring the submission of a Construction Traffic Management Plan which would serve to mitigate these impacts in the course of the construction of the development by regulating certain aspects of these activities.
6.2.7	It should be noted that the development would retain a pedestrian access through the development from Garridge Close to the High Street. This pedestrian access to retail and public transport links means that the site can be regarded as being located in a highly sustainable location. Albrighton Primary School is also located within walking distance to the west. The existing bridleway and footpath of the site's periphery would also be retained and this aligns with the development guidelines provided in connection with the allocation of the site for residential purposes described earlier in this report.
6.3	Arboriculture and Biodiversity
6.3.1	In the officer report on the previous planning application 20/03508/FUL it was explained that in spite of various revisions to the scheme, in terms of the impact on trees and ecology, the merits of the proposal are at best marginal and at worst still not wholly adequate, but both the Tree Officer and the Ecology Officer advised that notwithstanding the remaining shortcomings that the scheme could be approved with conditions to ensure that an adequate level of mitigation planting is required. Key policy considerations in regard to these considerations are set out in Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12.

6.3.2	<p>In terms of the comparing the current application with 20/03508/FUL the Tree Team advise that the current arrangement is preferred with the 3 storey apartment blocks being sited on the southern side of the site making them less visible and they would be reasonably screened from the south by the existing mature trees, woody shrubs and hedgerow that form the southern site boundary. It is further advised that this arrangement also places the existing trees and hedgerow on communal ground, rather than within private residential gardens, as was the case with the refused application and that this should result in less pressure to excessively prune or even remove the trees, several of which are protected under a Tree Preservation Orders.</p>
6.3.3	<p>The Tree Team also advise that the final iteration of the refused application entailed the removal of 70 early-mature or older trees, tree groups and hedges, 61 of which were category 'B' and 9 of which were category 'C' or 'U'. They explained that Category B Tree are of moderate quality with a remaining life expectancy of at least 20 years. Category 'C' represents trees of low quality and category 'U' trees have less than 10 years life expectancy under the current land use). It is explained that the current application entails the removal of all the aforementioned 70 trees, tree groups and hedges, but in addition requires the removal of a further four trees (T44, T71, T72, and T76; although T72 is dead and can be discounted) and one further tree group (T132). The Tree Team consider the majority of these additional tree removals to be of relatively minor significance. The Tree Team explain that the loss of these existing trees needs to be balanced against the new planting proposed in the landscaping scheme as part of the development. As part of the amended plans submitted a number of matters raised by the Tree Team were addressed, including the retention of a Walnut and other trees and various changes to the landscaping plan. All matters raised by the Tree Team have been addressed and due to the net loss of trees on the site a contribution of £10, 000 has been agreed to compensate for their loss. This money would be used towards replacement trees of up to 4 cherry trees in locations along Albrighton High Street.</p>
6.3.4	<p>Policies MD 2 (Sustainable Design) and MD 12 (The Natural Environment) which seek to protect and compensate when natural features such as trees are lost in connection with development. Given the net loss of trees and the loss of amenity identified in the comments of the Tree Team it is considered that a financial contribution of up to £10, 000 towards replacement trees in locations along Albrighton High Street is necessary, directly relates to mitigation required in connection with the development and is fairly and reasonably related to the scale and loss amenity as evidenced by the comments of the Tree Team.</p>
6.3.5	<p>The Ecology Officer states that on the basis of the submitted Ecological Appraisal that they are content with the survey work undertaken and agree with the conclusions and recommendations, conditions are recommended to secure the protection and enhancement of biodiversity. The conditions recommended include requirements for the incorporation of features for biodiversity into the scheme, to provide habitat for birds, bats and to provide connectivity for hedgehog with a view to offset impacts of the development on biodiversity. The consultation response</p>

	<p>also explains that even with a net increase in hedgerows as part of the proposed landscaping scheme and biodiversity improvements required by way of planning conditions that there would still be an overall substantial biodiversity loss as a result of the proposed development. It was recommended that more trees (hence) habitats were retained within the scheme. Amendments were made to the scheme which included the retention of additional trees as part of the development in accord with the comments of the council’s Tree Team, as per the comments of SC Ecology there is still a substantial loss of biodiversity (-68.86) as a consequence of the development.</p>
6.3.6	<p>Based on this biodiversity loss off site mitigation is proposed with a £20, 000 payment at Donington and Albrighton Nature Reserve. The works identified entail the removal of various invasive species which will result in biodiversity enhancements in terms of ground flora and invertebrates. As part of the compensation measures appropriate monitoring and corrective action would be required for up to 25 years. The comments of SC Ecology state that this is an acceptable method of compensating for the biodiversity loss. Comments from Officer’s of council responsible for Donington and Albrighton Nature Reserve state that they are in agreement with these works and the associated monitoring requirements.</p>
6.3.7	<p>Policy MD12 (Natural Environment) of the SAMDev encourages development that appropriately conserves, enhances, connects, restores or recreates natural assets. It states that development that will have a significant adverse effect upon a natural asset will only be permitted if it can be clearly demonstrated that there is a): no satisfactory alternative means of avoiding such impacts through re-design or relocation on an alternative site; and b): the social or economic benefits of the proposal outweigh the harm to the asset. Whilst policy MD12 is not inconsistent with the NPPF (2021) the latter provides the more recent guidance. Paragraph 180 a) of the NPPF (2021) states that if significant harm to biodiversity cannot be avoided, adequately mitigated or as a last resort compensated then planning permission should be refused. The comments of the Trees Team and SC Ecology together explain that overall that there is a loss and biodiversity (-68.86 based on the submitted biometric assessment) and that this is due to the loss of trees and hence habitat as part of the development. In terms of criteria a) of policy MD12 and requirements in the NPPF (2021) in terms of firstly redesign and mitigation, amended plans have been submitted addressing comments of the council’s Tree Team in terms of the retention of additional trees, notably the more significant walnut tree at the centre of the development. There is also a net gain in terms hedgerows on the site albeit that as per the comments of SC Ecology these will not be high and wide hedgerows but small managed hedgerows within built development so of lesser value for biodiversity. As there is still a net loss of biodiversity compensation is permissible under these policies as a last resort. The advice of the Trees Team and SC Ecology is that off-site compensation is appropriate in this instance with compensatory tree planting in the High street and biodiversity enhancements at Donington and Albrighton Nature Reserve. In terms of the requirements both criteria a) and b) of policy MD12 in terms of the</p>

	<p>consideration of alternate sites and the weighting of social and economic benefits it is material that the site is allocated for residential purposes such that the principle of the development has already been established. Bringing the allocated housing site forward for residential development will support the development of sustainable and self-contained communities with associated social and economic benefits in accord with the settlement hierarchy in the development plan. Social benefits also include providing a good quality sustainable housing of the correct mix and type to meet the needs of the community and in this case the needs of people of retirement age and an affordable housing element. The development would also be located close to, and with pedestrian connectivity to, Albrighton High Street with access to retail, social and community facilities and public transport links which means that the development can be regarded as being located in a highly sustainable location. Having regard to these material considerations it is considered that criteria a) and b) of policy MD12 are deemed to be met.</p>
6.3	<p>Historic Environment</p>
6.3.1	<p>SC Conservation (Historic Environment) explain that part of the site is within a conservation area, there are also listed buildings present to the north along with Albrighton Hall and its grounds to the east which are classed as a non-designated heritage asset. The Heritage Impact Assessment submitted with the planning application indicates that the proposal would not result in harm based on the fact that the existing site does not contribute positively to the conservation area and because the proposed development does not result in any loss of significance of conservations area’s medieval core or wider rural landscape. In addition, due to the distance from and intervening screening present it is stated that the development will not lessen the significance or setting of the listed buildings to the north. As regards Albrighton Hall and its historic curtilage/grounds which is classed as a non-designated heritage it is deemed that there is no intervisibility and therefore there is a neutral impact. The council’s SC Historic Environment state that they concur with these findings and their overall conclusion is that the proposal consists of less than substantial harm as defined under paragraph 202 of the National Planning Policy Framework, albeit that this leans towards the lesser end of the spectrum where this very much dependant on the retention of the existing trees on the site and to ensure existing screening and enhancement of these via the proposed landscaping scheme to mitigate against potential impact of the development and retain the established character of the area.</p>
6.3.2	<p>The Council’s SC Historic Environment also advise that the proposed design is generally fine taking account of the local vernacular with regards to architectural detailing. Amended plans were also received addressing SC Historic Environment concerns that the upper storey windows should be reduced in scale and this consultee now has no objections but recommends conditions requiring details of boundary treatment, joinery and all external finishes and materials. As some of this information has already been provided conditions on all these matters are not considered necessary.</p>

6.3.3	<p>In terms of the impact on the adjacent designated heritage assets including the Albrighton Conservation Area and the nearby Listed Buildings the Committee needs to be mindful of the obligations under s.66 and s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended). SC Historic Environment’s overall conclusion is that the proposal consists of less than substantial harm albeit that this leans towards the lesser end of the spectrum. In accord with advice in paragraph 202 of the NPPF Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this regard it is material that the site is allocated for residential purposes under the provisions of the development plan. Bringing the allocated housing site forward for residential development will support the development of sustainable and self-contained communities with associated social and economic benefits in accord with the settlement hierarchy in the plan. Social benefits include providing a good quality sustainable housing of the correct mix to meet the needs of the community and in this case the needs of people of retirement age and an affordable element in accord with the provisions of the development plan. The development would also be located close to, and with pedestrian connectivity to, Albrighton High Street with access to retail, social and community facilities and public transport links which means that the development can be regarded as being located in a highly sustainable location. Direct and indirect economic benefits in terms of employment opportunities will also accrue. Taken together these public benefits are considered to outweigh the less than substantial harm identified by SC Historic Environment which they acknowledge is at the lower end of the spectrum.</p>
6.3.4	<p>It was explained earlier in the report that a financial contribution of up to £10, 000 has been agreed toward the planting of trees on Albrighton High Street as compensation for the net loss of trees and biodiversity. Albrighton High Street is also within the conservation area to the north of the site. As explained in the introduction of this report the development guidelines associated with the allocation of this site (ALB003) state that the development proposals should respect and enhance the character and significance of the conservation area and its setting. The Albrighton Neighbourhood Plan “Light” also requires that “any proposals should be subject to the development enhancing the adjoining conservation area and its setting”. The proposed financial contribution will enable the replacement of up to 4 existing cherry trees on the High Street which are of declining health and are disrupting the hard surface around them which looks unsightly. An associated benefit of these compensatory works is that the replacement trees would also improve the visual amenities of this part of the conservation area. It is therefore considered that the financial contribution will also serve to enhance this part of the conservation area which is in proximity with the site, this aligns with requirements associated with the residential allocation of the site and can be attributed positive weight because the conservation area will be enhanced.</p>
6.5	<p>Open Space</p>
6.5.1	<p>The requirement, as set out in SAMDev Policy MD2, is that there should be 30 square metres (sqm) of usable open space per bed space. The drawings show</p>

	<p>provision 3197 sqm as compared with a minimum requirement of 1680 sqm. Having regard to the comments of the SC Parks and Recreation the 3 areas proposed for open space in the development are considered to meet the guidelines listed and the maintenance of these areas can be secured by way of a legal agreement. The council's Tree Team have also advised that in comparison with the previous planning application on the site that the current proposals to place trees in these communal open space area is preferred, in that it will likely result in less pressure to prune and remove trees which are covered by Tree Preservation Orders.</p>
6.6	<p>Affordable Housing</p>
6.6.1	<p>There is a requirement to provide 3.6 units of affordable housing, which would equate to the provision of three affordable dwellings and a financial contribution. The applicant has agreed to that the 3 x 1-bedroom terraced bungalows would be 'affordable rented' or a 'social rented' tenure and both are acceptable to the council's SC Affordable Housing. These requirements would need to be the subject of a section 106 agreement in accordance with Core Strategy Policy CS11 and the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) (2012).</p>
6.7	<p>Flood Risk and Drainage</p>
6.7.1	<p>As detailed above, objectors have raised concerns about the development causing an elevated level of flood risk, particularly along the southern boundary of the site. The layout does incorporate season flood attenuation, and the application is supported by a Flood Risk and Drainage Assessment, which the Council's SUDS team have advised is acceptable. The proposal can therefore be considered to be acceptable in terms of flood risk and drainage.</p>
6.7.2	<p>The reasons why a pumping station is required for foul drainage has been raised in the objections received to the planning application. A pumping station is generally required to deal with height differences between the development and the public sewer and it is not reflective of the adequacy of the sewerage system in the locality.</p>
6.8	<p>Residential Amenity</p>
6.8.1	<p>Policy CS 6 (Sustainable Design and Development Principles) amongst other matters seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Concern is raised in objections on residential amenity grounds including proximity, overlooking and general disturbance.</p>
6.8.2	<p>Objectors have also raised concerns about the amenity impacts the development, particularly during the construction phase. The key concerns would be disturbance and the management construction traffic and related activities including parking. These issues can be addressed through a condition to require the submission of Construction Traffic Management Plan (CTMP) as recommended by SC Highways. Allied to this requirement SC Regulatory Services recommend that given the scale of the development site and proximity of existing residential dwellings that the potential impacts from noise and dust during demolition and construction phase will need to be appropriately mitigated with a Construction Management Plan (CMP).</p>

6.8.3	The council’s SC Regulatory Services initially stated that a noise assessment would be required given the proximity of existing residential properties to the pumping station. Amended plans were subsequently submitted re-siting the pumping station to a location where SC Regulatory Services are content that no noise assessment is now required.
7.0	CONCLUSION
7.1	The principle of the development is acceptable given the allocation of the site as an allocated housing site, ALB003 within the adopted SAMDev Plan (2015) and in the allocated housing site ALB2a in the Albrighton Plan (2014). The planning application has been amended such that the housing mix and type now predominantly comprises smaller units and in association with the provision of 6 bungalows this means the proposal is capable of occupation by people of retirement age which makes the proposal compliant with the policy provisions described in the report.
7.2	It should be noted that local residents have raised major concerns about the development when there are already major concerns about the existing levels of traffic and pedestrian safety, although as set above the advice from the Highway Authority is that the access through Garridge Close has been designed and constructed on the basis that it would provide access to the development of the allocated housing site. It is also a significant material consideration that the site is an allocated housing site, and the allocation was made on the basis of the access being achieved through Garridge Close, there being no other available access.
7.3	Notwithstanding that the site has been allocated for residential development, the loss of trees and hence habitat (-68.86%) weighs against the development. Policy tests in MD12 and the NPPF (2021) require consideration of avoidance, mitigation and then compensation as well as the consideration of the social or economic benefits were deemed to be met. As part of this assessment offsite compensation through a financial contribution totalling £30, 000 at Donington and Albrighton Local Nature Reserve was considered appropriate to offset the biodiversity loss.
7.4	SC Conservation advise they generally accept the findings of the HIA which assesses the impacts on the conservation area, listed buildings and that the impact on heritage assets is assessed as being “less than substantial harm” albeit that this leans towards the lesser end of the spectrum. In accord with advice in paragraph 202 of the NPPF Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. These public benefits have been assessed in the report including the site’s residential allocation as part of the settlement strategy and the benefits of bringing this forward in association with the other public benefits identified in the report. Taken together these public benefits were deemed to outweigh the less than substantial harm identified in the comments of SC Conservation, which were acknowledged to be at the lower end of the

	<p>spectrum. It is also material that an associated benefit of the compensatory works to plant trees in Albrighton High Street in that this would enhance the conservation area and this can be attributed positive weight in the assessment.</p>
7.5	<p>Having regard to all material considerations the advice is that the weight of the balance is in favour of planning permission being granted. It is recommended that planning permission is granted subject to a legal agreement being completed to secure affordable housing requirements, open space provision and a dedicated pedestrian access through the development from Garridge Close and total, up £10,000 contribution towards the replacement of up to 4 existing trees in Albrighton High Street and £20,000 towards biodiversity enhancements at Donnington and Albrighton Local Nature Reserve as compensation for tree and consequent habitat loss as a result of the development. The replacement of the trees in Albrighton High Street will also contribute towards the enhancement of the conservation area in accord with the development guidelines associated with the residential allocation in the SAMDev and the Albrighton Neighbourhood Plan.</p>
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>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.</p>
8.2	Human Rights

	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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 1990.</p>
9.0	Financial Implications
	<p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

14/03657/OUT Outline application for residential development (to include access) GRANT 28th July 2016

PREAPP/18/00589 Residential development of around 21 dwellings PREAMD 29th March 2019

19/02785/REM Approval of reserved matters (appearance, landscaping, layout, scale) pursuant to 14/03657/OUT for the erection of three residential properties GRANT 11th February 2020

PREAPP/20/00068 Demolition of existing bungalow and garage and erection of 13 houses and 5 apartments PREAMD 3rd April 2020

20/03508/FUL Erection of 18No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage and pool house REFUSE 25th June 2021

21/05665/FUL Erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house PDE

Appeal

22/03020/REF Erection of 18No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage and pool house INPROG

11. Additional Information

[View details online:](#)

[21/05665/FUL | Erection of 24 dwellings with associated parking/garaging with estate road to include felling of trees and demolition of a bungalow, garage and pool house | Land To The East Of Garridge Close Albrighton Shropshire](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Nigel Lumby

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

APPENDIX 1 – OBLIGATIONS, CONDITIONS AND INFORMATIVES

PLANNING OBLIGATIONS

- Provision of 3 affordable housing units comprising the 3 x 1-bedroom terraced bungalows (two social rented or affordable rented and 1 shared ownership) in addition to a financial contribution equivalent to .6 of the value of an affordable housing unit to Shropshire Council for affordable housing purposes.
- Provision of public open space (as shown on drawing Public Open Space Plan 178(2)/P/POS Rev E before 50% of the dwellings are occupied and the provision of a pedestrian access between Garridge Close and the Public Right of Way on the eastern boundary once the development is substantially completed. Details of the maintenance and long-term management of the public open space and the pedestrian access for the lifetime of the development hereby approved including any associated boundaries (including any trees and hedges) shall be approved by the Local Planning Authority prior to their use.
- No development shall commence until a scheme of biodiversity enhancements at the Donington and Albrighton Local Nature Reserve “LNR Biodiversity Scheme” has been submitted to and approved in writing by the Local Planning Authority which shall include provision for:
 1. A payment of £20, 000 to be made to Shropshire Council in respect of the LNR Biodiversity Scheme Works which also includes provision for all monitoring and contingency for any corrective actions and which shall be payable prior to the commencement of the development hereby approved.
 2. Enhancements at Donington and Albrighton Local Nature Reserve commensurate with the biodiversity loss in connection with planning permission 21/05665/Ful. A timetable for the implementation of the LNR Biodiversity Scheme.
 3. Monitoring results, including any corrective actions and a timetable for their implementation to be submitted to the Local Planning Authority at appropriate intervals in relation to the biodiversity enhancements implemented as part of the LNR Biodiversity Scheme for a period of up to 25 years.
- A financial contribution of up to £10, 000 towards the replacement of up to 4 existing cherry trees including associated works and costs in Albrighton High Street. A specification and costings for undertaking these works shall be provided by Shropshire Council within 3 months at the written request of the applicant. The financial contribution shall be paid to Shropshire Council prior to the commencement of the development hereby approved.

Conditions

STANDARD CONDITION(S)

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

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

2. The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents

accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:

Location Plan 178(2)/P/100
Topographical Survey 178(2)P/101
General Arrangement Plan GC-GA-500: Rev C
General Arrangement Plan GC-GA-501: Rev C
Works Near T.P.O Tree – Sheet 2 178(2)/P/TPO1 Rev B
Works Near T.P.O Tree – Sheet 2 178(2)/P/TPO2 Rev B
Public Open Space Plan 178(2)/P/POS Rev E
Aboricultural Plan 178(2)/P/ARB Rev E
Apartments Floor Plans and Elevations 178(2)/P/09 Rev C
Material Plan 178(2)/999/1007 Rev D
Landscaping Plan 178(2)/999/1006 Rev G
Boundary Treatments Plan 178(2)/999/1005 Rev F
Site Planning Layout 178(2)/999/1004 Rev G
Longitudinal Section GC-LS-502: Rev A
Proposed Levels and Kerbing Plan GC-PL-503
Proposed Levels and Kerbing Plan GC-PL-504
Refuse Tracking Plan GC-RT-505: Rev A
Small Pumping Appliance Plan GC-SP-506: Rev A
Surface Finishes Plan GC-SF-507: Rev A
Drainage Areas Plan GC-DA-508: Rev A
Fire Appliance Plan GC-FP-510: Rev A
Fire Appliance Plan GC-FP-510: Rev A
HT52 – Burnhill (Opp) Floor Plans and Elevations 178(2)/P/14
Twin Single / Double Garage 178(2)/P/12
Double Garage 178(2)/P/11 Rev A
Single Garage 178(2)/P/10 Rev A
HT-Windsor (Opp) Floor Plans and Elevations 178(2)/P/05 Rev A
Bungalows – Floor Plans and Elevations Rev A

Apartments Floor Plans and Elevations 178(2)/P/09

Garden Wall with Gate & Pier GW/01

Close Boarded Fence with Brick Pier 3604

2.0 High Protective Barrier 3588

1.8M High Close Boarded Fence – 125mm Boards with Capping Rail 3582

No Dig Tarmac Road 3454 Rev A

Bradstone Flag Setting Out Details for Paths and Patio's 3343

Estate Metal Rail with Gate 2456 Rev B

HT49 – Whiston (AS) Floor Plans and Elevations 178(2)/P/07

HT49 – Whiston (AS) Floor Plans and Elevations 178(2)/P/08

HT52 – Burnhill (AS) Floor Plans and Elevations 178(2)/P/04

HT53 – Kingswood (AS) Floor Plans and Elevations 178(2)/P/03

HT72 – Stanlow (OPP) Floor Plans and Elevations 178(2)/P/02 Rev B

HT72 – Stanlow (AS) Floor Plans and Elevations 178(2)/P/06 Rev B

Tree Condition Report Arboricultural Impact Assessment Root Protection Areas Method Statement
(09.01.2020) Terry Merchant Chartered Forester

Flood Risk and Drainage Assessment (November 2021) Woodside Development Ltd

Ecological Appraisal (24/11/2021) Greenscape Environmental

Highways and Transport Report (November 2021) Woodsyde Developments Ltd

Heritage Impact Assessment (November 2021) Berrys

Design and Access Statement Shropshire Homes

Reason: To ensure that the development is completed in accord with the approved details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any demolition works, until a Construction Transport Management Plan "CTMP" incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. and shall provide for:
 - I. A construction programme including phasing of works;
 - II. 24 hour emergency contact number;
 - III. Hours of operation;
 - IV. Expected number and type of vehicles accessing the site;
 - V. Deliveries, waste, cranes, equipment, plant, works, visitors;
 - VI. Size of construction vehicles;
 - VII. The use of a consolidation operation or scheme for the delivery of materials and goods;

- VIII. Phasing of works;
- IX. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- X. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- XI. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- XII. Locations for storage of plant/waste/construction materials;
- XIII. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- XIV. Arrangements to receive abnormal loads or unusually large vehicles;
- XV. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- XVI. Any necessary temporary traffic management measures;
- XVII. Measures to protect vulnerable road users (cyclists and pedestrians);
- XVIII. Arrangements for temporary facilities for any bus stops or routes;
- XIX. Method of preventing mud being carried onto the highway;
- XX. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

All construction activities shall be implemented strictly in accordance with the CTMP approved in writing under the provisions of this planning condition.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to safeguard the amenities of occupants of adjacent residences.

- 4. Notwithstanding the plans hereby approved no development shall take place until a scheme of surface and foul water drainage, which shall include detailed specifications, calculations and arrangements for the provision of a management and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority. Such details must include the adoption arrangements by any public authority or statutory undertaker or other arrangements to ensure that the management and maintenance scheme will be implemented and maintained throughout the lifetime of the development.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

- 5. Development work will not commence until the arrangements for the provision of a management and maintenance scheme regarding the road system, the footpaths and the associated surface water drainage system for the lifetime of the development have been submitted to and approved in writing by the local planning authority. Such details must include the adoption arrangements by any public authority or statutory undertaker or other arrangements to ensure that the management and maintenance scheme will be implemented and maintained throughout the lifetime of the development.

6.

Reason: In order to ensure satisfactory and safe development.

- 7. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the application site for the purposes of the development hereby

approved until full and final details of the landscaping scheme shown on the approved Landscaping Plan (178[2]-999-1006 Rev G) have been submitted to and approved in writing by the Local Planning Authority. The final details shall be prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, and include details of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance. The approved landscaping scheme shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.

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

8. Notwithstanding the plans hereby approved no works associated with the development will commence and no equipment, machinery or materials shall be brought onto the application site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:
 - a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.
 - b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

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

9. 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 site clearance or development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works / service runs / Sustainable Urban Drainage Scheme (SUDS) will be carried out, shall be submitted to the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

10. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the approved Tree Protection Measures have been established in compliance with the final approved Tree Protection Plan (Photographs of it in place

might suffice). The approved Tree Protection Measures shall thereafter be retained in position in the duration of the construction of the development hereby approved.

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

11. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority), an appropriately qualified and experienced Ecological Clerk of Works (ECoW) shall be appointed to ensure that the Working Method Statements, as set out in sections 6.3.2 and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021) are adhered to.

Reason: To secure appropriate working methods to ensure the protection of bats and great crested newt which are European protected species.

12. No development shall take place (including demolition, ground works and vegetation clearance) until an Ecological Construction Environmental Management Plan “ECEMP” has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) An appropriately scaled plan showing ‘Wildlife/Habitat Protection Zones’ where construction activities are restricted, where protective measures will be installed or implemented;
 - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) Requirements and proposals for any site lighting required during the construction phase;
 - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
 - f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of ‘Wildlife Protection Zones’ to all construction personnel on site.
 - g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the ECEMP approved in writing under the provisions of this planning condition.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

13. No development shall take place (including demolition, ground works and vegetation clearance) until a Habitat Management Plan “HMP” has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Description and evaluation of the features to be retained, created and managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - i) Possible remedial/contingency measures triggered by monitoring;
 - j) The financial and legal means through which the plan will be implemented.

The development hereby approved shall be implemented strictly in accordance with the HMP approved in writing under the provisions of this planning condition.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

14. No development shall take place (including demolition, ground works and vegetation clearance) until a biodiversity features plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:
- a) Location and specification for the installation of a minimum of eight integral swift bricks into buildings, erected in clusters of two-three.
 - b) Location and specification for the erection of a minimum of eight woodcrete (or similar) bat boxes suitable for crevice dwelling bats.
 - c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.
 - d) Location and specification for one amphibian hibernacula to be built within the site.

Reason: To secure features for biodiversity as part of the development in accordance with MD12, CS17 and section 174 of the NPPF.

15. Prior to the first occupation of the development hereby approved the Ecological Clerk of Works (ECoW)shall submit a report for the written approval of the Local Planning Authority demonstrating the implementation of the Working Method Statements as set out in sections 6.3.2

and 6.6.2 of the Ecological Appraisal – report ref 20-02 027.3 (Greenspace Environmental, 24 November 2021).

Reason: To demonstrate compliance with the Ecological Appraisal Working Method.

16. No development shall commence until a Construction Environmental Management Plan “CEMP” has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include general environmental provisions relating to the construction of the development and, as a minimum, shall include detail of:

Full specification(s) of external lighting (if any)

Working hours during the construction

Dirt and dust control measures and mitigation

Noise, vibration and pollution control impacts and mitigation;

Water quality, drainage impacts and mitigation.

Height, specification and colour of all safety fencing and barriers to be erected in the construction of the development hereby approved.

Monitoring and compliance measures including corrective/preventative actions with targets in the CEMP which shall accord where relevant with British Standards.

The development hereby approved shall be undertaken in accordance with the approved CEMP.

Reason: To safeguard against any impact the construction of the development may have on local and residential amenity.

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

17. Prior to the above ground works commencing samples and/or full details of all external materials including colours shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

18. Prior to the commencement of the relevant work details of all external windows, doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These details to be submitted shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors, windows and any other external joinery shall be carried out in complete accordance with the details as may be approved in writing by the Local Planning Authority under the provisions of this planning condition.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset

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

19. All pre-commencement tree works and tree protection measures detailed on drawing Arboricultural Plan 178(2)-P-ARB Rev E and in the Arboricultural Method Statements and Tree Protection Plans contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas , Method Statement, Forester and Arborist Services Ltd, 09.01.2020 [registered 13 June 2022]) shall be fully implemented to the written satisfaction of the Local Planning Authority before any development-related equipment, materials or machinery are brought onto the site.

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

20. The development shall be implemented in accordance with drawing Arboricultural Plan 178(2)-P-ARB Rev E and the approved Arboricultural Method Statements and Tree Protection Plans contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020 [registered 13 June 2022]). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

21. All construction activities within the root protection area of protected trees T31 and T32, as identified in the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020 [registered 13 June 2022]), shall be undertaken in accordance with approved drawings No Dig Tarmac Road 3454 Rev A, Works Near T.P.O Tree – Sheet 2 178(2)-P-TPO1 Rev B and Works Near T.P.O Tree – Sheet 2 178(2)-P-TPO2 Rev B, under the supervision of and monitoring on site by the project arborist.

Reason: to ensure damage is avoided to important protected trees on the site.

22. Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason In the interests of visual amenities of the locality.

23. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

24. The dwelling(s) hereby approved shall not be occupied until the car parking space(s) for those dwelling(s) have been completed. The car parking spaces(s) shall thereafter be retained for these purposes in the lifetime of the development hereby approved.

Reason: To ensure that the development does not result in any road / parking problems.

Informatives

General

In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, Paragraph 38.

Highways

Works on, Within or Abutting the Public Highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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

No Drainage to Discharge to the Highway

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

Mud on the Highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Public Rights of Way

Bridleway No. 8 which extends from end of Garridge Close and adjacent to the southern boundary of the site, will need to be taken into consideration at all times during the construction phase and after development is completed. The following criteria must be adhered to

□ The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards; □ Building materials, debris, etc must not be stored or deposited on the right of way □ There must be no reduction of the width of the right of way; □ The alignment of the right of way must not be altered; □ The surface of the right of way must not be altered without prior consultation with Shropshire Council Public Rights of Way team and nor must it be damaged; and □ No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place. If this is required please contact the Public Rights of way Mapping & Enforcement Team (fees apply).

Wild Birds

The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal and/or demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence/No clearance works can take place within 5m of an active nest. Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at https://cieem.net/cieem-and-rspb-advise-against-netting_on-hedges-and-trees/ If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

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Committee and date

Southern Planning Committee

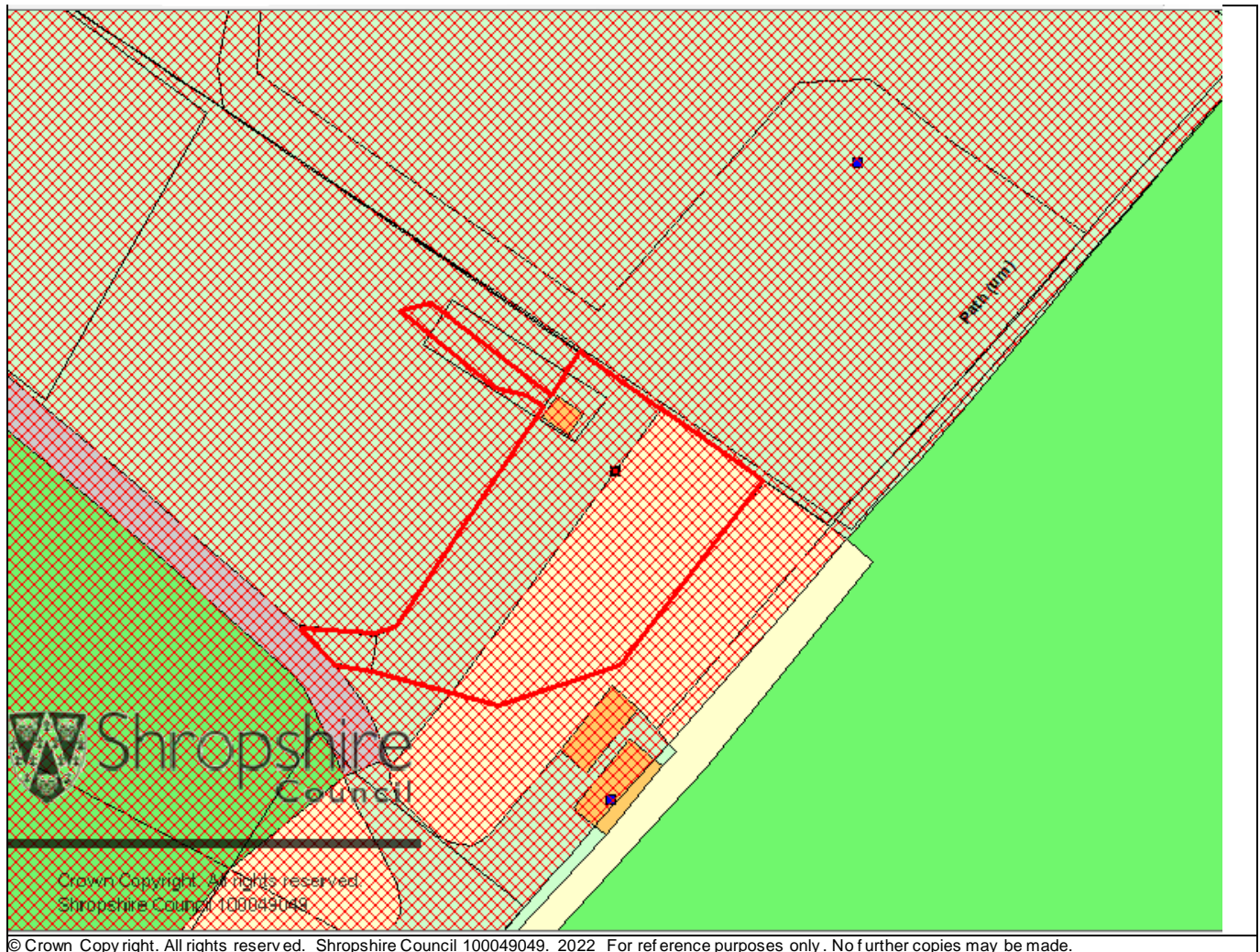
20th September 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/02643/REM	<u>Parish:</u>	Worthen With Shelve
<u>Proposal:</u> Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline permission 19/02225/OUT for the erection of a detached dwelling and garage		
<u>Site Address:</u> Proposed Dwelling NE Of Greenfield Cottage 7 The Lyde Bromlow Minsterley Shropshire		
<u>Applicant:</u> Mr William Blakeway		
<u>Case Officer:</u> Mandy Starr	<u>email</u> : mandy.starr@shropshire.gov.uk	
<u>Grid Ref:</u> 332072 - 301266		



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

REPORT

1.0 THE PROPOSAL

- 1.1 The principal is for the erection of a dwelling, and this was granted under outline application 19/02225/OUT approved on 15 July 2019. This application is to consider access, appearance, landscaping, layout and scale.
- 1.2 As now detailed, the proposal would be for a one and half storey house of 223m² with eaves of 3.5m and a ridge of 7.5m. The proposed elevations appear to include some brick walling and timber cladding, along with a tiled roof to be sited on a plot of land of 0.08ha that is currently part of a paddock.

1.3 Although not proposed under the outline scheme, a detached double garage is now shown to be sited to the south of the dwelling. This would have a floor area of 30m² and eaves of 2.7m and a ridge of 5.1m.

1.4 Access would be via a long and winding, shared and largely unmade track to the northwest of the site and which also runs along a belt of trees and behind another house; No 8 The Lyde and then it turns eastwards to provide access to several other dwellings before joining up with the public highway to the south of 11 Bromlow.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises a part of an enclosed paddock sited amongst a loose scatter of dwellings and smallholdings on the western slopes of Bromlow Callow, one of a range of hills between the Hope and Rea valleys in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). It is bounded to the southwest by several outbuildings that are related to the adjacent to 'Greenfield Cottage'.

2.2 Unlike most of its outbuildings, this existing red brick dwelling lies to the west of the application site and track and is sited just below the steep south facing slope of the hill behind. Beyond the dwelling is a wooded dingle which is a Site of Special Scientific Interest (SSSI).

2.3 On the other side of the paddock to the northeast is a mature hedge and permission has recently been granted to erect a further single dwelling (17/05571/OUT and 21/05321/REM refers) on the other side of this hedge and which would access the unmade track further along to the east.

2.4 There is also a public footpath that runs along the southern boundary of the site from Bromlow House to Ganderbeach to the west.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The officer recommendation of approval is contrary to an objection from Worthen with Shelve Parish Council. Therefore, in line with Shropshire Council's adopted 'Scheme of Delegation', the application will need to be considered by the Local Member and by the Chair and Vice Chair of the Planning Committee.

3.2 The application was discussed at the Agenda Setting Meeting on 4 August 2022 where it was resolved that the application should be considered by the Planning Committee.

4.0 Community Representations

4.1 Consultee Comment SC Highways

No objection and recommend approval subject to informatives

SC Environmental Protection

No comments

SC Ecology

(1st set of comments - 11 July 2022)

Condition 4 requires the submission of a Construction Environmental Management Plan and Condition 9 requires the submission of a Landscaping Plan.

Neither of these appear to have been submitted.

(2nd comments - 24 August 2022)

The Construction and environment/habitat management plan (Churton Ecology, May 2022) is sufficient to fulfil the requirement of condition 4. The CEMP should be followed in full.

To fulfil the requirement of condition 9, a landscaping plan needs to be submitted that includes details of the species to be planted in the hedgerow (as set out in section 3.6 of the CEMP) and permeable hardstanding to ensure that the hydrology of the meadow below remains unaffected.

(3rd comments - 8 September 2022)

With the submission of the landscaping plan, The Council's Ecologist is now satisfied that condition 9 has been fulfilled.

Sustainable Urban Drainage and Flooding

Recommend conditions and informatives

Shropshire Hills AONB Partnership

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or no objection to the current application.

The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.2 Public Comments**Worthen with Shelve Parish Council:**

Objection: Access is a consideration; the size of the property is not in keeping with the area and would have a detrimental visual impact in this sensitive AONB location.

The site notice was displayed on 22 June 2022 and it expired on 13 July 2022

No other public comments were received.

5.0 THE MAIN ISSUES

Principle of development

Layout, Scale and Appearance and landscape impact

Residential Amenity

Access, highway safety and rights of way

Ecology

Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.
- 6.1.2 The principle of building an open market dwelling here is established by the extant outline permission and cannot now be revisited
- 6.1.3 The outline permission does not specifically refer to a detached outbuilding being part of the scheme. However, it would be unreasonable to now refuse to entertain an ancillary domestic garage simply because it would be freestanding. Given its separation and position it is however appropriate to attach a condition defining its use.
- 6.1.4 The detail of the development will now be considered for this reserved matters application.
- 6.1.5 Residential development is acceptable in principle providing it meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity as well as ensuring that sustainable design and construction principles are incorporated within the new development.
- 6.1.6 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for

design where possible. Section 12 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which are sympathetic to local character and history.

6.2 Layout, Scale and Appearance and landscape impact

- 6.2.1 The Council's Core Strategy Policy CS4 requires development in 'Community Cluster' settlements such as Bromlow to be of a scale and design sympathetic to the character of that settlement and its environs, and to satisfy more general design criteria under Policy CS6 and Site Allocations and Management of Development (SAMDev) Plan Policy MD2. They expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing.
- 6.2.2 Given the actions specified in the Worthen and Shelve Parish Plan 2013, where the Parish Council have taken the view that 2-or 3-bedrooms dwellings are preferable, there is an issue over what is now proposed which would be a substantial four-bedroom dwelling with a large floor area.
- 6.2.3 It is noted that the adjacent dwelling recently granted permission is for a three-bedroom unit of 171m² but that does include a small study that could be used as a single bedroom, but for this current scheme, all four bedrooms would be double rooms and the floor area is materially larger at 223m².
- 6.2.4 Concern was therefore raised that what is proposed is somewhat excessive compared to the existing Greenfield Cottage itself and the recently permitted dwelling to the east.
- 6.2.5 The agent has been advised of these concerns and in response has re-designated one of the bedrooms as a home study instead and revised plans have been submitted. However, this does not reduce the floor area of the proposed dwelling. In support of the scheme, the agent has stated that the Parish Council have previously supported larger dwellings in the Parish, including one recently for a local person and given that the applicant's family also reside in Greenfield Cottage, they are unsure of why the Parish Council have taken this view.
- 6.2.6 The proposed study would face northwest which is the rear elevation of the dwelling whose primary elevation would south towards to the hillside and public footpath and its design is in keeping with the rest of traditionally proposed dwelling.
- 6.2.7 Furthermore, permitted development rights would allow for further extensions to this dwelling in the future which could subsequently increase the floor area at a later date and also increase the number of bedrooms too, so this additional floor area is not considered to be so objectionable as to recommend this application for refusal on these grounds.
- 6.2.8 Turning to the proposed design of the dwelling itself, this would have a vernacular appearance, but the original submitted plans omitted any material information. High quality finishes will be required here in order that the new dwelling would reflect local distinctiveness.

- 6.2.9 The elevations of the proposed dwelling would be constructed of Flemish Antique mid-red multi brickwork for the brick plinth with the main elevations in Smooth finish K-rend off White 'York'. The roof would be constructed of Marley Smooth Grey plain concrete tiles and the single storey side element would have cedar weatherboarding. The windows would be powder coated aluminium in dark grey and the front door would have a composite timber effect treatment.
- 6.2.10 As for the garage this would be constructed from the same cedar weatherboarding and Marley smooth grey concrete tiles.
- 6.2.11 The details of the materials now provided are considered to be high quality and would be appropriate in this rural area.
- 6.2.12 Additionally, because the proposed dwelling would be viewed against the backdrop of the hillside and would be amongst a loose scatter of other established dwellings and given the existing hedges would be protected by Condition 4 of the outline scheme, the development would not be unduly prominent in this rural landscape either.
- 6.2.13 A block plan with Landscaping details has now been submitted, this shows that the existing treed and mature boundary hedge with the neighbouring property to the northeast would be retained. As for the boundaries, these would be post and rail to match the existing post and rail that demarcates the paddock from the driveway and existing dwelling and this fence would also define the edge of the property from the existing public footpath.
- 6.3 **Residential Amenity**
- 6.3.1 The new dwelling would be sited some 7m away from the party boundary and there is one first floor window proposed on this side, but this would be for a bathroom and would be obscurely glazed. As for proposed dwelling that would be sited beyond the retained boundary hedge, this would be some 20m away and therefore given the separation distance between these two dwellings, it is not considered that the side windows would result in significant over overlooking or loss of privacy in this instance.
- 6.3.2 Neither is it considered that the new dwelling would result in any loss of amenity to the existing dwelling Greenfield Cottage either, because of the separation distance and also because the existing dwelling is further to the south than this new dwelling, so any overlooking would be minimal and more oblique.
- 6.4 **Access, highway safety and rights of way**
- 6.4.1 The means of vehicular access is as indicated at the outline stage and is acceptable to the Highways Development Control team. This shared track is already used by several different households. Its junction with the public highway has already been found to be satisfactory with the responsibility of maintaining this hardcore track being a civil matter for the various residential properties that use it. As for the public footpath that runs along the southern boundary of the site, this would need to be kept open and unaltered at all times.

6.5 Ecology

- 6.5.1 Ecological issues were considered fully at the outline stage, and a condition requiring a Construction Environment/Habitat Management Plan was imposed to protect both priority habitat on the remaining paddock and the nearby SSSI.
- 6.5.2 Initially no details of the Construction Environment/Habitat Management Plan provided nor was any proposed landscaping plan for the new development provided either and therefore Ecology were unable to comment. However further documentation has now been provided in the form of Construction Environmental/Habitat Management Plan.
- 6.5.3 This document was submitted on 10 August and it states that the site was reassessed on 26 May 2022 by Kate Thorne to check for any significant changes particularly with regard to the adjacent lowland vegetation which had been previously identified in the initial Ecological Assessment in April 2019 undertaken by Churton Ecology.
- 6.5.4 It was found that the hedges, scrub and grassland had not be changed much since the original survey and that the 'good' species identified in 2019 had remained in the grassland, although there was more Tufted Hair-grass than before. This was considered to be caused by the loss of pony that had previously grazed the paddock.
- 6.5.5 The boundary hedge to the east is considered to be very important and therefore the east end of hedge must be protected by temporary fencing during the construction works. It is considered that a 2m wide exclusion zone alongside the hedgerow is considered to be sufficient, but this will also need to make provision to include the existing ash tree too that is nearer the proposed dwelling.
- 6.5.6 Foul drainage will be provided by a septic tank and soakaway (drainage field) and this field will be included in the wildlife zone.
- 6.5.7 This will mean that temporary protective fencing will be required around the development site and this will include the drainage field area during construction as the rest of the field will be used for grazing.
- 6.5.8 The CEMP states that a permanent fence will be required along the driveway, house and garden to delineate the wildlife zone and as the drainage field will be located in the wildlife area, the turf and any topsoil will be stripped, stored and re-instated where possible.
- 6.5.9 There is a requirement for future management of the wildlife zone as set out in previous Outline approval, so this zone must be managed as a hay meadow with animals not allowed in to the field between March and August and the hay should be cut in late July. The CEMP makes reference to the zone being managed by a single horse grazing in the past meaning that low grazing has taken place instead of no grazing, but the horse has now gone.
- 6.5.10 The applicant now proposes two new options to produce a hay meadow that involve grazing with sheep. In both scenarios, the sheep are kept out of the field during spring and summer (March to July/August) after which time the animals are either i) introduced into the field in early to mid-July to graze down the tall sward and then remain there until Autumn or ii) there is a hay cut in mid-July with arisings removed and the sheep are put into the field to graze until the Autumn.
- 6.5.11 If it is found that Tufted Hair-grass continues to dominate, then topping may be required for some years in late summer.

- 6.5.12 There will also be a requirement for only a small tractor to be used on the field due to the patchy wet ground.
- 6.5.13 With regard to any future external lighting of the proposed development this must be installed in accordance with legislation and best practice. The CEMP states that external lighting should be minimised at this site and if used it must be fixed on the lowest column practical with the light spread kept below the horizontal by means of cowls, hoods and screens. The CEMP states that it is important not to allow any light spillage onto any of the surrounding hedges or tree lines. This means that there must be no permanent or PIR lighting installed. Any other lighting must use LED bulbs with a warm white colour spectrum (2700 Kelvins) so as to reduce the blue light component which causes most disturbance to bats.
- 6.5.14 In respect of other Ecological Enhancements, the CEMP states under section 3.6 that a new hedgerow using Hawthorn (70% stock) with Hazel, Rowan and holly hedging could be planted between the meadow and the new dwelling/garden, but that additional hedging along the driveway may compromise the protected grassland and the driveway does have native tree and mature shrubs along the south and west sides. There is also a requirement to improve and maintain the fencing along the north hedgerow base (H1) to allow this to recover. It is important not to plant blackthorn due to its suckering tendencies.
- 6.5.15 Standard hedge planting methods must be employed in accordance with the British Standard in terms of time of planting, origin of stock, position of stock and dates of trimming to ensure a properly maintained hedge boundary.
- 6.5.16 As for the requirements set out under Condition 8 in the Outline scheme, the CEMP states that small bird boxes can be placed on mature shrub stems or in the trees along the north-east hedgerow and or they can be placed in the nearby woodland /shrub southwest of the driveway on adjoining land within the applicant's ownership. 4 No Schwegler nest boxes will be provided that would suit a variety of small birds.
- 6.5.17 There is also a requirement to undertake future monitoring of the wildlife zone too and it will be monitored annually for its plant species for the next 5 years by following Natural England's CSM rapid assessment of grassland condition and this will have to be undertaken by a suitably qualified ecologist with vegetation monitoring skills. Details in the CEMP set out how this work will be achieved, and the forms required to be completed.
- 6.5.18 A Survey has already been done on this site in May this year to ascertain if the sward had retained its 'positive' species since 2019 when the last survey was undertaken. The results showed that a) not only had all the 'positive' species being retained since 2019, but that b) the targets for these 'positive' species had been met up to SSSI standards. However because of the presence of prevalent Tufted Hair-Grass, the 'negative' species failed to meet the required targets and therefore the overall result was that the field was not in a favourable condition and that management is required to reduce the frequency of this grass by re-introducing a grazing/cutting management plan.
- 6.5.19 The author of the CEMP hopes that following the repeat monitoring of the field between 2023 and 2027 that the applicant could take on the monitoring of orchids this field in the future.

6.5.20 This CEMP also includes the results of the meadow monitoring in Appendix 1, the timetable of the pre-construction, during construction and post-construction/operational works including mitigation and enhancements under Appendix 2 and the Monitoring forms in Appendix 3.

6.5.21 In response to this submitted CEMP, the Council's Ecologist has made the following comments:

The Construction and environment/habitat management plan (Churton Ecology, May 2022) is sufficient to fulfil the requirements of condition 4. The CEMP should be followed in full.

However the submitted landscaping plan (which is only a revised block plan with text) is not sufficient to fulfil the requirements of condition 9, so a formal landscaping plan needs to be submitted that includes details of the species to be planted in the hedgerow (as set out in section 3.6 of the CEMP) and permeable hardstanding to ensure that the hydrology of the meadow below remains unaffected.

6.5.22 Condition 9 of the outline approval requires the following

The first submission of reserved matters shall include a landscaping plan.

The submitted plan shall include:

- a) **Planting plans, creation of wildlife habitats and features and ecological enhancements;**
- b) **Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);**
- c) **Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;**
- d) **Native species used are to be of local provenance (Shropshire or surrounding counties);**
- e) **Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;**
- f) **Implementation timetables.**

The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

6.5.23 A formal landscaping Plan was requested again from the agent and this has now been received. The Council's Ecologist has considered the details as now submitted and is now satisfied that Condition 9 has been fulfilled.

6.5.24 It is also considered important that the existing trees and the hedgerow along the northeast boundary should be properly protected during construction works and therefore a pre-commencement tree protection condition is considered necessary for this case.

6.6 Sustainable Drainage

6.6.1 The proposal is for a foul drainage system to be provided that would be sited to the rear of the property with the drainage field being sited close to the party boundary

to the east. The Council's Drainage Engineer has considered the plans and recommends approval subject to a pre-commencement condition requiring full details of the sizing and a plan of the site being submitted. A suitably worded pre-commencement condition was imposed on the outline approval as Condition 4

7.0 CONCLUSION

7.1 Although the principle of the development has already been established by the outline permission, it is acknowledged that the proposed size of the dwelling is somewhat larger than has been permitted nearby in the settlement. Nevertheless, the proposed design and appearance of this new dwelling that would use both traditional materials and would reflect the local vernacular in the context of the site and its surrounding and would not unduly affect the wider landscape is considered to be acceptable. There are no other significant concerns regarding residential amenity or highway safety and other matters have been addressed at the outline stage. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD12 - Natural Environment
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY: _

19/02225/OUT Outline application for the erection of an open market dwelling GRANT 15th July 2019

22/02643/REM Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline permission 19/02225/OUT for the erection of a detached dwelling and garage PDE

11. Additional Information

View details online:

[22/02643/REM | Approval of reserved matters \(access, appearance, landscaping, layout and scale\) pursuant to outline permission 19/02225/OUT for the erection of a detached dwelling and garage | Proposed Dwelling NE Of Greenfield Cottage 7 The Lyde Bromlow Minsterley Shropshire](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter

Local Member

Cllr Mrs Heather Kidd

Appendices APPENDIX 1 - Conditions

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

1. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below in Appendix 1.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6 and CS17 of the Shropshire Council Local Development Framework Core Strategy.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of measures to protect existing trees and hedgerows which are to be retained on and adjacent to the site (including on the land edged in blue on the submitted location plan). The agreed measures shall be adhered to at all times during the course of construction works, and any of the trees or plants which, within a period of five years from the date of the new dwelling's substantial completion or first occupation (whichever is the sooner), die, are removed or become seriously damaged or diseased shall be replaced during the next planting season in accordance with details which shall first be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the external appearance of the development is satisfactory, and to help safeguard the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

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

3. Prior to the first occupation of the new dwelling, vehicular access and parking/turning

areas shall be laid out and surfaced in accordance with the approved block plan. They shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

4. The detached outbuilding included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the occupation of the approved new dwelling on the site as a single dwelling unit. At no time shall it be occupied as a separate dwelling or used for commercial or business purposes.

Reason: To safeguard the residential amenities of the area and avoid the establishment of an additional new dwelling without further consideration of the relevant planning issues, in accordance with Policies CS4 and CS6 of the Shropshire Local Development Framework Adopted Core Strategy.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Your attention is drawn specifically to the conditions above, and those attached to associated outline planning permission No 19/02225/OUT, which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. This planning permission does not authorise any right of passage over, or the obstruction, realignment, reduction in width, resurfacing or other alteration of, any private driveway or right of access. Before carrying out any such operation you should first satisfy yourself that you have the necessary consent from the landowner(s) and any other affected party, if necessary by taking legal advice.

4. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team (cil@shropshire.gov.uk).

5. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways not be feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 years + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

6. Urban creep is the conversion of permeable surfaces to impermeable over time e.g., surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

7. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

8. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling

boxes). Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

9. National Planning Policy Framework 2021
National Planning Practice Guidance 2021

Shropshire Council Adopted Core Strategy
CS4 Community Hubs and Clusters
CS6 Sustainable Design and Development Principles
CS7 Communications and Transport
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Supplementary Planning Guidance
Type and Affordability of Housing

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD3 Managing Housing Development
MD12 Natural Environment

West Midlands Combined Authority Design Charter 2020

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SCHEDULE OF APPEALS AS AT COMMITTEE 27 September 2022

LPA reference	22/00527/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Mark Pritchard
Proposal	Outline application with all matters reserved for the erection of a pair of semi-detached dwellings (resubmission of application 20/03697/OUT)
Location	Land West Of 13 Beech Street Woodhill Highley Shropshire
Date of appeal	16.08.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22.00839/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Paul Inions
Proposal	Erection of a single storey rear extension and garage and gym extension to the side (resubmission of 21/00796/FUL)
Location	Hall Cottage Folley Road Ackleton Shropshire WV6 7JL
Date of appeal	13.07.2022
Appeal method	Householder fast Track
Date site visit	
Date of appeal decision	17.08.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/05845/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Churchill Retirement Living
Proposal	Erection of 4no 2 bedroomed age restricted cottages (60 years of age and/or partner over 55 years of age) with 6no car parking spaces and associated works
Location	Proposed Residential Development Land At Former Builders Yard South Of Innage Lane Bridgnorth Shropshire
Date of appeal	31.05.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	19.08.2022
Costs awarded	Dismissed
Appeal decision	Dismissed

LPA reference	21/02173/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Taylor
Proposal	Erection of an agricultural storage building and access gates
Location	Greenfields Farm Hilton Bridgnorth Shropshire WV15 5NZ
Date of appeal	07.06.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	19.08.2022
Costs awarded	Refused
Appeal decision	Allowed

LPA reference	22/00180/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Ryan Chance
Proposal	Erection of a detached garage and workshop with home office and storage above
Location	Bank House Nobold Lane Shrewsbury SY5 8NW
Date of appeal	24.05.2022
Appeal method	Fast Track
Date site visit	
Date of appeal decision	17.08.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/03828/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Phyllis Botfield
Proposal	Erection of a 3 bedroom self-build dwelling on infill plot
Location	Proposed Dwelling North Of Westhope Lyth Bank Shrewsbury Shropshire
Date of appeal	17.08.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 26 July 2022

By Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref: APP/L3245/D/22/3297563

Hall Cottage, Folley Road, Shropshire, Ackleton WV6 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Inions against the decision of Shropshire Council.
 - The application Ref 22/00839/FUL, dated 18 February 2022, was refused by notice dated 11 April 2022.
 - The development proposed is described as “the proposal seeks to bring forward a proposed single storey rear extension, which sits within the existing parameters of built development associated with the site, together with a side extension facilitating a garage and utility area.”
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application (22/00839/FUL) that is subject to this appeal is a resubmission of an identical application (21/00796/FUL) that was previously refused by the Council. The difference between the two applications is the appellant’s submission of a planning statement that has been prepared in direct response to the reasons for refusal raised in the previously refused application.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area.
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (Framework) explains that the erection of new buildings in the Green Belt should be regarded as inappropriate

- development. Paragraph 149 includes a closed list of exceptions. One of which is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy CS5 of the Shropshire Council Local Development Framework: Adopted Core Strategy (March 2011) (CS) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Policy MD6 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) states that development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt. Therefore, these policies are broadly consistent with the Framework.
 6. There is no definition within the Framework of 'disproportionate'. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement. Based on the evidence before me, the original dwelling was modest in terms of its size and scale. The building has been enlarged by previous extensions, which is not disputed by the main parties. The proposal, in addition to the extensions already constructed, would more than double the volume of the original dwelling and would significantly increase its floorspace and massing. Consequently, on the evidence before me, the proposal would amount to a disproportionate addition to the original building.
 7. For the reasons above, the proposal would be inappropriate development in the Green Belt. The proposal would therefore conflict with the Framework and Policy CS5 of the CS and Policy MD6 of the SAMDev, which seeks to protect the Green Belt by only allowing limited extension, alteration or replacement of existing buildings in line with the Framework. I am required to attach substantial weight to the harm caused by virtue of the proposal's inappropriateness.
 8. In their reason for refusal regarding this issue, the Council cite Policy CS6 of the CS and Policy MD2 of the SAMDev. However, it seems to me that these policies do not relate to Green Belt. Accordingly, I do not consider that these policies are relevant to this main issue.

Openness of the Green Belt

9. The proposal would increase the mass and bulk at ground and first floor levels to the side of the existing building. The proposal would also increase the mass and bulk at ground floor level to the rear, as the proposed rear extension would have a larger footprint than the existing conservatory. These combined extensions would increase the building footprint to the side and rear, resulting in the dwelling being wider and deeper. Therefore, its overall bulk would be significantly increased from that of the original building. As a result of the increase in built form, the proposal would significantly reduce the openness of the Green Belt in spatial terms.
10. The proposed rear extension would be largely screened from the road and public vantage points, being positioned behind the existing dwelling. However, the proposed side extension would be seen from public vantage points from the road. The proposed side extension would result in an increase in volume and bulk, which would be a notable change from what is there now. This would result in a marked reduction to the openness of the Green Belt in visual terms.

11. Paragraph 137 of the Framework makes it clear that the essential characteristics of Green Belts are their openness and their permanence. For the reasons above, the proposal would diminish the contribution the appeal site makes to the openness of the Green Belt in spatial and visual terms.
12. The proposal would therefore conflict with the Framework and Policy CS5 of the CS and Policy MD6 of the SAMDev, which seeks to protect the Green Belt. As above, I am required to attach substantial weight to this element of Green Belt harm.

Character and Appearance

13. The appeal property is a detached dwelling of rendered brickwork with a tiled gable roof, sat within generously sized grounds. It is part of a row of large, detached dwellings in spacious plots on Folley Road. The surrounding area is agricultural land.
14. Although the proposed rear single-storey extension would be of a similar height to the existing conservatory that it would replace, its width would be wider and therefore its overall depth would be deeper. However, it would not appear prominent in views outside the site, as it would be screened by the existing dwelling. Furthermore, the design of the proposed rear extension would follow the architectural style of the host dwelling.
15. The scale, height and massing of the proposed two-storey side extension would have an unsympathetic and disproportionate impact on the host dwelling. This is because the width of the proposed side extension would significantly increase the width of the existing dwelling when viewed from the street-scene. Combined with the proposal's two-storey height, this would unbalance its relationship with the host dwelling, to the detriment of its structure and harmony. Therefore, the proposal would not appear subordinate to the host dwelling.
16. The proposed side extension would also fill a gap where there is currently no built form. This would be of visual detriment to the street-scene thereby causing harm to the character and appearance of the area.
17. In addition, due to the land level changes, the rear of the proposed side extension would be three-storey in height, appearing as an incongruous feature to the two-storey host dwelling. How screened this element may be from the street-scene would not acceptably reduce the design harm that would arise.
18. Furthermore, the proposed garage doors and dormer windows would not integrate well with the host dwelling. This is because the garage doors are excessively tall, and the dormer windows would not replicate the existing window sizes or design. This disproportionate approach to fenestration would erode the original and characterful appearance of the host dwelling.
19. Whilst detailing, such as the proposed materials, would be somewhat sympathetic to the character and appearance of the host dwelling and could be imposed by a condition, this would not outweigh the harm identified above as a result of the scale and form of the proposal.
20. The proposal would therefore have an adverse effect on the character and appearance of the host dwelling and the surrounding area. As such, it would fail to accord with Policy CS6 of the CS and Policy MD2 of the SAMDev.

Collectively these policies, amongst other things, seek to ensure new development is designed to a high quality and respects and enhances local distinctiveness, and responds appropriately to the form and layout of existing development. In addition, the proposal would not comply with paragraph 2.21 of the Council's adopted Shropshire Local Development Framework – Type and Affordability of Housing Supplementary Planning Document (SPD) (2012), which seeks to ensure that new development is sympathetic to the character and appearance of the original dwelling. It would also fail to accord with the design objectives of the Framework.

21. In their reason for refusal regarding this issue, the Council cite Policy CS5 of the CS and Policy MD6 of the SAMDev. However, it seems to me that these policies relate to Green Belt and not to character and appearance. Accordingly, I do not consider that these policies are relevant to this main issue.

Other Considerations

22. The appellant refers to potential fallback options in the shape of development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO). However, there is limited information within the evidence regarding the detail of such permitted development. Whether it would be likely and indeed whether it would be more or less harmful than the appeal scheme. Were I minded to dismiss the appeal, there is no substantive evidence to suggest that the appellant would proceed with erecting such development under permitted development rights. Therefore, I am not satisfied that there is a real prospect of the fallback position being implemented. I therefore give limited weight to the potential permitted development fallback.
23. Whilst the proposal would result in additional incidental amenity space and no doubt improvements to the dwelling, this would be a private benefit to which I could attach only limited weight against the harms I have found.

Conclusion

24. The proposal would be inappropriate development and would cause harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to this identified harm. In addition, harm has also been identified to the character and appearance of the host dwelling and the surrounding area.
25. As set out above, other considerations put forward in support of the proposal attract limited weight. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
26. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR



Appeal Decision

Site visit made on 26 July 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/L3245/W/22/3296574

Land off Innage Lane, Bridgnorth, Shropshire, WV16 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living Ltd against the decision of Shropshire Council.
 - The application Ref 21/05845/FUL, dated 22 December 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the erection of 4 x 2 bed age restricted cottages (60 years of age and/or partner over 55 years of age) with 6 parking spaces and associated landscaping.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Shropshire Council against Churchill Retirement Living Ltd. This application is the subject of a separate decision.

Preliminary Matters

3. As part of the permission granted for the retirement complex, the appeal site was approved for use as a large, shared garden for future occupiers. The approved plans show it laid out with pathways, planting, and a semi-circular amenity area. At the time of my visit the appeal site was not yet developed as approved.

Main Issues

4. The main issues are the effect of the proposal on (i) the living conditions of the neighbouring occupiers at the existing retirement accommodation, and (ii) the character and appearance of the surrounding area.

Reasons

5. The appeal site is predominantly set behind Mortimer Lodge, a retirement apartment complex. The site shares the driveway access with Mortimer Lodge to gain access off Innage Lane. At the time of my visit, it appeared that Mortimer Lodge itself had been completed, with some residents having moved in. However, as noted above, the area of the appeal site to the rear of the complex was clearly still unfinished and contained builder's rubble.

Living Conditions

6. The proposal would include the erection of a terrace of four dwellings, along with the provision of six parking spaces and an extension to the existing access drive. These would be sited to the rear of the complex on the piece of land that had been set aside to provide amenity space for the occupiers of the retirement apartments. As a result of this development, the outside amenity space associated with the apartment complex would be significantly reduced, being limited to the band of green space that surrounds the building.
7. I am mindful that the occupiers associated with the retirement complex and proposed dwellings will be older and are consequently likely to have reduced mobility. Nevertheless, whilst some may be happier staying inside, or closer to the complex, I do not find that this would necessarily be true for all occupiers. Therefore, whilst future occupiers may not be as active as children or young adults, and so would not need outside space to play or undertake vigorous exercise, I find that their typical daily needs would still include space outside to walk, sit and socialise.
8. In considering the space that existing and future occupiers may require, I am mindful of Policy MD2(5) of the Shropshire Council Sites Allocations and Management of Development Plan (the SAMD, December 2015). Although this policy sets out an open space recommendation of 30m², this requirement is flexible, requiring that developers consider providing this space, I therefore find it consistent with the National Planning Policy Framework (the Framework).
9. The retained amenity space would primarily be provided by the area within the crook of apartment complex, a green space with a small area of patio. Whilst of some size, I find that it is not of such a scale that it would be sufficient to meet the needs of the occupiers associated with the existing 50 apartments. Moreover, given its close proximity to the existing car park and drive, the outlook and background noise would be harmed by the hardstanding and associated vehicles. This area would therefore not provide a high-quality environment.
10. Furthermore, whilst the proposed dwellings would be provided with their own private amenity spaces, which would be sufficient to meet their respective needs, they would also be permitted to use the complex's shared outdoor amenity space, further increasing the potential demand on this area.
11. Alongside the formal outside amenity space, there is also a band of green space which separates the complex from the site boundaries. However, this is generally narrow and set aside for planting. Moreover, it is set close to the windows serving ground floor apartments, including bedroom, and living room windows. Cumulatively, I find that these matters would make this band of land an unappealing space for occupiers to sit out and socialise. I therefore find that it would not be sufficient to mitigate the loss of the large dedicated recreational area covered by the appeal site.
12. Although the approved outside amenity space associated with the complex may exceed the typical needs of future occupiers, this does not justify the extent to which it would be reduced by the proposal before me. Therefore, whilst the proposal would provide a suitable level of external amenity space for future occupiers within the proposed dwellings, the occupiers of the apartments would not be afforded the same.

13. In light of the above, the proposal would result in the unacceptable reduction of communal outside amenity space provision for the occupiers of the retirement complex, to the detriment of their living conditions. The proposal would therefore conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS, March 2011) and Policy MD2 of the SAMD which collectively, and amongst other matters, require that proposals provide useable and well connected outdoor space that contributes towards wellbeing and is adaptable to life-style needs. The proposal would also conflict with Sections 8, 11 and 12 of the Framework, including Paragraphs 92, 119, 120, 124, 126, 130 and 134, these set out the social and wellbeing benefits of outside space and seek for proposals to make effective use of land that ensures healthy living conditions and a high standard of amenity for existing and future users.
14. In reaching the decision above I have also been mindful of the guidance set out within the Planning Practice Guidance on Housing for Older and Disabled People.
15. Whilst the appellant has made reference to Policy DP15 of the emerging local plan, I understand that the plan is early in the process of examination and therefore I give it very limited weight. Nevertheless, whilst the policy allows a greater level of flexibility over open space provision, it still requires the open space to meet the needs of residents. As outlined above, this has not been demonstrated here.

Character and Appearance

16. I note the Council's concerns regarding the scale of the hardstanding associated with the driveway and parking areas serving the proposed dwellings. Whilst they would collectively take up a sizeable area, the driveway and parking areas would be surrounded by soft landscaping, including formal planting areas, verges, and hedging. I find that these would soften and somewhat screen the hardstanding's appearance. I also find that the proposed parking would be commensurate with the proposed dwellings and as such would appear akin to a typical residential street in this sense.
17. A suitably worded condition could be used to ensure that the proposed landscaping was provided and retained in the event that the appeal was allowed.
18. Therefore, I find that the proposal would not harm the character and appearance of the surrounding area by way of its hardstanding and parking. It would therefore comply with ACS Policy CS6 and SAMD Policy MD2 in so far as their requirements for proposals to be of a high-quality that conserves the built environment by taking account of the local context and character. It would also comply with the appearance aims of the Framework, in particular Paragraphs 126 and 130.

Other Matters

19. The appellant submits that it would not make commercial sense to harm the amenity space provision of the apartment complex. I also note their reference to an appeal decision¹ where the Inspector gave weight to the developer's experience in providing retirement accommodation. Whilst it may not be in the

¹ APP/g2625/a/03/1118836

appellant's interests to harm the provision of amenity space, and although they may have experience in providing such development, this does not preclude me from finding harm.

20. The appellant has made reference to a number of paragraphs set out within the Framework, including Paragraphs 7, 8, 11, 12, 60, 61 122 and 125. Although these have not been directly referred to within the issues set out above, I have been mindful of them and they have contributed towards my assessment, including the planning balance set out below.

Planning Balance and Conclusion

21. The Government's objective is to significantly boost the supply of housing and the proposal would provide four new dwellings in a location with adequate access to services. They would also contribute towards an identified need for sheltered accommodation and would likely reduce pressures on health and social care services. The proposal would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits from future occupiers. Given the small scale of the proposal, these matters would collectively attract moderate weight.
22. Conversely, the proposal would result in harm to the living conditions of the retirement complex, in conflict with the development plan taken as a whole. This matter attracts significant weight and outweighs the benefits associated with the proposed development.
23. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR



Costs Decision

Site visit made on 26 July 2022

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Costs application in relation to Appeal Ref: APP/L3245/W/22/3296574 Land off Innage Lane, Bridgnorth, Shropshire WV16 4HJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Shropshire Council for a full award of costs against Churchill Retirement Living Ltd.
 - The appeal was against the refusal of planning permission for the erection of 4 x 2 bed age restricted cottage (60 years of age and/or partner over 55 years of age) with 6 parking spaces and associated landscaping.
-

Decision

1. The application for the award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) makes it clear that parties in planning appeals normally met their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The Council submits that the developer has acted unreasonably by hiding their full intentions with regard to the appeal site and adjacent retirement complex. The Council states that this has led to the submission of the current proposal and subsequently wasted expense at appeal.
4. Although it is clear that the proposals for the site have changed since the approved scheme for the retirement complex, I do not have any substantive evidence before me to demonstrate that the developer misled the Council as part of this. Therefore, I find on balance that it is most likely that the developer merely changed their intentions for the site, this is not unreasonable behaviour. Moreover, the Council, and other interested parties, have had the opportunity to consider the proposals and changes at each stage.
5. I therefore find that unreasonable behaviour which resulted in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Samuel Watson

INSPECTOR

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Appeal Decision

Site visit made on 9 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/L3245/W/21/3287912

Greenfields Farm, Hilton, Bridgnorth WV15 5NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Taylor against the decision of Shropshire Council.
 - The application Ref 21/02173/FUL, dated 19 May 2021, was refused by notice dated 24 August 2021.
 - The development proposed is a detached agricultural building and new access gates.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached agricultural building and new access gates at Greenfields Farm, Hilton, Bridgnorth WV15 5NZ in accordance with the application Ref 21/02173/FUL, dated 19 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan Proposed Agricultural Building and Gates Drawing Number 2045/101.
 - 3) No floodlighting or external lighting associated with the development shall be installed.

Application for costs

2. An application for costs was made by Mr Chris Taylor against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matter

3. The development includes the construction of an agricultural building and new access gates. The reasons for refusal on the Council's decision notice indicate that the agricultural building is the matter in dispute. I have no reason to disagree with the Council's conclusion that the access gates are acceptable in planning terms. My reasoning below therefore relates solely to the building.

Main Issues

4. The main issues are:

- Whether there is an agricultural justification for the proposed development;
- Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
- The effect on the openness of the Green Belt; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Agricultural justification

5. The appeal site is formed of approximately 2 hectares in agricultural use with a contemporary dwelling located centrally in the site and a number of fenced paddocks. The enterprise is currently small scale comprising 12 sheep.
6. The proposal comprises a building that would be used for lambing, to store forage and hay and general-purpose agricultural items. It would be located close to the dwelling and the paddock that houses most of the sheep.
7. Whilst the current operation is small scale the enterprise has grown between determination of the application and submission of the appeal which, to me, demonstrates that the enterprise is developing as the appellant directs.
8. The size of the proposed building would be commensurate with the scale of the enterprise. Its position would be directly related to the existing paddocks and close enough to the dwelling for the appellant to attend to the welfare needs of animals during lambing season. It is clear that there is a functional and practical reason for a shelter for lambs including during lambing season and a building for year-round agricultural activities. There is also no other buildings or structures that could reasonably accommodate livestock, feed or agricultural items reinforcing the requirement for the building, particularly in light of the growth of the number of livestock at the enterprise.
9. There is no substantive evidence to indicate that the building would be used for non-agricultural purposes. The appellant indicates that the building would be a livestock shelter and storage for agricultural items. Based on the evidence before me I am satisfied that the proposed development would be used for such purposes and there is nothing to doubt that the appellant's intentions are anything but genuine.
10. The Council set out an expectation that new agricultural enterprises should demonstrate commercial viability before new buildings can be supported. However, this is not a determining factor as the Council have not directed me to any planning policies which stipulate that an enterprise must be viable.
11. As such, I am satisfied that there is reasonable justification for the proposed development. I conclude it accords with Policies CS5 and CS13 of the Shropshire Core Strategy (2011) and Policy MD7b of the Site Allocations and

Management of Development (SAMDev) Plan (2015) which, amongst other things, support agricultural related development; recognise the continued importance of farming for food production and rural enterprise and support development that is of a size and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise.

Whether the proposal would be inappropriate development in the Green Belt

12. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are not inappropriate in the Green Belt including buildings for agriculture and forestry.
13. As I find it to be the case that the proposed development would be for agricultural use the proposal is not inappropriate development in the Green Belt and very special circumstances do not need to be demonstrated in order to justify the proposal.
14. I therefore conclude the proposed development accords with CS Policy CS5 and SAMDev Policy MD6 which, amongst other things, support developments that do not conflict with the purposes of the Green Belt. It would also accord with the Green Belt aims and objectives set out in the Framework.

Conditions

15. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. In order to protect the rural character of the area I have imposed a condition preventing the installation of floodlights and external lighting.
16. A condition restricting construction works, demolition and associated deliveries is not necessary and has not been imposed due to the considerable separation between the proposed building and nearby properties.
17. The Council has suggested a condition for the proposed building to be constructed from timber clad walls with a standing seam zinc roof. However, sufficient information is shown on the submitted plans. The development must be carried out in accordance with the approved plans thus the condition is not necessary and has not been imposed.

Conclusion

18. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

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Costs Decision

Site visit made on 9 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Costs application in relation to Appeal Ref: APP/L3245/W/21/3287912 Greenfields Farm, Hilton, Bridgnorth WV15 5NZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Chris Taylor for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for a detached agricultural building and new access gates.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant contends that the Council have mis-applied relevant development plan policies and implied that his intentions are not genuine.
5. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should reasonably have been permitted. Whilst I have not sided with the Council with regard to the merits of the development proposal, they produced a largely cogent report and a decision notice which detailed the reasons for refusal. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Shropshire Local Plan that the proposal would be in conflict with. The Council has substantiated its position at appeal rather than making vague, generalised or inaccurate assertions
6. I acknowledge the applicant's concerns regarding the Council's comments in respect of viability. As can be seen from my decision there are no planning policies which stipulate that an enterprise must be viable. However, it appears that this was one of a number of factors in the Council's case rather than their main argument. I am satisfied that the decision was based on relevant

planning policy, guidance and other considerations. I therefore conclude that the actions of the Council do not amount to unreasonable behaviour.

7. The proposed development subject of this appeal was submitted as a building for agricultural purposes as indicated on the application form and supporting documents. The appeal proposal should have been considered on its own individual merits but based on the Council's comments it appears that the previous application fettered consideration of the appeal scheme. In my view this amounts to unreasonable behaviour, but I am satisfied that no unnecessary or wasted expense was incurred in the appeal process as the appeal was necessary in any event because of the other concerns raised.
8. The applicant contends that due to delays in obtaining planning permission costs have significantly increased for him. The PPG is clear that an award of costs relates to costs associated with the appeal which includes the time spend by appellants and/or their agents in preparing for an appeal or providing advice. Claims relating to indirect losses such as those that may result from an alleged delay in obtaining planning permission are ineligible. Therefore, the development costs at the end of the application and appeal process are not grounds for an award of costs.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR



Appeal Decision

Site visit made on 26 July 2022

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/L3245/D/22/3298131

Bank House, Nobold Lane, Shrewsbury, Shropshire SY5 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ryan Chance against the decision of Shropshire Council.
 - The application Ref 22/00180/FUL, dated 13 January 2022, was refused by notice dated 7 March 2022.
 - The development proposed is a garage and workshop with home office and storage above.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in a large outbuilding within the curtilage of this residential property. It would replace the existing garage which is relatively unobtrusive due to the limited height of its flat roof and its slight set back from the boundary with the road. The proposal would extend closer to the road and would be significantly higher and larger. The proposed pitched roof and materials would be more in keeping with the detailing of the dwelling, although the pitch of the roof would be significantly steeper, resulting in an overall height of nearly six metres and a very substantial roof form.
 4. The new building would be extremely prominent when approaching the property in both directions due to its height and proximity to both the highway and the rear boundary. The pitch and scale of the roof would be at odds with the design of the dwelling and its overall height and position would ensure that it would be an extremely dominant new feature. It would not represent good design as it would fail to respect the design and proportions of the house and it would not have the design quality to justify its substantial size in such a prominent position. Whilst outbuildings are common features of residential properties, this proposal would be overly dominant in the position shown. It would detract from the character and appearance of the area and it would not represent high quality design in this particular context.
-

5. As the proposal would not contribute to local distinctiveness; respond appropriately to the existing built form; or adequately take into account the local context or character, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan 2015. As these policies generally accord with the design objectives of the *National Planning Policy Framework*, I afford them full weight.
6. The use of high quality materials and a pitched rather than flat roof are positive features of the design notwithstanding my concerns above. I have also had regard to the lack of objections. Reference has been made to the outbuilding abutting Nobold Hall. That garage has a much lower pitched roof and is of a lesser overall scale. It is also viewed in association with a much larger property. It provides support for the use of quality materials and a pitched roof but not for the greater height and scale of the proposed structure. The works would generate economic activity and provide flexible accommodation for the residents but the social and economic benefits would not be sufficient to outweigh the environmental concerns.
7. Overall, whilst there would be some benefits to the proposal, they would not be sufficient to outweigh the harm that would result to the character and appearance of the area. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR