



Committee and date
Southern Planning Committee
20th September 2022

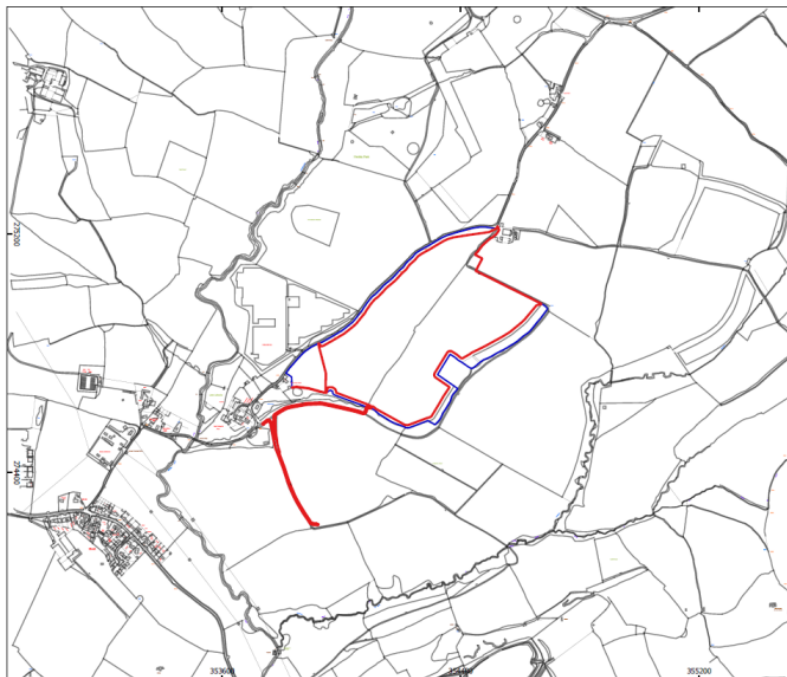
Development Management Report

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

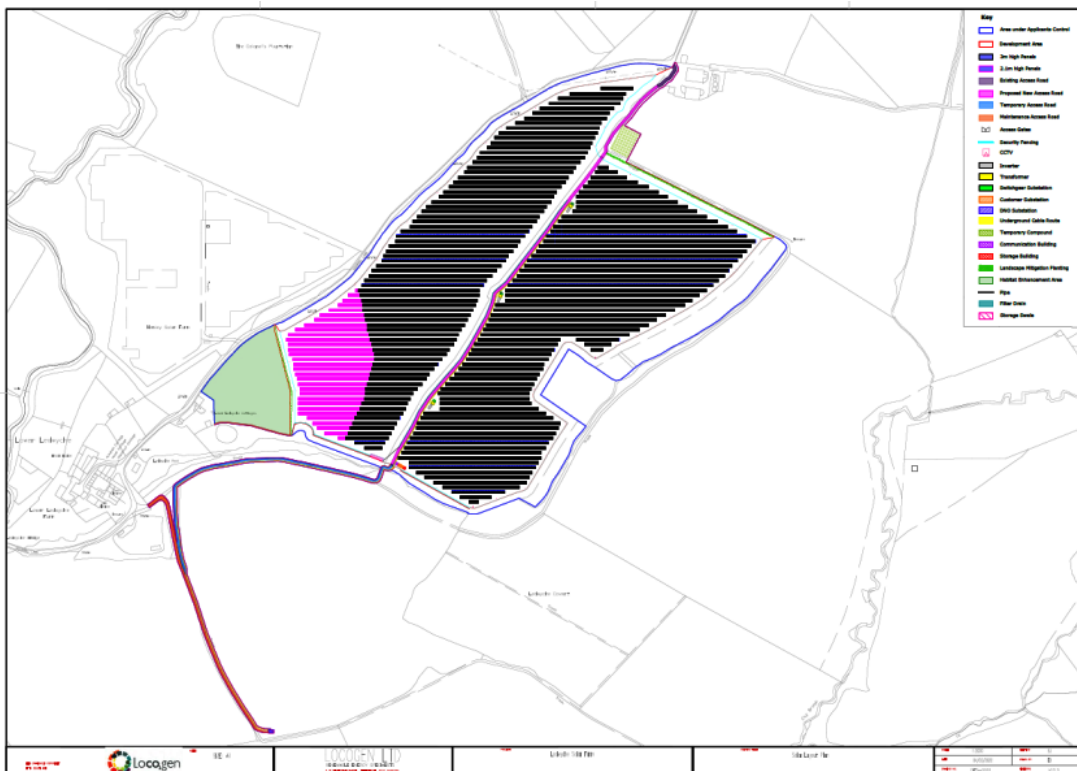
Recommendation:- Approve subject to the conditions set out in Appendix 1.



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.



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,

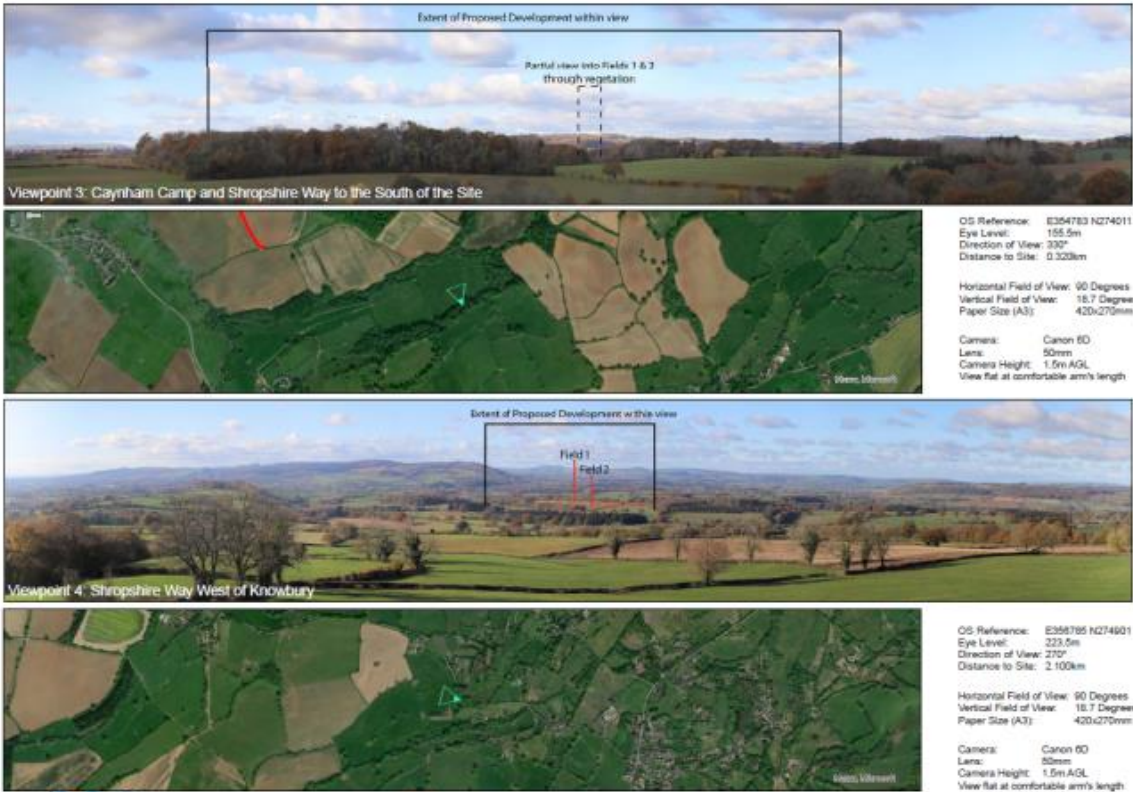


Figure 6
 Date: 22/11/2021
 Drawn By: Jamie McGhee
 Drawing No.: NED0094GD151A

Fields with Development

Fig 4

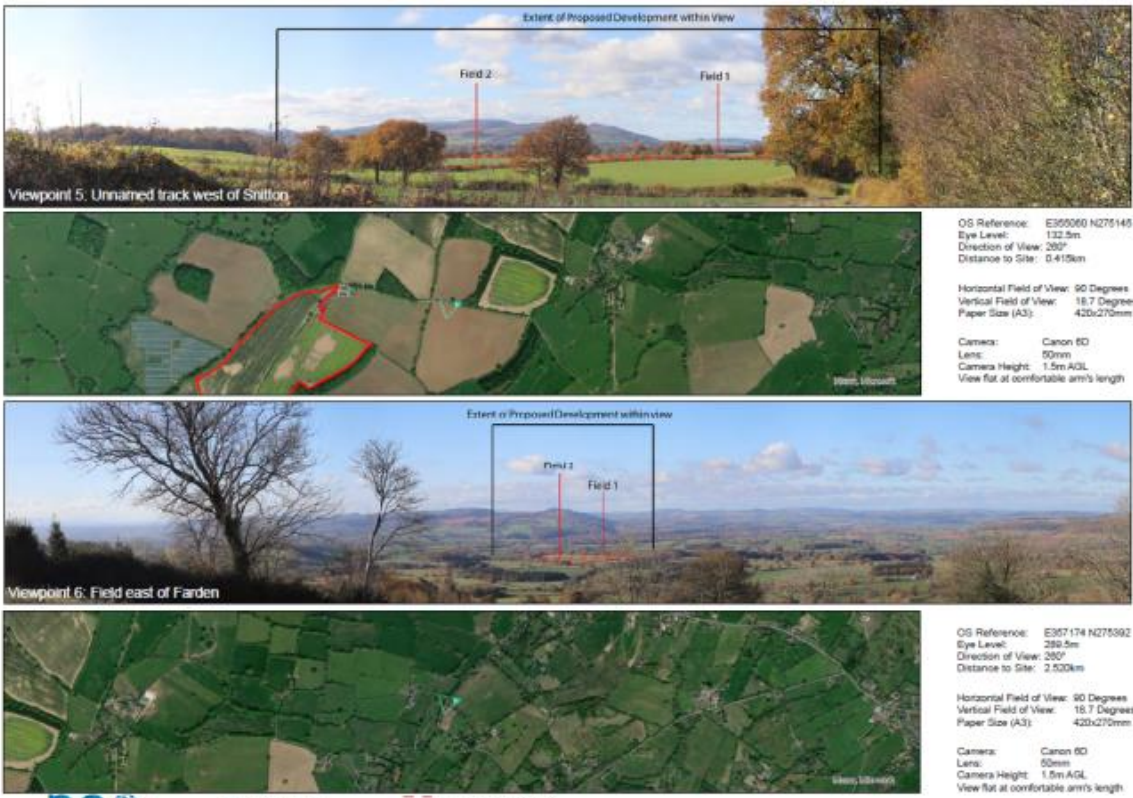


Figure 1.6
 Date: 22/11/2021
 Drawn By: Jamie McGhee
 Drawing No.: NED0094GD151A

Fields with Development

Fig 5

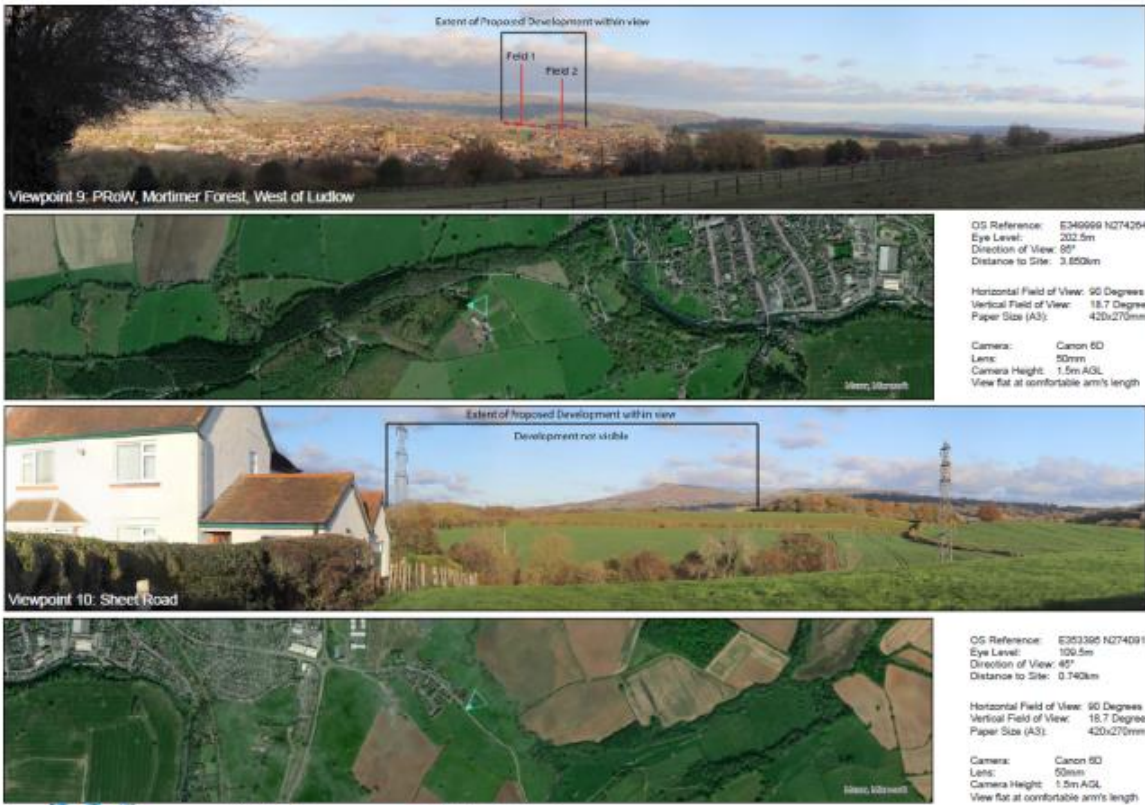


Figure 9

Date: 22/11/2021
 Drawn By: Jamie McGhee
 Drawing No.: NEO00665/005/A

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 Epsom



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-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.

6.6.6 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