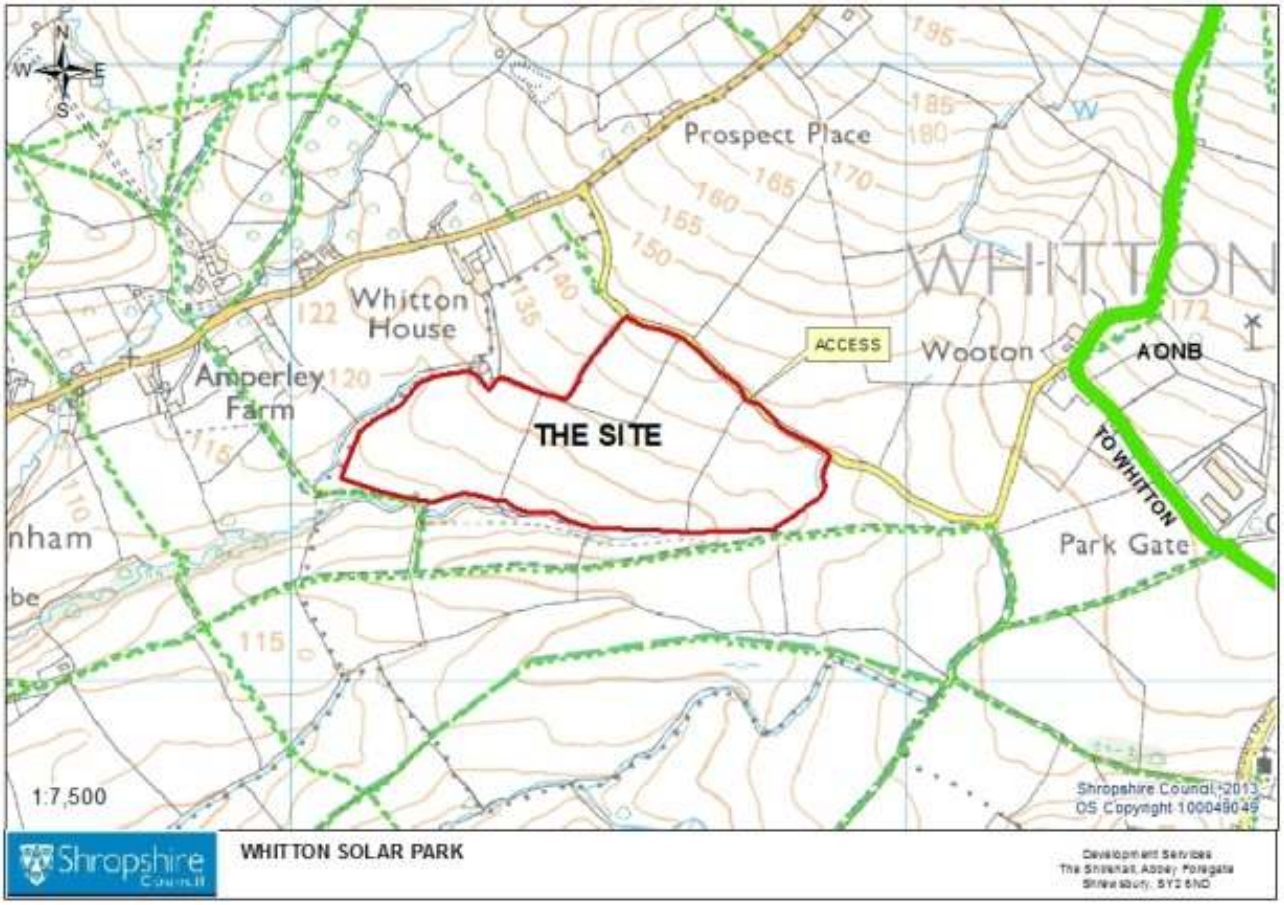
Committee and date
South Planning Committee
14 October 2014

Development Management Report

Summary of Application

Application Number: 14/02873/FUL	**Parish:**	Adj. to Caynham PC
Proposal: Erection of ground mounted solar farm along with associated infrastructure, landscaping and ancillary structures on agricultural land		
Site Address: Land at Whitton, Caynham, Shropshire		
Applicant: EBS Energy LLP		
Case Officer: Grahame French	**email:** planningdmc@shropshire.gov.uk	



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

Contact: Tim Rogers (01743) 258773

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

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

REPORT

1.0 THE PROPOSAL

1.1 The applicant is proposing to establish a solar photovoltaic (PV) park on 17.4 hectares of pasture farmland at Whitton. The proposed facility would generate up to 8.6 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 2,500 homes. Following construction, the site would be seeded with an appropriate grassland mix and would become available for grazing. Construction would take 4 months. The site would have an operational life of approximately 25 years, after which it would be decommissioned and arable potential would be reinstated.

1.2 The solar park would consist of approximately 44,000 individual photovoltaic panels measuring 1.7m by 1m. These would be mounted on frames and laid out in rows running from east to west across the site. They would be oriented south and angled at 25 degrees to the horizontal with a maximum height of 2.2m (minimum 0.8m). The mounting frames would be matt finished galvanised steel with 200mm diameter steel posts. The posts for the panel frames would be driven into the ground up to a depth of 1.5m.

1.3 The proposed development will require the construction of five invertor and transformer kiosks in order to convert the electricity to a form suitable for export to the electricity distribution network at the appropriate voltage. The invertors convert solar energy from Direct Current (DC) to Alternating Current (AC) and would sit on concrete bases to ensure stability. The kiosks would be pre-fabricated structures with a matt dark green finish measuring 6.1 metres long, 2.4 metres wide and 2.6metres high (from ground level)and mounted on metal legs to raise the kiosks off the ground. The applicant has applied to the network operator Western Power Distribution for preliminary connection information, and it has been confirmed an on-site connection is feasible.

1.4 Switch gear would be located within a purpose built substation that is designed in accordance with Western Power Distribution's standard specification. This would be constructed with a pitched roof and would be 11.7 metres long by 5.7 metres

wide with a 1.8 metre by 2 metre lean-to extending from the side elevation that will house the meter.

1.5 The fence would be deer fencing with wooden posts at regular intervals. The fence would be constructed inside the agricultural field boundaries. A gap would be retained along the base of the fence to allow small animals access. At regular intervals a small security camera will be positioned at the same height as the top of the security fencing. As a result of community responses regarding the inward-looking CCTV cameras located around the site, EBS Energy will use instead an infra-red photoelectric beam security system which is being widely used on solar farms across the UK as an alternative to CCTV Cameras. An amendment has therefore been made to the Site Layout Plan that shows that all CCTV cameras have been removed and replaced with infra-red photoelectric beam security. This security system emits no visible light, no noise and is considerably less intrusive and less incongruous than CCTV cameras. Furthermore the beam posts will be lower than the panel arrays so will be more discrete than the previously proposed CCTV cameras.

1.6 Landscape planting is proposed along the north and west site boundaries. No permanent lighting is proposed. The remaining existing hedgerows to the north and east to be maintained and reinforced / in filled where necessary and allowed to grow to a height of 2.5 metres to 3 metres to provide additional screening of the development from the north and east. Emergency lighting will be provided on the transformer and inverter kiosks as required if emergency maintenance is required in the hours of darkness.

1.7 The proposed development would be accessed via an existing field gate entrance located midway along the northern unclassified highway. A temporary marshalling area surfaced in compacted stone would be provided during the construction phase at the existing entrance point, which would be removed immediately upon completion of construction.

1.8 The construction phase would result in the temporary generation of construction traffic over a period 10 weeks. The materials would be stored off site and will be transported at phased intervals during the construction period to control vehicle movements so as to mitigate impact on the local highway network. The construction phase would be managed with a construction management plan to determine the timing of deliveries and the proposed route to the development from the principle road network. It is envisaged that there would be 72 deliveries to the marshalling point by in total by articulated vehicles. The most intense period would be likely to equate to 2 HGV deliveries per day (4 individual movements). Wherever possible deliveries of materials would take place between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. There would be no deliveries on Sundays of Bank Holidays.

1.9 During the construction phase, a new temporary access would be constructed along the former railway track to the west. This would itself be accessed from Henley Lane across a field in ownership of the applicant. Up to 20 staff would be on site during the construction period, depending on the phases of the construction schedule. It is envisaged that staff trips would be mainly made by private vehicles (LGVs). Once the site was operational, there would be no staff based on the site

although routine twice monthly visits would be required. Following the completion of construction works, all areas subjected to temporary works including any access tracks and other temporary infrastructure would be re-instated to a condition in keeping with the quality of the areas before works had commenced.

1.10 After commissioning, there would be around 3 to 4 visits to site per year for maintenance and these would be made by van or 4x4 type vehicles. In addition there will be a need for periodic visits during year moving to sheep on and off the site and for general landscaping and ground maintenance.

1.11 No upgrade to the grid network is required for the Proposed Development to connect to the Grid.

1.12 Decommissioning: The operational lifespan of the solar park is stated to be 30 years. After this all equipment and tracks would be removed from the site and arable productivity could be resumed.

1.13 Community benefits: Whilst not forming an integral part of the current application the applicant has agreed as a separate voluntary commitment to fund the installation of solar panels on the roof of the local school at Ashford Carbonel. These provisions would become due upon first commissioning of the proposed solar park. This would amount to a total value which is equivalent to the level of benefit offered voluntarily by other recent solar park schemes. The applicant is intending to complete a legal agreement (unilateral undertaking) which would deliver these commitments in the context of any planning approval.

2.0 SITE LOCATION / DESCRIPTION

2.1 The proposed site is located in a rural situation approximately 1 km to the north-west of the hamlet of Whitton and 1.1km to the east of Caynham (Grid Reference 356500 273400). The site comprises four fields with a combined area of 17.4 hectares which generally slope gently to the south. Land use in the locality is agricultural with fields bounded mainly by banked hedgerows with significant tree cover. There is loose knit development throughout the area including a number of farmsteads, agricultural buildings and residential properties.

2.3 The site lies outside of a flood plain and beyond the margins of the Shropshire Hills Area of Outstanding Natural Beauty ('AONB'). There are no Tree Preservation Orders or designated sites. A watercourse is located to the south of the site. A footpath also runs in the field to the south. The country lane between Caynham and Whitton is located to the immediate north. The site is located in a natural fold that lies within an area of undulating landscape with higher ground to the northwest which rises towards Clee Hill and lower ground to the south-east which falls towards the Teme Valley.

3.0 REASONS FOR COMMITTEE DECISION

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

4.0 COMMUNITY REPRESENTATIONS

4.1i Caynham Parish Council (adjacent parish): Objection. The Environmental Visual Impact to the area of Whitton and Caynham and other areas that can be seen from the proposed site. This industrial type development would have a major adverse impact on the sensitive and traditional nature of the landscape in this part of south Shropshire and would result in the loss of traditionally farmed pasture land. The site borders an area of Natural Outstanding Beauty, the National Monument Caynham Camp and various footpaths which run through the area including the Shropshire Way. There is a potentially serious adverse impact to tourism which is a mainstay of the local economy in the immediate area but also in Ludlow. The development of the solar panels will totally destroy the visual amenity and character of the area not only enjoyed by local residents, but also walkers who regularly use the footpath network and tourists to the area and also riders using the bridleway.

ii. Environmental Nuisance Noise There is concern that the control units will create a noise nuisance to the local residents in the area some of whom are adjacent to the proposed development. There is also concern about light pollution from the glint and glare from the solar panels during the day and security lighting being triggered at night. The Parish Council also believe that this type of development does not meet Government Policy or the Shropshire Council Core Strategy in relation to the protection of the Countryside and tourism (CS5 and CS16)
(Note: There is no Parish Council in the area of the application site).

4.2 Natural England: No objection overall subject to the following comments:

i. SSSI - No objection – no conditions requested. This application is in close proximity to Cornbrook Dingle Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

ii. AONB - No Natural England Comment. The development site is in close proximity to the Shropshire Hills Area of Outstanding Natural Beauty (AONB), a nationally designated landscape. We have assessed the application documents, including the Landscape and Visual Impact Assessment (LVIA), but these do not provide us with enough information on which to base any advice. Natural England is therefore unable to comment on the potential impacts of the proposal on the Shropshire Hills AONB. However, Natural England notes the LVIA has not fully followed the guidelines. In particular, there is no map showing the zone of visual influence and there are no tables detailing t.he sensitivity of the receptors and magnitude of the impacts. In addition, we are unsure if the view-points chosen are agreed with the local authority and with respect to the AONB if the view point used is representative and adequate to assess the impacts on the AONB.

iii. Agricultural land - No objection – no conditions requested Under the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV)

agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework). The area of land which will be lost to agriculture for the lifetime of the proposal is 17.4 hectares. It is not clear whether this consists of 'best and most versatile' (BMV) quality land or not as the Planning Statement which accompanies the application explains only that the development site consists of Grade 3 quality land used primarily for grazing. It doesn't distinguish between land of subgrade 3a and 3b quality which means that the proposal may result in the loss of some (BMV) agricultural land for the lifetime of the scheme, albeit less than 20 hectares. The proposed development is unlikely to lead to significant and irreversible long term loss of agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. In the short-term we recognise that it is likely that there will be a loss of potential agricultural production over the whole development area. Your authority should consider whether the proposals involve any smaller scale or temporary losses of BMV agricultural land. Paragraph 112 of the National Planning Policy Framework (NPPF) states that: 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. We would also advise your authority to consider applying conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

iv. Other advice - We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape

characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

v. Protected Species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

vi. Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

vii. Green Infrastructure potential - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. GI can be designed to maximise the benefits needed for this development. All planning proposals should complement and where possible enhance local distinctiveness, guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

4.3 AONB Partnership: Objection. Though the site lies outside the AONB its closest point is 500m from the AONB's boundary. We do not believe the absence of significant impact on the AONB claimed in the applicants supporting documents has been adequately demonstrated. Aside from this however the development would have a substantial direct impact on a valuable narrow swathe of countryside between the AONB and Ludlow which is valuable to them both. The Shropshire Hills and Ludlow are of great importance to tourism in the county, and throughout

involvement in sustainable tourism in the area we believe that this development could have a detrimental effect.
The AONB Partnership cites Core Strategy Policy CS17 and emerging SAMDEV Policy MD12 in support of their objection.

4.4. Campaign to Protect Rural England: Objection.

i. Landscape, heritage and protected areas:
The applicant makes considerable claims about the suitability of the proposed site but CPRE believes that solar farms should not come at the expense of the countryside. The NPPF supports renewable and low carbon energy where the local environmental impact is acceptable and cautions that solar farms be matched by much greater sensitivity to local environmental impacts. This is a south-facing exposed site – therefore potentially highly visible and have impacts from the 'stripe' effect of the oblique panels.
When viewed from publicly accessible vantage points (note the number of footpaths & bridleways either in or close to the 4 fields) the application should avoid harm to landscape character and quality. The geometric, non-agricultural character of this major development will harm both the character and the quality of this tranquil and rural landscape.
Solar farms should not be visible in the wider landscape – yet this site covers 43 acres (17.4ha) of open and undulating Grade 3 pasture land that is on fairly high ground and is surrounded by rural foothills - with higher ground to the NW and the Shropshire Hills Area of Outstanding Natural Beauty boundary only 440m to the lower east of the site.
Ideally solar farms should be located on flat south-facing land, free from shadowing and close to the local energy grid: the local planning authority should ensure that the applicant has fully explored alternative sites further away from the protected landscape

ii. Public amenity:
Solar farms should avoid harm to views from public rights of way and the surroundings of settlements, and not change the experience of users of locally popular rights of way. This application would harm views and would change the experience of both walker & riders.
Solar farms should not be sited where they are overlooked by housing or where they would detract from important views to and from settlements. This site is overlooked by houses and would detract from important views.

iii. Food Production and Land Use:
Solar farms should ideally use brownfield land, avoid using Grades 1, 2 and 3 agricultural land, and should respect local production systems. The fields should maintain a productive grass sward as pasture between the solar arrays… details of sward management and grazing are required.

iv. Planning and the Shropshire Core Strategy
Objective 1…The claim to 'support the development of sustainable communities' rings hollow as no evidence of support to anyone but the applicant is noted.
Objective 3…The claim to help 'rebalance the rural community' is apparently based on the employment opportunities this development might provide – yet, apart from

a specialised and not local construction gang, solar farms are designed NOT to provide permanent employment as they run themselves.
Objective 6…promote sustainable economic development and growth: this is a 25 year only scheme designed to benefit the applicant – at the expense of both local communities and taxpayers.
Objective 7…Support the development of sustainable tourism and the improvement of farming and agriculture - how? By spoiling the views, lessening tranquillity, changing this from an agricultural setting to an industrial one and by taking up 43 acres of Grade 3 pasture with arrays of man-made solar panels, 5 kiosks, a substation, gravelled tracks and 2m high security fencing?
Objective 10…Promote high quality sustainable design and construction…with an off-the-shelf package of black solar panels, steel supports and ugly utilitarian kiosks and an industrial substation – all of which are man-made and unsuitable to a rural landscape.
Objective 11…Ensure the character, quality and diversity of Shropshire's built, natural and historic environment is protected, enhanced and restored. This is probably the most fanciful claim of all as this application, if approved, will do the exact opposite!
Conditions…should you be minded to consider or approve this application in the open countryside you should also insist on A Landscape and Visual Impact Assessment that includes: Zone of Theoretical Visibility diagrams; photomontages from sensitive view points; and an assessment of the overall impact on biodiversity

v. Conclusions. This is a commercial and greedy application whose visual impact will be the key factor in assessing the level of acceptability of the proposal. CPRE South Shropshire sides with local opinion of the objectors that there will be no local benefits to the community, no benefits to tourism or visitors, and that the thousands of solar panels covering 43 acres of pasture land will adversely affect the landscape, act as a blot on it from the public footpaths, vantage points, roads and bridleways that no amount of young additional screening will hide, especially during autumn and winter. We urge you not to grant this application.

4.5 English Heritage: We have assessed the impact of the proposed solar farm upon designated heritage assets during site visits made on 24th and 30th July 2014. In this case there will be some impact upon heritage assets, including Caynham Camp, an Iron Age hillfort, due to development wthin its setting. The hillfort has extensive views over Clee Hill, Brown Clee, Ludlow and the Teme Valley and this siting is evidence of Iron Age peoples relationship with the landscape around them, especially for agricultural, communication and defensive purposes. The relationship with the landscape is significant and we have asessed the impact of the proposed solar farm in that context. In this case our view is that there will be some impact upon this significnace but in overall terms we do not think that this impact will be significant overall. We do not think that other designated heritage assets in the area will be significantly affected by the proposed development within their setting. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.6 Ramblers Association: Though we note that footpath 0564/6A/1 has carefully been left outside the perimeter fence of the site, we nevertheless wish to object to this application on the grounds that the development seriously affects the amenity

value of footpath 0564/16/1 & 2 which runs along the ridge immediately to the south of the stream which forms the boundary of the site. For approximately 1 kilometre anyone walking along this ridge footpath in either direction will be obliged to look to the north at the solar panels which will form this array, as is clearly shown in photographs 5 & 6; this means that for up to 20 minutes anyone walking this footpath will be obliged to look at a solar array which does not belong in this type of rural landscape. Mention has also been made in the documents of Bridleway 0564/15/1 a further 200 metres or so to the south from which the array will also be visible (Please remember that a horse-rider has an elevated view of the countryside from their mount and horses may react to the constant glinting of light off the solar panels). There may even be certain times of the day when light reflected from these panels may seriously affect the walkers ability to see clearly the line of the footpath and where they are going, though we can find no mention of this in the documents. We earnestly request that more consideration is given to these points than has been implied in the Landscape and Visual Assessment documents, and that the Planning Application be rejected.

Internal Comments:

4.10ai. S.C.Archaeology original comments: The application for the proposed development is supported by a Heritage Statement 080714 (Castlering Archaeology Report No. 459 June 2014) and a Landscape and Visual Impact Assessment (LVIA) Parts 1-3 (Alan Moss Associates Ltd June 2014). Recommendations from Shropshire Councils Historic Environment Team at the pre-planning enquiry stage were that any subsequent planning application should contain the following as part of a Heritage Assessment of the site. The results of an archaeological desk-based assessment and walk-over survey (depending upon the results, a further field evaluation and/ or archaeological mitigation may be required). An assessment of the impact on settings of both designated and non-designated heritage assets which fall within the Zone of Theoretical Visibility (ZTV) around the proposed development site. This assessment should take account of English Heritages guidance on The Setting of Heritage Assets (2011) and Seeing the History in the View (2011). An assessment of the impact on the historic landscape character of the area within a 2km radius of the proposed development site The Landscape and Visual Impact Assessment contains no Zone of Theoretical Visibility (ZTV) mapping/analysis. There appears to be some discrepancy between the LVIA and the Heritage Statement as to the visibility of the proposed development from the Scheduled Monument of Caynham Camp and consequently the impact of the proposals on the significance of the monument remain unclear. In terms of direct impact on known and unknown archaeological remains the Heritage Statement acknowledges that it is not possible to fully assess the potential for buried archaeological remains and having identified the potential for post medieval remains, concludes that the site is of low (but not negligible) archaeological potential. It makes no recommendations for mitigation.

ii. Recommendation: Mapping of the Zone of Theoretical Visibility should be undertaken and used to clarify the actual situation regarding visibility and impact of the development proposal from designated heritage assets. The use of a dotted line to outline the development boundary on the photo montage only serves to identify the site location without adding to an understanding of the potential impact. The use of solid infill of a suitable colour/tone may be more useful in understanding

the visual impact. The conclusions of the Heritage Statement could not rule out the potential for archaeological remains of low significance within the development boundary. The impact of the ground disturbance from piling, cable trenching, access tracks and other infrastructure installations is likely to be significant on any below ground archaeological remains. As the archaeological potential of the development site has not been tested the impact of the development on archaeology cannot be fully assessed. In view of the above and in accordance with NPPF Section 128 I would recommend that further archaeological evaluation of the application site be undertaken prior to any planning application being determined. This should take the form initially, of a geophysical survey of the site. The geophysical survey may conclude that further evaluation in the form of trial trenching may be necessary to assess the extent, survival and significance of any archaeological remains. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. There should be no determination of the application until the archaeological evaluation has been satisfactorily completed and reported on.

4.10b. SC Archaeology. Subsequent comments: No opbjection subject to conditions. From the content of your enquiry the applicant appears to accept that further archaeological mitigation would be appropriate and proportionate to fulfil the requirements of NPPF Section 128 and is only querying the timing of those measures. The recommendation for pre-determination mitigation would ensure that a full and secure knowledge in respect of the archaeological potential would be obtained prior to planning permission being granted thereby ensuring that the proposed layout for the solar farm could be implemented without any modifications with respect to unknown archaeological constraints which would presumably benefit the applicant. I acknowledge that the potential for significant archaeological remains (based on current knowledge) is low but not negligible and in that regard I would consider addressing the mitigation under planning condition given that you intimate in your email (para 2) that there "would be ample 'room' to re-align arrays to avoid archaeological features. I assume the applicant is supportive of this proposition. With respect to the ground disturbance during installation of solar arrays although individually the piled supports for the solar panels have negligible impact in aggregate and with associated cable trenches the impact can be significant on archaeological remains. My recommendation also suggested the provision of a ZTV analysis (an almost standard requirement in assessing visual impact) and enhanced photo montages to better understand the potential impact of the development – I note that neither of these have been forthcoming and in light of any additional proposals for solar farms in the immediate area, these might be considered essential. In view of the above and in line with National Planning Policy Framework (NPPF), I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be:

4.11 S.C. Drainage: No objections. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.

4.12 S.C. Highways: No objections.

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

i. There are a number of mature trees and established hedgerows on the site; these are an integral part of the local landscape and landscape character and an important part of the areas ecological network of green corridors and stepping stones. The degradation of which would be contrary to the natural and historic environment aspirations set out in the NPPF and Shropshire Core Strategy both of which identify the need to restore, conserve, protect and enhance our natural, built and historic environment. The Tree Service has concerns that this proposal has some potential to impact upon the trees and hedgerows at this site during the erection and establishment of the arrays and associated structures. On the plan the site layout appears to provide a reasonable distance between the arrays and key landscape features, but elements of the plan that have not been discussed in detail could impact upon retained trees (E.G. the route of cables linking the arrays to transformers, storage of materials during construction, road construction and the construction/erection of the boundary fence).

ii. Taking into consideration the above points the Tree Service would need to see that any approved application had taken into consideration the aboricultural implications. This could be addressed through the provision of a basic tree protection plan and a generic arboricultural method statement (AMS) for working in the proximity of trees, a key element of which would be that all site workers (during construction) would need to be made familiar with the AMS before commencing work. (NB we are not asking for a basic tree survey but an informative method statement to be used when working in the proximity of trees). In section 3.6 of the design and access statement the applicants indicates that part of the site security measures will be re-enforced with additional planting, this needs to be supported with a landscape proposal indicating planting mix, numbers, planting method, protection from grazing and after care (Inc. measures to replace losses). (Recommended conditions are included in Appendix 1)

4.14 S.C.Ecology: - No objection subject to the following comments:

i. Protected Sites: There are no statutory designated wildlife sites within 2km of the central point of the site. A number of local Wildlife Sites lie within 2km, the nearest being just over 1km. However, the only site that could be affected by the proposed development is Ledwyche Brook, about 1.5km to the west. The streams flanking the site feed in to this Local Wildlife Site. Measures should be in place to prevent any pollution or sediment runoff from the development site, both during construction and operational phases and these should be conditioned.

ii. Improved Grassland – The application site consists of 4 fields of intensively grazed, improved grasslands of low ecological value. The extent of habitat loss will be low under ancillary development, the majority of the rest will be temporarily disturbed during construction and then returned to sheep grazing.

iii. Hedges – All the fields support hedgerow boundaries, the majority containing at least one hedgerow tree. The hedgerow along the lane to the east is an 'important' one under the Hedgerow Regulations.

iv. Bats - There are many mature trees in hedges, fields and flanking the streams, all of which were mapped and recorded in the Ecological Appraisal. The Ecological

Appraisal states: 'Potential bat roost features were noted in several of the mature site trees, but heavy Ivy-cladding frequently made the assessment difficult and such trees were assigned to an 'age and type' that may or may not support a bat roost. The isolation of some of the in-field trees might render them less likely to support the roosts of certain bat species. The improved grassland fields support low quality foraging habitats; however, the hedgerow boundaries and stream corridors (which link to more extensive but similar habitats) offer moderate to good foraging habitats. In addition the boundaries and streams provide good commuting routes. There will be no (significant) direct loss of bat foraging or commuting habitats since all (semi-) natural habitats will be retained, with only minor hedgerow removal perhaps required (if at all). If there is a requirement to lop or fell trees identified as having potential to support bat roosts, roost sites could be damaged or destroyed and individual bats disturbed, injured or killed. Such activities undertaken near the roost may also result in the disturbance and deterioration of the roost site (by affecting roost microclimate). These impacts could have legal implications under UK and EU legislation.' Since the ecological Appraisal was published, it appears that some mature trees have been felled, including some with bat roost potential as identified by the ecological consultant. Should planning permission be granted it should be conditioned that no further tree or hedge removal will take place unless with prior agreement of the local planning authority. Bat surveys are likely to be required for any future tree works.

v. Great Crested Newts - There are no ponds present on the OS maps within 250m. The nearest pond appears to be over 460m to the east. No development related impact on Great Crested Newts is predicted.

vi. Otter and Water Vole - A single otter spraint was found on the southern stream but no suitable holt sites or other resting places were found. No evidence of water vole was noted and, with the maintenance of a buffer zone, no development related impact on these species is predicted.

vii. Birds - The field, as intensively managed grassland, is unsuitable for ground nesting birds (including Skylark) or species that rely on rough grassland for feeding (such as Barn Owl). A number of scrubland species are likely to use the boundaries and trees. Providing no hedges (other than a few metres by the main access) are to be removed and no further tree felling or lopping is to take place for the development, there is unlikely to be any adverse effect on these species.

viii. Badgers - No badger burrows or surface nests, territorial marking latrines etc. were noted within at least 30m of the site and there is very little woodland in the 1 km surround that might support a main sett. A few lightly-marked trails were noted crossing into the site but no other indications of badger were found indicating a low level of badger use. The improved permanent pasture does offer moderate to good foraging habitat for this species. Ground level fencing could have an impact on Badger and other mammal species if the fencing obstructs continued access to the site. The applicant's consultants provide details of fencing that would allow such access in the Ecological Appraisal but Drawing No. 1075-132/P1 of the security fencing does not show provision of access for badgers and other wildlife. In view of the above I would recommend the following condition and informative is added to any permission granted:

4.15 S.C.Public Protection: – No comments received.

4.16 S.C.Rights of Way: – No objection. Footpath 6A Whitton passes through the development site but is not affected by the proposal.

4.17 S.C.Drainage: - No objection. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable. Contrary to the FRA, the site is identified as being at risk of groundwater flooding. The applicant should bear this in mind when excavating for the foundations.

4.18 Councillor Cecelia Motley has been informed of the proposals.

Public Comments

4.19 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. 188 objections have been received from 179 individuals. The main issues of concern can be summarised as follows:

i. Visual impact: As a keen walker I am particularly concerned about the proximity to the Whitewayhead footpath (0564/16) which is a continuation of the Whitewayhead Lane. This path is up on the ridge of the neighbouring field and would have a much clearer view of the panels than shown in the application. The development would adversely affect the landscape and the proposed screening would not block the view from public footpaths, bridleways, or vantage points in areas of heritage value or outstanding natural beauty. I object to this application on the grounds that this development would be clearly visible due to the surrounding vantage points and would seriously degrade a beautiful agricultural landscape to try to produce an insignificant amount of power with zero benefit to the local community. It should be noted that the photos put forward by the developers are of the immediate surround and have been careful not to depict how many homes are likely to be directly affected by the development or how far these homes are away from the proposed site. Caynham camp and public footpaths near the site are also not clearly shown. It cannot be right to desecrate unspoiled countryside when so many alternative sites are available for redevelopment. I am in my 100th year and fought for my country .And the thing that kept the soldiers spirits high was the thought of old Blightys green beautiful fields! Please dont desicrate them, There is always another way. A 43 acre site of 35,000 solar panels is on a scale inappropriate to this tranquil corner of Shropshire. This large scale, highly visible development with the Glint and Glare problems associated with it, the sheer height and mass of the solar panels let alone the industrial security, fencing and lighting, would be totally alien in the mature, undulating countryside of South Shropshire. You speak of trees being planted to screen it , this would have no effect to us as we look down on it , not to mention Caynham camp dated over 2000 years B. C. the view from here hasnt changed in over 2000 years.

ii. Leisure / Tourism: There would be no benefits to the local community. In fact, the development would be expected to have a negative impact on local tourism through a major impact on local countryside character. I visit the area on a regular basis and have always enjoyed walking in such a beautiful and unspoilt part of the

country. If this was to go ahead it will have a devastating effect on tourism, wildlife and the local residents. . The approval of one solar farm on greenbelt land will undoubtedly open the flood gates for many more. South Shropshire will no longer be known for its beautiful hills of green, but a blanket of grey panels! As Ludlow is justly famous for its historic buildings and the great beauty of the surrounding rural area, this development, if allowed to proceed will directly impact on those in the immediate area who run holiday homes and others who rely on tourism for part or all of their income. I very much doubt tourists will choose to come to visit South Shropshire and in particular Whitton and Caynham (with such close proximity to Ludlow!) for their 'green' solar sites rather than the 'green' rolling hills! My hobby is photography, and frequently travel around Shropshire and the surrounding areas to capture landscape photographs. The construction of a solar farm will forever blot the landscape for many miles around as they are clearly visible in photographs and as a consequence make the area unsuitable as a landscape subject. Should this proposal succeed then I would have to seek alternative locations in country and spend my money there. Ludlow like all other towns desperately needs employment especially for its young people, the proposed development does not provide any significant employment, would not tourism together with farming suffer from the effect of the proposed development, causing even greater unemployment. This very rural area still has many small farms, traditionally farmed, many of them receiving subsidy payments to allow them to continue to be farmed this way. They are instrumental in providing a historic and beautiful setting for Ludlow and its surrounding villages and play an extremely significant part in enhancing the tourist appeal of not only the immediate area but of Shropshire generally. Tourism is a major part of the local economy and any damage to that here would inevitably be felt in the wider economy too.

iii. Heritage: There has been no heritage report so far and this would show that Whitewayhead footpath (0564/16) is an historic salt route (hence the name) between Droitwich and Ludlow. It would also be a great shame to spoil the views from Caynham camp and Cleehill. The site may be of potential archaeological interest and this does not seem to have been adequately considered in the planning statement.

iv. Agricultural impacts: No commitment has been made to agricultural use such as sheep grazing. It is not clear how ground cover would be kept under control and concerns have been raised as to the use of weed killer and subsequent soil erosion and run-off. If grass growth is to be managed through sheep grazing; sheep are likely to seek shade under the solar panels themselves which means proper stock checking and husbandry becomes virtually impossible on hot summer days. Surely this sort of development would be more suited to a brownfield site, for example, next to the power station at Squirrel Lane. Farmland has been taken out of production here, and further development would not have such an impact on the surrounding area. The land that is proposed is prime cattle grazing country that grows lush grass without the need for artificial fertilsers with a stream running adjacent. To propose such a development in the middle of unspoilt countryside that will look far worse than any industrial site on the edge of an urban area seems bizarre. The loss of 40 acres of countryside to fields of glass is to be deplored. A recent document published by the NFU outlines the significant reduction in self sufficiency the country has suffered that is now down to 60% and is diminishing at a rate of 2% year on year. (NFU 'From Field to Fork' Aug 2014). The use of

productive agricultural land for other purposes is to waste these resources and for this reason alone this application should be refused. World population is growing, and the rate of resource production, especially fossil fuel but also minerals, irrespective of the size of remaining and yet to be discovered reserves, is past its peak. Production will not meet population demand by 2050. Arable (fertile) land too, is a finite resource and must be retained for food production. With it we retain wider bio-diversity, which is a vital cog in the eco-system. Brownfield and unproductive land should be used for housing, with PV panels on their roofs. This project fails the Environment test. I have nothing against solar energy but more suitable sites should be considered e. g. the covering of new and existing car parks, commercial roofing areas, supermarkets, new housing developments, but not prime agricultural land urgently needed for food production. it also runs through a bridle path, which we used daily to ride the horse and walk our dogs on along with a lot of other local people and ramblers who visit the area for its stunning views and bring money to the area.

v. Questioning benefits: wind farms have proved to be all but useless except for their ability to degrade the area they are erected in and so it will be with solar farms, urban and industrial sites ripe for redevelopment is the only way to go!! the statement that the output would be 8600KW, is meaningless without a proper context. A detailed analysis of peak power output and the power units exported to the grid should be demanded by the Planning Authority. I am concerned that excessive and optimistic generation efficiency has been applied to the project that would in turn sway the planning authority to accept it. Subsidy misdirects investment and distorts comparisons of the relative value of different resources. Without subsidy, solar PV for the next 25 years is uneconomic for investors. This project fails the Economic test. A loss of employment; there will be fewer working farms engaging family and local people. Installations employ even fewer people than farms do now, but not all will be local. The remote financier receives both subsidy and income from sale of electricity, but pays rent only to the landowner, thereby exploiting local resources for no community interest. The landowner (not always local) receives rent, but does not spend more money locally. No-one in the community will have increased energy security but all will carry the burden and disadvantages of the installation, without compensation. No genuine economic interest will be served, environmental damage will continue to be done beyond its lifespan, and substantial disadvantages will be seen for the community The Project fails the Social Test. - there is no financial benefit to the local economy ie in terms of jobs. The application refers to the economic benefits of job creation. From the application we see that this a grand total of 0.1 full time job. The application lists a social benefit of 'community pride around a new renewable energy proposal'. The response to the application shows that the community response is one of horror not pride.

vi. Environment: The planning application form section 12 states that the development is not within 20 metres of a watercourse, which it clearly would be. Local residents have expressed concerns about potential contamination of local watercourses during construction. Regular spraying with herbicides may be necessary which could result in the possible pollution of the small brook that runs alongside the development. This brook is within twenty metres of the proposed development and spray residues may well have a significant effect on the amphibians and other wildlife living in the brook. The use of herbicides and the resulting barer ground will

lead to increased runoff and soil erosion. South Shropshire at the moment has not suffered to greatly in the decline in wildlife this must be preserved at all costs, any infringement in natural habitat must have an adverse effect.

vii. Ecology: The potential impact on local wildlife does not seem to have been adequately considered. The area around Whitton House is currently rich and diverse in its wildlife and number of rarer species of insects such as hawk moths and tanner beetles have recently been seen. Spraying and the resulting loss of vegetation will likely have a negative impact on insect life. I am doing this from my parents house Whitton Villa, where I lived for 30 years. I found slow worms,grass snakes, spent countless hours watching the bats fly overhead. I heard my first Sky Lark all in this field.. Across the road where Pool House is now, I did head counts of The Great Crested Newt. If this application is not turned down England will loose something that will never return and for what something that will contaminate the area forever. Please say no. The LVIA says that all existing trees and hedgerows are to be protected in accordance with BS5837:2012 during the construction phase. On my visit to the site on 6th August I saw evidence of trees having been recently taken down. Will there be any left by the time construction begins? I wish to strongly object to this project on the grounds of potential toxic run off into the Ledwyche Brook which would have a devastating effect on the indigenous stock of wild brown trout and numerous delicately sensitive invertebrates which constitute the vital fish food source. Trees and hedgerows: the Ecological Survey (ES) states that 'removal of hedgerows and trees is not envisaged at this stage', which begs the question of at what stage it would be envisaged' Clearly quite soon, because I understand that 7 trees, including one identified in the ES as having moderate potential for a bat roost, have recently been felled, just 6 months after the ES. What value can be placed on the applicant's other assurances?

viii. Residential amenity: Whitton House and other older houses close to the site maintain many of the original features of Georgian, Victorian construction; amongst which are the sash windows with glass originating from these eras. The predicted high levels of sound pollution means that in order for the noise to be reduced to an acceptable level these old windows will have to be destroyed and modern double glazing installed in their place. Local residents should be very concerned because there are no noise analysis figures currently available; meaning we are being kept in the dark as to how much noise the proposed site will generate. The development would have a negative impact on property values in the area. The proximity to Five Oaks has not been highlighted and at least one inverter shed would be within the recommended minimum distance of 300 metres. In my view the proposed site is far too close to residential properties. The residents will hear a low level hum from the site. With such a quantity of highly valued solar panels the area might become a target for theft, thus causing security problems for nearby residents. The pre-application advice refers to noise levels and distance of inverters from houses. The application makes no reference to noise. there are no estimates of noise pollution given in the application. The kiosks are some distance from the perimeter but the switching station is on the boundary near the public footpath. There is likely to be a hum/buzz at 50 Hz (plus harmonics) from these buildings whenever the array is generating power. How audible this will be is difficult to assess. In an urban environment it would probably be lost in the continual background noise, but rural noises are much more episodic and rarely continuous so the nuisance factor could be much higher.

ix. Construction: The construction would be both a danger and an inconvenience to local residents with many heavy lorries climbing and descending the hilly terrain along narrow twisting lanes that were never designed for this type and quantity of heavy traffic. It will cause extreme disruption on a single track road. About 35000 panels possibly made up in arrays of 24 are to be transported in by road. The plan envisages 40 HGV journeys, implying 860 panels on each load, or 36 arrays each 3.4m x 12m. Made-up arrays could not be fitted into any vehicle, being too wide and too long and if on their edge, too high. The final access road will not provide any special-load vehicle access. Stacked individual panels could be arranged 13 on a layer in 66 layers reaching a height of 3m-4m depending on thickness. It would seem likely that many more smaller loads than 40 would be required, with consequences for the land and the roads in the vicinity of the construction site. I am concerned that the vehicular impact is under estimated and highly inappropriate. The application states that there will be no alterations to the vehicle access when, in fact, significant alterations will be required to allow for the width of vehicles, the required turning circle, and hard surfacing required to enable access. The application is misleading on that basis. for 10 weeks the fields will be a building site, with tracks being laid, trenches and foundations dug and buildings erected. On completion it will be a mess until mitigating action is taken, presumably sowing grass seed, which will struggle to grow underneath the panels. At the end of the 25 year operational life everything will be removed, leaving a similar mess with less incentive to clear up. The access to the site is along a narrow lane where it is difficult for 2 cars to find a safe passing place. The enormous lorries which would be required to develop this site would be extremely hazardous. Indeed, at the entrance to the lane from Caynham Road there is a council sign stating "Unsuitable for long vehicles".

x. Other: The public consultation process has been inadequate: the area is too small; communication letter too short on detail; no deadline for queries; letter sent to Whitton Parish Council (which does not exist) but not to Caynham Parish Council, whose residents are significantly affected. The application only benefits the land owner and is of pure greed, without any thought for the local area. If this planning application is approved which farm will be next. I believe this application is being pushed through rather too quickly. Is this perhaps due to the deadline for government subsidy next year (April 2015)? Information given to residents directly near to the development was given rather late considering the impact this development could have upon them. And no information was given in the earlier stages to the wider community who could also be affected by this development. If this application goes ahead, I fear a vast destruction of the beautiful South Shropshire countryside as we know it. There is no mention of the financial provision for returning the site to its current state after the 'temporary' proposal. This must not be left open. The application states that no arrangements have been made for the collection and storage of waste. Under the Waste Electrical and Electronic Equipment Regulations 2013 (SI 3113) a Producer (as defined) must take financial responsibility for the disposal of photovoltaic waste unless otherwise agreed with the end user (Regulation 12). It is estimated that approximately 800 tonnes of glass waste will be generated on site at the end of life (ignoring accidental damage/failure etc). It is a legal duty on both the end user and the Producer (whoever agrees by contract to take on the financing end-of life obligations) to use Best Available Treatment Recovery and Recycling Techniques and to not dispose

of to landfill. To stress, landfill is not an option for the waste glass generated at this site. the application states that there is no need for pylons because of the proximity of the existing 33 kV power lines. However, connection must be made to these from the switching station. How is this to be done without using aerial cables? Have Western Power Distribution commented on the proposals?

xi. Policy: This application is contrary to governments latest thinking on solar energy whereby both private and government buildings with south facing roofs are preferred to solar farms on green agricultural land as the government now realises that far too many solar farms have been allowed to the detriment of many beautiful areas of countryside. A sea of glass on beautiful green fields is most unpleasant. If these developments have to go forward please use more suitable brown field sites. If anyone made an application to build a large new housing estate or a factory or even a prison in this area it would simply be turned down for obvious reasons. Why, then, should consideration be given to the installation of a massive unsightly development of 35,000 panels covering 43 acres, surrounded by eight foot security fencing patrolled by 29 CCTV cameras? Serious consideration should be given to locating this type of facility on old brownfield sites such as disused industrial plants which would be enhanced by redevelopment rather than placing them in areas of outstanding natural beauty such as Whitton. I support solar panels as part of the alternative energy generation strategy, but not when there is a real possibility of them spoiling our green and pleasant land. The Government withdrew the subsidy offered for installation of solar PV panels generating electricity for own use; it was too generous. Now they recognize that the subsidy for industrial scale installations is attracting projects of doubtful strategic benefit. This subsidy is soon to be removed too. There is a rush to start projects before this makes them less financially attractive. That activity does not confer any sustainable content to the projects. It was not the intention that arrays of PV panels would be installed on agricultural land in rural communities. There are brownfield sites and large roof areas in urban manufacturing districts where they would be closer to infrastructure and at the point of demand. The concept of Sustainable Development demands a balance between social, economic and environmental priorities, but also requires the current generation to leave subsequent generations with a legacy of a viable ecosystem such as we currently enjoy. The Rt Hon Mr Gregory Barker MP in his speech of 25th April 2013, which is part of the Planning Policy Guidance said, “that is my key message today. Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more”. “But not at any cost, not in any place, not if it rides roughshod over the views of local communities”. As recently as April of this year, the Minister for the Department of Energy, said “It would be a grave mistake of monumental proportions for the Solar Energy Industry not to heed the concerns expressed regarding solar p v developments on Greenfield land.” The concept of large solar farms is rapidly losing credence, witness the rush to cash in on planning before the new government reductions of subsidies on farms with outputs larger than 5 megawatts. The future, like it or not, is likely to be in fracking for coal gas. As reported in The Daily Telegraph recently, according to Professor David Mackay, ex-chief scientific adviser to the Energy Department and Regius Professor of Engineering at The University of Cambridge, a shale gas pad of 10 wells would require just 5 acres of land, whereas a solar farm would require 2,200 acres to generate the equivalent amount of energy. Incidental to the present situation, a wind farm would need 3,500 acres to produce the same amount of energy. In this light, and in the light of this information from such a highly credible

source, how efficient are solar farms? Given the government's stance on fracking, how long will it be before the existing solar farms are superseded?

4.20 Save South Shropshire Countryside Campaign Group: The public consultation process has been inadequate: the area is too small; communication letter too short on detail; no deadline for queries; letter sent to Whitton Parish Council (which does not exist) but not to Caynham Parish Council, whose residents are significantly affected; some details are inaccurate, such as the location address, number of visits required each year, expected noise from the development, photo in figure 3 is misleading. The planning application form section 12 states that the development is not within 20 metres of a watercourse, which it clearly would be. Local residents have expressed concerns about potential contamination of local watercourses during construction. No commitment has been made to agricultural use such as sheep grazing. It is not clear how ground cover would be kept under control and concerns have been raised as to the use of weed killer and subsequent soil erosion and run-off. The potential impact on local wildlife does not seem to have been adequately considered. There would be no benefits to the local community. In fact, the development would be expected to have a negative impact on local tourism through a major impact on local countryside character. The development would have a negative impact on property values in the area. The proximity to Five Oaks has not been highlighted and at least one inverter shed would be within the recommended minimum distance of 300 metres. The development would adversely affect the landscape and the proposed screening would not block the view from public footpaths, bridleways, or vantage points in areas of heritage value or outstanding natural beauty. No heritage assessment has been carried out (as stated in section 4.14 of the planning statement): note that the historic salt route runs parallel and close to the proposed site. The site may be of potential archaeological interest and this does not seem to have been adequately considered in the planning statement. Traffic during the construction phase is considered a significant hazard along a narrow and winding country lane. I note that construction traffic would not pass through the hamlet of Whitton but no commitment has been made to limit traffic through the villages of Caynham, Knowbury and Cleehill. A development with a 20-25 year life span is not considered temporary by many of Caynham's residents. Alternative, potentially brownfield, sites closer to population centres do not seem to have been considered.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Policy context:

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

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

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

6.1.3 In terms of visual impact the DCLG planning practice guide on renewable and low carbon energy advises that "t*he deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively".* The guide encourages use of previously developed land or allows for continued agricultural use with biodiversity enhancements around arrays. It recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site.

6.1.4 The Shropshire Core Strategy 'has the principle of sustainable development at its heart' and a key objective is 'responding to climate change and enhancing our natural and built environment'. The Core Strategy seeks to protect the countryside and Green Belt (CS5) whilst positively encouraging infrastructure, where this has no significant adverse impact on recognised environmental assets that mitigates and adapts to climate change (CS8). Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, including in rural areas where the importance of farm diversification is recognised. Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.1.6 In considering the current proposals therefore it is necessary to assess:

- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities;
- Whether any identified impacts are capable of being satisfactorily mitigated including by any community benefits offered by the applicant (e.g. CS5);
- Whether relevant policies and national guidance can be met with respect to the AONB.

If there are no unacceptably adverse impacts after mitigation has been applied and relevant policy tests can be met then the development would be 'sustainable' under the NPPF as a whole and the renewable energy application should be approved (NPPF para. 98). If however any unacceptably adverse effects remain after mitigation and/or relevant policy tests cannot be met then the development would not be sustainable and refusal would be appropriate. The issues raised by the proposals are assessed in succeeding sections.

6.2 Justification for the development:

6.2.1 Justification for choice of site: The applicant undertook a review of a number of sites across the UK to assess the potential for the development of solar PV energy projects. Site selection was based on a number of factors including available solar resource, topography (a gentle south slope is optimal), landscape impact, ability to make a grid connection, access, absence of environmental constraints and size of site available. As part of preparing the planning application, several detailed environmental assessments were undertaken. The assessments identified the likelihood of any significant environmental impacts and whether any appropriate mitigation measures were available, to ensure environmental acceptability.

6.2.2 Whilst Section 98 of the NPPF does not require applicants for renewable energy developments to demonstrate the need for the development, the recent planning practice guide on renewable and low carbon energy advises that planning authorities should consider 'the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect'. In this respect the site generally slopes gently to the south, is un-shaded and is unaffected by any environmental designations. The Landscape and Visual Assessment accompanying the application concludes hat the site benefits from a high degree of screening. Appropriate stand offs have been provided to water courses. In addition, the site is available for the proposed use, is of appropriate size, can be accessed and a connection to the electricity grid is possible. Therefore it is considered that relevant operational suitability criteria can be met.

6.2.3 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework seeks to protect best and most versatile agricultural land and expresses a preference for use of poorer in preference to higher quality land where significant areas are affected by a development. Some residents have objected that good quality land would be taken out of agricultural production. The land within the site has been in pasture for many years. The proposals would however involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the Government's low carbon and renewable energy and there are many examples of this being successfully implemented and managed across Europe and the UK. Full agricultural use would be returned at the end of the

operational lifespan. The applicant advises that the the land has been in permanent grassland use for more than 15 years, so the landowner would be required to consult Natural England to obtain consent to plough. Provisional Agricultural Land Classification maps of England published by DEFRA, identifies the land as grade 3 and does not distinguish between the subgrades 3a and 3b. In instances where there is a loss of agricultural land it may be necessary to carry out a detailed land classification assessment but this is not a situation where that is the case.

6.2.4 The proposed method for emplacing the solar panel frames would involve auger drilling without the use of any concrete foundations. Concrete surfaces within the site would be limited to the bases of the proposed inverters and the substation and would occupy less than 1% of the total site area. Such surfaces would all be removed at the end of the design life of the site. The proposed track would be formed with stone chippings which would be removed at the end of the design life. In responding to other recent solar park schemes in Shropshire Natural England responds to agricultural planning consultations and has not objected, recognising that the proposals would facilitate sheep grazing and would not entail a permanent loss of agricultural land.

6.2.5 The proposals would also support the economic viability of the farming business, ensuring its longevity and progression as a local employer. Furthermore, it is intended to stock the site margins with a wildflower seed mix which would provide a source of food for pollinating insects, benefiting other agricultural areas. A landscaping condition covering this matter has been recommended in appendix 1. It is considered that there is no evidence therefore that the proposal will result in significant (or permanent) loss of the best and most versatile agricultural land or harm the agricultural industry. This conclusion is supported by a recent appeal decision which found no evidence of a loss of best and most versatibe land in similar circumstances (*APP/D0840/A/14/2213745 Lanyon Farm, Gwinear, Hayle, Cornwall TR27 5LA).*

6.2.6 Choice of site – conclusion: Notwithstanding section 98 of the NPPF it is considered that the justification for this location of the proposed development is capable of being accepted in principle, provided there would be no other unacceptably adverse land use impacts and relevant AONB policy tests can be met.

6.2.7 Climate change and economic benefits: The proposed facility would generate 8.6 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 2500 homes. Over the lifetime of the facility over 116,100 tonnes of Carbon Dioxide emissions would be saved. This is compliant with section 97 of the NPPF and related policies and guidance, including strategic objective 9 of the Core Strategy. Friends of the Earth have supported other solar photovoltaic developments in Shropshire as preferable to other forms of renewable energy such as large scale biomass burning. This message is reiterated for the current application by Church Stretton Climate Change. Solar installations reduce the dependence of local economies on energy imports. The installation and maintenance of these facilities can also generally be provided by local workers. 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. (Core Strategy Policies CS5 and CS13).

6.3 Environmental considerations:

6.3.1 Landscape and visual impact: A Landscape and Visual Impact Assessment (LVIA) has undertaken a comprehensive appraisal of surrounding viewpoints and finds that that the site is extremely well screened by intervening ridges and surrounding vegetation. To the south of the Proposed Development lies a ridge which screens it from the lower ground to the southeast; and around the perimeter of the agricultural fields on which the Proposed Development is proposed are mature planting of hedgerows and trees which screens it from the west and east and the higher ground to the north. Additional planting is proposed to further enhance this containment. Whilst there would be some harm to the close range outlook from some of the public rights of way immediately adjacent to the site, it is stated that the proposed development would not affect their rural amenity. The LVIA concludes that the combined visual effects of the proposed solar farm constitute a slight adverse visual impact upon the landscape as a whole. It is stated that this is not at a level that will cause material harm to the AONB. The LVIA concludes that the limited harm will be substantially outweighed by the climate change, ecological and other, benefits offered by the solar park.

6.3.2 This conclusion has been challenged by the AONB Partnership and the CPRE. Natural England also question the methodology used in the LVIA and the absence of a zone of theoretical visibility appraisal. The applicant's landscape consultant has responded as follows to the points raised by Natural England:

Zone of Theoretical Visibility: There is no requirement in the GLVIA3 guidelines to produce ZVI or ZVT maps. In addition there was no requirement in the pre-application letter from the Council for a ZVI or ZTV map.ZVI or ZVT maps are discretionary and they are only of limited use as they do not take account of the mitigating effect of trees, woodlands, hedgerows and buildings. The visual receptor plan in the landscape report identifies those locations from where the proposed development is likely to be seen based on views in the field from publicly accessible locations and is far more useful than a ZTV map in this case. The solar panels are low structures, the land slopes away from the AONB and there is also considerable intervening vegetation as illustrated in Photograph 9. There are no tables detailing sensitivity of the receptors and magnitude of the impacts because this is non- EIA project. As explained in Section 1.2 of the report for non-EIA projects the guidelines specifically state that an assessment of the significance of effects is not required. The use of assessment criteria and the systematic assessment of effects in order to establish the likely significance of effects, as required for landscape and visual impact assessments (LVIAs) forming part of an EIA, are therefore not required in a landscape appraisal. This is a non-EIA project and the level of detail provided in this landscape appraisal is considered to be sufficient to inform the decision making process for a development of this nature from a landscape character and visual amenity perspective.

6.3.3 The applicant's landscape consultant has made equivalent comments in response to the Council's Historic Environment's comments regarding the lack of a ZTV analysis. The applicant has rejected the Shropshire Hills AONB Partnerships'

criticism that the supporting documents have not adequately demonstrated a lack of impact on the AONB, advising that it has been established through detailed fieldwork that there will be no significant effect on the AONB. It is stated that "the AONB Partnership has attributed value to the narrow swathe of landscape between the AONB and Ludlow without substantiating this. They have not explained how and why there will be a substantial direct impact on the setting of Ludlow and the AONB. They have not substantiated the claim that the development could have a detrimental effect on tourism". Further detailed comments have been made by the landscape consultant in response to criticisms regarding the choice of individual views for photomontages and visual appraisal.

6.3.4 Visual impact – glint and glare: In terms of glint and glare this can potentially occur in the summer when the sun is low and the sky is clear. There are no properties to the immediate south of the site in orientations which could potentially be affected and much of the site is surrounded by mature vegetation which would be protected and enhanced. It is possible that there may be some localised effects encountered on the footpath to the south of the site in summer mornings or evenings. However, it is not considere that any such potential effects would be sufficient to justify planning refusal.

6.3.5 Visual impact – conclusion: The LVIA produced by the applicant is considered to be comprehensive and fully compliant with relevant methodology. There is no requirement to prepare a ZTV appraisal for a non-EIA project. It is considered that the photovoltaic panels have been positioned sensitively so as to limit their visual impact on the surrounding landscape and would not represent an unacceptable visual intrusion in terms of their scale and design (NPPF s28). The site benefits from a high degree of visual containment. There would be some adverse impacts on footpaths near to the site but these would be minor, reversible, localised and further attenuated by the proposed landscaping measures. The potential for longer distance views, including from the AONB have been assessed. It is considered that the supplied visual information supports the conclusion that the site would represent a very minor component of a wider panorama as seen from any such viewpoints. It is concluded on balance that the majority of visual impacts of the proposals would be minor, given the well contained nature of the site. Some moderate impacts from footpaths in the immediate vicinity of the site would be capable of mitigation through the proposed landscaping works. Whilst the objections on visual grounds of some consultees are noted, it is not considered that refusal on the grounds of landscape and visual impacts would be justified when the renewable energy and climate change benefits of the proposals and available mitigation measures are taken into account. (Core Strategy Policy CS5, CS6, CS17; NPPF s98, s116)

6.3.6 Heritage appraisal: Section 128 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. An archaeological appraisal concludes that allowing for the proposed mitigation in the form of landscaping, the development will have limited adverse impact on the landscape and negligible adverse impact on the heritage resource. The landscaping proposals incorporated into the applications, namely the

retention of the copse to the west; the increased height of the hedgerow to the south; the maintenance reinforcement and infilling of existing hedgerows and trees in general and the retention of the underlying pastureland, will further ensure that there is limited impact on the surrounding landscape as a result of this development. The appraisal acknowledges that it is not possible to fully assess the potential for buried archaeological remains on the site, but concludes that the application site is of low archaeological potential.

6.3.7 With respect to Historic Environment's comments on assessment of heritage assets the landscape consultant has commented as follows:

Section 6.4 of the Landscape & Visual Appraisal explains that several designated heritage assets identified by the Historic Environment Team in its pre-application response were checked on site along with two further additional listed buildings. The only one of these heritage assets from where the application site is potentially visible is Caynham Camp. If any specific heritage assets have been overlooked in the heritage assessment then the LPA should have identified them in the pre-application response.

6.3.8 Historic Environment initially recommended that further archaeological evaluation of the application site be undertaken prior to any planning application being determined. Following further dialogue however with the applicant and officers they have confirmed that it would be acceptable for this to be undertaken prior to the commencement of any development at the site. Given that English Heritage has not objected and Historic Environment has withdrawn a holding objection subject to the inclusion of appropriate archaeological survey conditions (included in Appendix 1). It is concluded that the site is compliant with relevant heritage policies and guidance. (NPPF s128; Core Strategy Policy CS17).

6.4 Noise:

6.4.1 A condition requiring the submission of a Construction Management Plan has been recommended in Appendix 1 and this would control hours of operation and noise limits. It is not considered however that there would be any significant noise or vibration impacts within the 4 month construction period. Construction traffic during the 4 month construction period would be closely managed under a construction management plan. Larger loads would be decanted into tractor and trailer loads to negotiate the Whitton road. The only noise source during the operational phase would be the invertor extraction fans which do not work at night when the panels are not generating electricity. Public Protection has not commented on the proposals but has not objected to other similar recent solar photovoltaic proposals which are nearer to residential property.

6.4.2 The applicant has not submitted a detailed noise assessment to accompany the application. Available evidence suggests however that a condition limiting inverter noise to 5dB(A) above background at the nearest sensitive properties can be justified as part of a precautionary approach and should be readily achievable in principle. An appropriate condition has been included in appendix 1. With respect to noise from the temporary construction phase it is considered that this is also capable of being controlled by the proposed construction management plan. Residents have commented that one invertor is relatively close to Whitton House.

There is no reason to suspect that there would be an unacceptable noise impact. It is however considered that any planning permission should include a condition requiring relocation of this invertor to achieve an increased separation distance in order to provide added reassurance.

6.5 Access / traffic and construction:

6.5.1 Access to the site would be obtained via the unclassified road to Whitton. A temporary marshalling area surfaced in compacted stone will be provided during the construction phase at the existing entrance point, which will be removed immediately upon completion of the development's construction. The construction of the solar farm would result in approximately 72 HGV deliveries to the site spread over a 10 week construction period. HGV loads would be decanted to smaller tractor and trailers to negotiate Whitton Lane. A swept path analysis confirms that the size of vehicle proposed would be able to negotiate the access into the site. Highway officers have not objected. The construction phase and associated traffic would be managed under the terms of a construction management plan and an appropriate condition requiring confirmation of transfer arrangements has been recommended in Appendix 1. Subject to this it is concluded that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).

6.5.3 Hours of working during the construction phase have not been specified but are likely to be 7am - 6pm Monday to Friday and 8am - 1pm on Saturdays. An appropriate control has been recommended in Appendix 1 as part of a construction management plan condition. It is concluded that subject to the recommended conditions, construction works are capable of being controlled acceptably to minimise the possibility of adverse impacts on the public highway (Core Strategy CS7, CS8) and residential amenities (CS5, CS6).

6.6 Ecology:

6.6.1 An ecology report advises that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species. The Application Site comprises open, grazed, improved grassland bordered by mature trees and hedgerows. The ecological value of the site overall is considered to be low. It does not form part of any statutory or non-statutory designated site and no protected or notable species were observed during survey. Precautionary measures are recommended to protect habitats and species during the construction phase of the development, including Reasonable Avoidance Measures for reptiles and amphibians. Boundary hedgerows, field margins and hedgerow trees would be predominantly retained as part of the proposed development and appropriate buffers applied within the project design. A number of recommendations are made to protect ecological interests:

- Any clearance of hedgerow or trees should, where possible, be carried out in the late summer or winter months to avoid the main bird-nesting season.
- If there is a requirement to lop or fell any of the trees with bat roost potential then these should be re-assessed in relation to the specified works.

- To avoid damaging the root systems of hedgerows and trees, excavations should run at least 2m distant from the centre of any hedgerow and well clear (by 1-2m) of the drip zone of any trees. Soil compaction, fire and pollution should be avoided within an appropriately considered area around these features...
- Peripheral fencing (at ground level) should be of such a mesh size to allow Badger continued free access to the site. A ground level mesh of 200mm (height) by 300mm (wide) would be an appropriate minimum with tolerance for all native fauna species.
- A band of planting is proposed along the west boundary; this should include native species appropriate to the area. In particular a few Dutch Elm disease resistant Wych Elm could be planted along south, west or east facing boundaries (the larval food-plant of the White-letter Hairstreak).
- The existing grassland, which is to be retained and grazed by sheep, could be enhanced through lower levels of stocking with the addition of some new pasture-native plants.
- Existing internal and boundary hedgerows could be enhanced for wildlife by fencing these off from grazing.

6.6.2 The applicant has provided a habitat management and planting plan. Implementation of the proposed measures will lead to a net biodiversity gain at a local level. The report concludes that with appropriate layout and design measures in place, it is considered that adverse effects on protected / notable species and habitats can be avoided.

6.6.3 Local residents have expressed concerns about the potential for the proposals to affect bats in hedgerow trees. However, the applicant has advised that the proposals would protect retained trees within the site. The Council's trees section has not objected subject to the imposition of an arboricultural method statement condition and this has been included in Appendix 1. Appropriate conditions and advisory notes covering ecology have also been recommended. Subject to this it is concluded that the proposals can be accepted in relation to ecological considerations. (Core Strategy CS17).

6.7 Drainage / hydrology

6.7.1 A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 therefore at low probability of flooding from fluvial sources. The FRA advises that the existing surface water regime would not be affected by the proposed development. The Council's drainage team has not objected to the proposals. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

6.8 Timescale and decommissioning:

6.8.1 Current solar photovoltaic arrays have a design life of approximately 25-30 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to normal agricultural use, as stated in the application. This would ensure that arable productive capacity is

protected (NPPF s112) and the sense of openness of the countryside in this area is not permanently affected. An appropriate condition covering decommissioning has been recommended in Appendix 1.

6.9 AONB

6.9.1 The site is located 430m west of the Shropshire Hills AONB at its closest. The Save South Shropshire Countryside group contend that the site should be treated the same as the AONB. However, the AONB is a statutory designation with a management plan. 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.

6.10 Other matters:

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

6.10.2 CCTV and privacy: Following concerns from local residents the applicant has confirmed that CCTV would not be used at the site. Instead it is proposed that infrared sensors would be deployed. These would be less visible and would not emit visible light.

6.10.3 Recent Government statement: Objectors have referred to recent ministerial statements from DECC establishing a general preference towards the use of brownfield sites for solar photovoltaic schemes. It is understood that one of the concerns of Government in this respect is the relatively high proportion of the available renewables subsidy budget which is currently directed towards greenfield solar schemes. These statements are noted, but 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. In this respect the NPPF required (s98) that if the effects of a renewable energy scheme are or can be made acceptable then the development should be approved. It should also be recognised that Shropshire is a predominantly rural county and there is insufficient suitable brownfield land with suitable power connection potential and sufficiently remote from residential properties to deliver the progress in renewable development expected by policies and guidance.

7.0 CONCLUSION

7.1 With regard to energy efficiency and climate change, the proposals would contribute to the diversity of sources of energy supply and hence the security of supply and would therefore be consistent with the objectives of the national energy strategy. The proposal would make a valuable contribution to cutting greenhouse

gas emissions in accordance with Section 10 and Paragraph 98 of the NPPF and strategic objective 9 of the Core Strategy. The proposals would also provide an additional revenue stream for the estate, providing cost savings and a diversified income that would help to ensure the longevity of the associated farming business and retention of existing jobs.

7.2 It is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment, local amenities or other interests of acknowledged importance in particular with regard to visual impact / landscaping, amenity, ecology, hydrology, archaeology, drainage, agriculture, access and traffic. This is provided appropriate conditions are imposed, including the requirement for a construction management plan and decommissioning at the end of the design life. Subject to this, the proposal is in general accordance with the development plan. The applicant has also offered voluntarily to provide benefits to the local community and these are to be welcomed.

7.3 The NPPF advises that the production of renewable energy is a major material consideration and that sustainable development proposals which accord with the development plan should be approved without delay. It is concluded that the proposal can be accepted, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

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

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

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly

development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

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

9.0 FINANCIAL IMPLICATIONS:

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

10.0 BACKGROUND:

10.1 Relevant guidance

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

10.1.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The Framework replaces most former planning policy statements and guidance notes and is a key part of Government reforms to make the planning system less complex and more accessible. The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to 'support the transition to a low carbon future in a changing climate…and encourage the use of renewable resources (for example, by the development of renewable energy'). The NPPF expands further on this principle in paragraph 97: "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative and visual impacts;
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- Support community-led initiatives for renewable and low carbon energy, including developments outside areas that are being taken forward through

neighbourhood planning; and

- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

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

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

10.2 Relevant planning policies:

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

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

Policy CS5 - Countryside and the Green Belt:

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

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

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

Policy CS6 - Sustainable Design and Development Principles

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

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

Policy CS8 – Infrastructure provision positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

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

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

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

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

10.5 Site Management and Allocation of Development Document (SAMDEV) – The site is not subject to any specific designations within the emerging SAMDEV. Draft policies are being prepared. Whilst these cannot yet be accorded any weight it is considered that the proposals are in general compliance with the objectives of this emerging planning policy.

10.6 Other Relevant Guidance

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

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

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

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

11.0 RELEVANT PLANNING HISTORY:

11.1 A significant number of planning applications have been granted with respect to development at the adjacent agricultural buildings within the past 10 years, including the erection of potato storage buildings (09/02004/FUL; 09/0205/FUL) and a nearby in vessel composting facility (NS/03/00700/DEEM). No applications relate directly to the current application site.

12.0 Additional Information

List of Background Papers: Planning application reference 13/02579/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Richard Huffer, Clee
Appendices: Appendix 1 – Conditions.

APPENDIX 1

CONDITIONS

Commencement of Development

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

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

Definition of the Permission

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

   i. The application form dated 25th June 2014 and the accompanying planning statement;

   ii. The supporting documents and appendices, namely:

   - Planning Statement;
   - Landscape and Visual Impact Appraisal, Alan Moss Associates;
   - Ecological Appraisal, Churton Ecology;
   - Flood Risk Assessment and Drainage Strategy;
   - Heritage Impact Assessment, Castlering Ecology.

   iii. The permitted plans accompanying the application comprising:

   - 1075-821-1/P1; Access Plan
   - 1075-112 / P3; Site Layout;
   - 1075-132 / P2; Security Fencing;
   - 1420.03; Landscape and Biodiversity Management Plan;
   - 1075-133 / P1; HV Inverter Kiosks, Elevations;

   iv. The further information submitted in support of the proposals, namely:

   - Letter from Roger Parry to Shropshire Council dated 3rd October 2014;
   - AX-350/650 DH Series Photoelectric Detector;
   - Deer netting specifications;

   Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Construction access and maintenance access routes), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Construction Management Plan

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

Reasons: In the interests of highway safety

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

Access

5. The sole access to the site during the construction and throughout the subsequent operational phase shall be by means of the route shown on the approved location plan reference 'Construction access and maintenance access routes'.

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

Landscaping

6a. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with the details shown on the approved landscaping plan reference 1420.03.

b. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.

c. In the event that the applicant determines in consultation with the Local Planning Authority that variation to the approved grass seeding specification and management provisions is required in order to achieve maximum ground cover then the applicant shall submit an amendment for the approval of the Authority. Any such amendments shall be implemented in accordance with the approved details.

Reason: To provide effective containment of the Site in the interests of visual amenity (6a) to allow for a review of screening requirements following the erection of the solar arrays (6b) and to allow for amendments to the seeding specifications if required in order to maximize ground cover within the Site.

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

7. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

Arboriculture

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

   Reason: To ensure that permitted work is carried out in such a manner as to safeguard existing trees and hence to protect the amenities of the local area.

   Ecology

9. Before construction commences on site, details of the structure of the security fence showing provision for the movement of badgers and other wildlife, should be submitted for prior approval to the planning authority and implemented as agreed for the life time of the development.

   Reason: to allow wildlife including badgers to continue to have access across the site.

10. 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.

    Reason: To protect existing hedges and associated wildlife habitat from damage.

11. No trees or hedges are to be removed without the prior written approval of the planning authority.

    Reason: to protect potential bat roosts, foraging routes and the landscape.

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 will identify how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications). The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

    Reason: To minimise disturbance to bats (European Protected Species) and other wildlife

13. Landscape plan - Work shall be carried out strictly in accordance with the Landscape and Biodiversity Management Plan as shown on drawing 1420.03, dated 25.9.14 attached as an appendix to this planning permission, including all specifications and recommendations, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To ensure retention and management of important landscape and biodiversity features, including mitigation and enhancements for bats, badgers, birds and other wildlife.

Notes:

i. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Operations shall be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.

ii. It is recommended that species-rich grassland is created in association with low-growing native scrub planting on the site boundaries, incorporating species of value to wildlife (and of local provenance) where possible. If deemed practicable, the sowing of shade tolerant grassland is also recommended within the solar park itself in order to further enhance the biodiversity of the local area.

v. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Fencing

10a. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference 1075-132 / P2.

b. Site security shall be provided in accordance with the specifications detailed in the approved manufacturer's specification entitled AX-350/650 DH Series Photoelectric Detector.

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

Drainage

11. There shall be no new structures (including gates, walls and fences) or raising of ground levels within 6metres of the top of bank of the watercourse inside or along the boundary of the site.

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

Notes:

i. For the transformer installation, the applicant should consider employing measures such as the following: Surface water soakaways; Water Butts;' Rainwater harvesting system;' Permeable surfacing on any new driveway, parking area/ paved area; Greywater recycling system.

Archaeology

12a. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). The programme of works should make provision for geophysical survey prior to construction commencing onsite with targeted evaluation trenching if necessary depending on the results of the geophysical survey. Non-intrusive construction methods (concrete shoes and above ground cable trays) or realignment of the arrays to avoid archaeological remains shall be applied in all areas where significant archaeological remains are identified and tested by evaluation.

b. An archaeological watching brief shall be maintained in areas of discreet ground disturbance associated with excavations for construction compounds, access roads, sub-stations/transformers. The applicant shall notify the Council's Archaeologist not later than 4 working days prior to the commencement of any operations involving ground disturbance within the site and shall provide sufficient time for inspection and recording of any archaeological remains which may be uncovered.

Reason: To allow any potential archaeological interest within the site to be properly assessed.

Noise

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

b. Notwithstanding the approved site layout plan, a scheme considering the potential to relocate the invertor unit nearest to Whitton House so that it is further from that property shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

Amenity complaints procedure

14. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

    i. Investigation of the complaint;

    ii. Reporting the results of the investigation to the Local Planning Authority;

    iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

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

    Final decommissioning

15a. No re-placement of any solar panels within the Site at the end of their planned design life shall take place under the terms of this permission.

b. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within one year of the end of their design life and the Site shall be reinstated as an agricultural field. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

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

    Note: The typical design life of modern solar panels is up to 25 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.