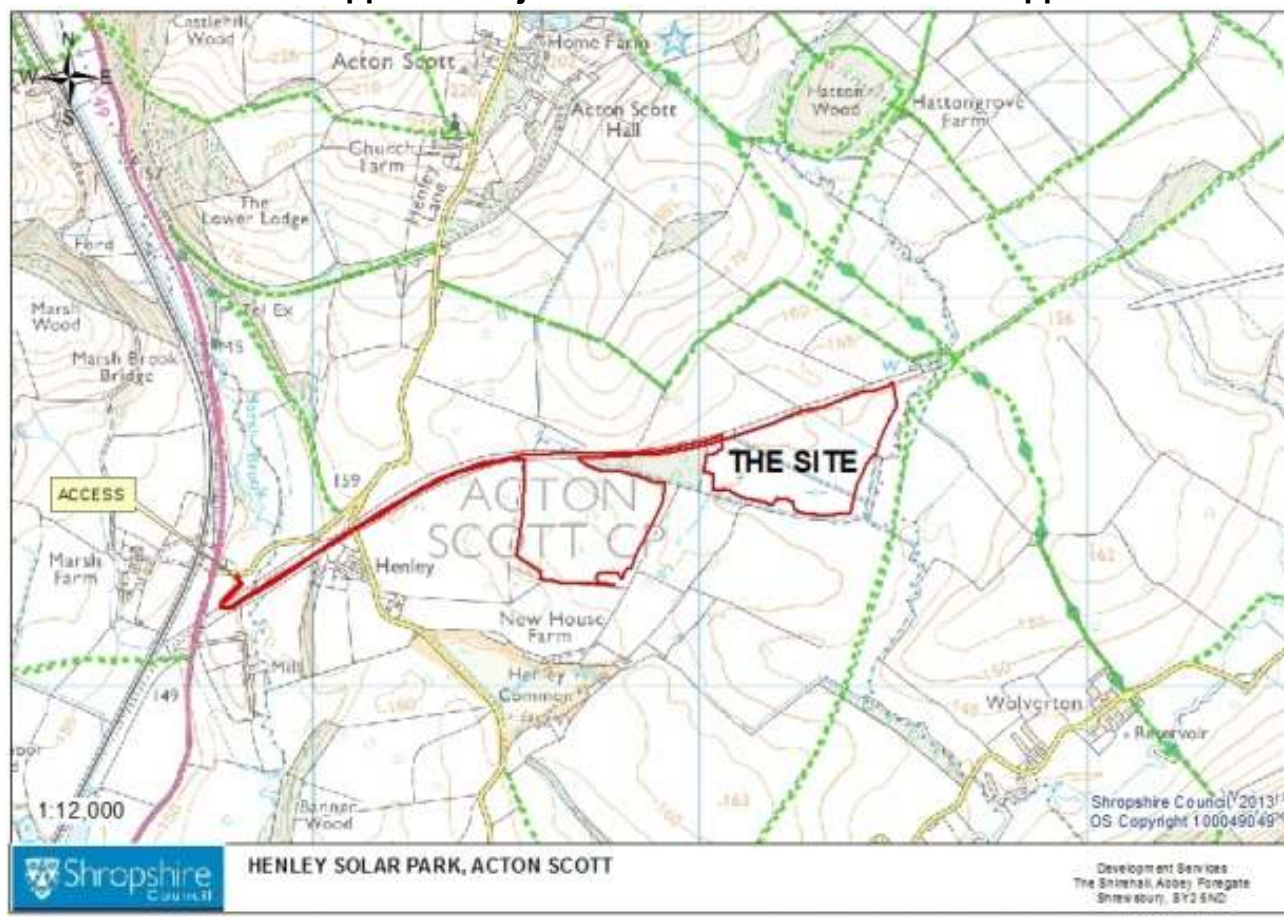


Development Management Report

Summary of Application

Application Number: 14/02807/FUL	Parish:	Acton Scott Parish Council
Proposal: Continued use of land for agricultural purposes and the installation of up to 6.5 MW of solar photovoltaic panels and ancillary works		
Site Address: Land North of Henley Common, Henley Lane, Acton Scott		
Applicant: Maddox And Associates Ltd		
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk	

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



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

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with 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 22.5 hectares of pasture farmland at Henley Common 1km south of the village of Acton Scott. The proposed facility would generate up to 6.5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,890 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 33,264 individual photovoltaic panels 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 2.4m (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 a number of inverter cabins and two ancillary equipment cabins 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 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 Security fencing (2.4m high palisade fencing) would be installed around the substation. There would also be 2m high deer netting supported by timber in the area surrounding the site. The land would continue to be used for agricultural purposes following the installation of the panels.

- 1.5 Landscaping: Enhanced landscape planting is proposed along the northern and south eastern site boundaries. The applicant states that sensitive colouring of the inverter substations and other on-site components would also reduce any visual effects.
- 1.6 Access and construction: The construction of the solar panel arrays would result in the temporary generation of construction traffic over a period 4 months. It is envisaged that there would be up to 80 HGV deliveries in total transporting the panels and array structures to the site. 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 or Bank Holidays.
- 1.7 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.
- 1.8 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.
- 1.9 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 a modern farm building next to the Acton Scott visitor centre in order to supply electricity to the centre. A viewing area for the solar park and some footpath improvements as part of a circular walk from the visitor centre have also been discussed with planning officers and the visitor centre operator as part of the overall community benefits package. These provisions would become due upon first commissioning of the proposed solar park. It is anticipated that this would amount to a total value which is equivalent to £5,000 per installed megawatt of electricity which is commensurate with 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 site (area 22.25ha) is located on a pasture field (Grade 3b and 4) approximately 1km to the south of the village of Acton Scott. The nearest buildings are on Henley Common, approximately 0.2km to the south. There is no

- nearby housing. The A49 between Church Stretton and Craven Arms runs 1km to the west.
- 2.2 The site is located in a valley, surrounded by an undulating landscape with woodland areas which provides screening. A disused railway line runs in an east-west direction to the north of the site, passing from an embankment in the north east to a deep cutting in the north-west. The land within the site is low-lying and is not visible from much of the surrounding area. It slopes from north west down to south east. The eastern part of the site is lower and was historically marshland.
- 2.3 The site lies outside of a flood plain but within the Shropshire Hills Area of Outstanding Natural Beauty ('AONB'). A power line crosses the site, providing an opportunity to transport renewable energy to the national grid.
- 3.0 REASONS FOR COMMITTEE DECISION
- 3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Area Development Manager.
- 4.0 COMMUNITY REPRESENTATIONS
- 4.1 Acton Scott Parish Council: Objection due to location in Area of Outstanding Natural Beauty.
- 4.2 Eaton Under Heywood Parish Council (adjacent parish): No objection. The Parish Council members are however very concerned that this application is sited in an AONB and request that every possible effort is made to minimize the impact of this proposed development on the landscape, as it will be visible from parts of the Shropshire Way, from Flounders Folly, the ridge between Woolston and Whittingslow and from parts of the Long Mynd. Its impact on the landscape will be considerable.
- 4.3 Munslow Parish Council (adjacent parish): No objection subject to the following comments:
Although the above application does not relate to land within Munslow Parish, it has been discussed by Munslow Parish Council due to its potential impact on the AONB, of which Munslow is a part. The members request that the following comments be noted. The Council is generally supportive of renewable energy schemes and can recognise the potential energy benefits from the proposal. However, the Council is concerned that the scheme should not have any detrimental impact on the visual amenity of the AONB, or on the nearby residences and land uses. We ask that the planning authority, in considering the application, pays full regard to such impact and, if minded to approve it, ensures that appropriate mitigation conditions are attached. We are also keen to ensure that, should this application be approved, it does not lead to a proliferation of such schemes within the AONB which might collectively create serious detriment to the area.

- 4.4 Wistanstow Parish Council: (adjacent parish). Objection. 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.
- 4.5 Natural England: Objection on landscape grounds:
- i. Designated landscapes: Objection. The application site lies within the AONB, a designation of national importance with the highest protection. Due to the scale of the proposals at over 20 hectares Natural England considers that if we had been consulted on any EIA screening consultation, we would have recommended that an Environmental Impact Assessment was necessary. In exercising any functions with respect to the AONB all statutory bodies have a duty to have regard to the statutory purpose of the AONB's which is conserving and enhancing the natural beauty of the area (section 85 of the Countryside & Rights of Way Act, 2000) and Local Authorities must take such action as appears to them expedient for this purpose (section 84(4) of the CROW Act). It is against this duty that this proposal must be measured. We note that the Shropshire Hills AONB has objected to this application and we recommend your authority have regard to their position. From the information available to Natural England it is unable to advise on the potential significance of impacts on the Shropshire Hills AONB. Natural England notes the Landscape and Visual Assessment and would agree with several of the conclusions about the site being screened or out of site from several chosen viewpoints. However, of particular concern are VR17 Shropshire Way and VR39 Callowhill Plantation. The LVIA demonstrates the solar farm will be visible from the Shropshire Way and concludes that there will be a moderate adverse impact. However, it is not clear how this conclusion was reached. It appears from the photomontage that the proposals will alter the landscape character of the viewpoint by adding large scale angular and manufactured elements into a landscape that does not previously appear to have such elements. It also appears the landscaping proposed will not provide much screening from this viewpoint.
 - ii. We note the AONB Partnership raised concerns about the effect of the proposals on Flounders Folly. The LVIA states that VR39 is representative of the view from Flounders Folly. However, it would be useful for a viewpoint of the folly itself to be provided. This would be useful because the LVIA states that the view will be obscured by new trees. However, the view from the Folly itself is likely to remain clear of trees. In both cases the photographs used in the photomontage were shot using a 50-mm focal length. Whilst this is in accordance with the Landscape Institute's Guidance, due to the sensitive location within the AONB it would be useful if the applicant could provide 75mm equivalents which is more representative of the view that the human eye would experience. This would help clarify the significance of the impacts on the landscape character. The applicant may also wish to consider whether there is any way to further screen the solar farm from the Shropshire Way. We note a further line of trees in the foreground of the photomontage between the camera location and the solar farm. Could it be possible for further trees to be planted here which would in time screen the proposed development.

- iii. We note the section of the LVIA which relates to cumulative impacts. We are aware of a number of solar farm issues around the Shropshire Hills AONB in addition to this proposal within the AONB. You should consider whether the numbers of similar proposed developments may affect the setting of the AONB as well as the character of the AONB itself. We recommend that the applicant engages in dialogue with the AONB Unit in order to address the concerns raised in their objection comment. Their knowledge of the location and wider landscape setting of the development further informed by submission of the more accurate 75mm equivalent shots and reconsidering the proposed screening should help to confirm whether or not the proposal would impact significantly on the purpose of the AONB designation. You should also take into account their views on whether the proposed development accords with the aims and policies set out in the AONB Management Plan.
 - iv. Designated sites: No objection. Natural England is satisfied that the proposals being carried out in strict accordance with the application details will not damage or destroy the interest features of the nearest SSSI's.
 - v. Protected species: The Biodiversity Management Plan is noted. However, very little information has been submitted to support its conclusions. The Local Planning Authority may wish to consider whether there is enough information to determine the impact of the development on protected species.
 - vi. Soils and land quality: The submitted information indicates that this application falls outside the scope of the Development Management Procedures Order as the development would not appear to lead to the loss of over 20ha of best and most versatile agricultural land.
 - vii. Green infrastructure potential / biodiversity enhancement: Solar farm developments potentially offer opportunity to encourage the creation of various types of grasslands and other features which are beneficial to wildlife. There may also be opportunities for ponds depending on soil characteristics, especially if the development will require SuDS and / or woodlands and hedges as part of any landscaping scheme.
- 4.6 Highways Agency: No objection.
- 4.7i AONB Partnership: Objection. Covering over 22 hectares, we would contend that this is unquestionably a 'major development' and therefore that para 116 of the National Planning Policy Framework applies. No attempt has been made to address the tests of exceptional circumstances which consequently apply, and the application cannot therefore be granted permission. The landscape impact analysis is inadequate and does not show how a conclusion of 'Slight Adverse Landscape Impact' has been reached. This does not comply with the methodology, which states that explaining how the assessment has been built up is critical, especially in the final assessment stage, where considerable judgements are involved. We would argue that a correct rating of a sensitive area of landscape and a large scale and long term negative impact would arrive at a conclusion of a significant adverse effect. The description of the landscape character of the area neglects to address

the obvious factor that this very rural area of landscape is typified by an absence of modern industrial installations, and the addition of this development would change this significantly. This area of Apedale is typified by and known for a tranquil setting of mixed farming and estate land with hedgerows and veteran trees. Landscape and the value derived from it comes from the things intrinsically within an area of land, not just those which are visible. This applies to positive attributes such as archaeology or biodiversity which may not be especially visible (or accessible to the public) but still have great value and indeed often protection. It also applies to negative attributes such as intrusive development. The reason the nationally established methodology of LVIA separates landscape from visual impacts is because they are different and both must be taken into account. A landscape character impact may be much more significant than the visual impact. The current proposed development is an example of this, and the visual argument should not be used also to discount the landscape character impact which would be significant. The visual impact should not however be deemed as low and acceptable. This large development would be visible and intrusive from locations including the Shropshire Way, from the permissive path right next to the site and from Flounders Folly. In addition to the panels themselves, the associated cabins, fencing, CCTV and lighting would all introduce alien elements into this landscape. It is noted that insurers requirements are not yet clear on the extent of all of these required.

- ii. The LVIA is a misrepresentative exercise in downplaying the likely impact of the development, the true scale of which is not accurately described. The enormous number of 33,264 individual panels is not mentioned in the LVIA, but only found in very small print on one of the plans. Sections of the AONB Management Plan have been quoted in support of the application, such as "the local production of renewable energy should be increased, but in ways compatible with the AONB." The clear policy of the Management Plan however which indicates that this development is not compatible with the AONB is however conveniently ignored, i.e. "Major developments of wind and solar energy, and woodfuel or biomass processing should be refused within the AONB, unless it can be demonstrated the proposals are in the public interest and the tests of exceptional circumstances in AONBs as set out in NPPF para 116 can be fully satisfied." The argument is put forward that this is a uniquely suitable site within the AONB and would not create a precedent for further potential similar developments. We reject both parts of this argument. The site is not suitable, but if granted permission would almost certainly add to the likelihood of further such development proposals within the AONB. The following national and local policies applicable support the position that this application should be refused:

Para 14 of the National Planning Policy Framework on the 'golden thread' of sustainable development, highlights AONBs through footnote 9 as an exception to a presumption in favour of development, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted." Para 115 of the National Planning Policy Framework states that: 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The

conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. Para 116 of the National Planning Policy Framework states that: 116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

Shropshire Core Strategy Policy CS17: Environmental Networks states:

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:

- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment;
- Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge.

Shropshire Council SAMDev Policy MD12: The Natural Environment states:

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness.

Shropshire Hills AONB Management Plan 2014-19, Management Plan policy for Valuing the AONB in Planning and Decisions (as formally approved by Shropshire Council) states:

Protection of the AONB: In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan. Consideration of the purposes of designation in all decisions affecting the AONB should reflect sustainability and the full range of special qualities defined in the Management Plan as well as landscape character and visual amenity. Exceptionally where a significant adverse impact associated with development cannot be avoided, appropriate mitigation measures including habitat creation or community benefits, should be sought.

Carbon emissions and Renewable Energy: Major developments of wind and solar energy, and woodfuel or biomass processing should be refused within the AONB, unless it can be demonstrated the proposals are in the public interest and the tests of exceptional circumstances in AONBs as set out in NPPF para 116 can be fully satisfied.

- 4.8i. Campaign to Protect Rural England: Objection. This application is sited firmly within the Shropshire Hills Area of Outstanding Natural Beauty and, as such, is regarded by the National Planning Policy Framework as ‘an exceptional area where restrictions apply’. This application seeks to impose over 33 thousand large solar photovoltaic panels onto two adjoining fields, along with maintenance tracks, supporting infrastructure of ‘a number of inverter containers, sub and main converter buildings, two equipment cabins’ (covering some 200 m²), security lighting and CCTV cameras, and the inevitable cabling requirements for connection to the grid – the whole to be surrounded by security deer and chain link fencing over two metres in height. The total area proposed covers 22.25 hectares (450 acres) of tranquil greenfield farmland and the development will result in adverse impacts on the AONB and on local residents. The geometric industrial character of the rows of panels will stand out like a giant sore thumb in this agricultural setting, whose south-facing siting will be highly visible from the surrounding hill tops and from another 16 viewpoints - and may well cause glint & glare that could even affect the A49 nearby to the west. This is a major development and yet the applicant apparently believes that it would not have a significant effect on the environment and therefore does not need an environmental statement: CPRE disputes both assumptions.
- ii. Ideal solar sites are flat, have easy access, are not overlooked, have no drainage problems and are close to the national grid. This hilly area with open valleys, drains and brooks, a large boggy area, and a recognised risk of groundwater flooding is a landscape where it is least likely that such a large and alien ‘farm’ can be accommodated without causing real visual harm to both the AONB and to local residents. The proposed new access from the A49 is crucial to the success of the entire scheme, yet Wistanstow Parish Council, the relevant body, has yet to be given any details.
- iii. Planning & the NPPF: Paragraph 14 highlights AONBs as ‘exceptions to a presumption in favour of development where ‘specific policies in this Framework indicate that development should be restricted.’ Para 113 describes designations for wildlife, geodiversity and landscape, setting out that protection should be

'commensurate with their status.' Paras 115 and 116 focus on such protected landscapes and declare that 'great weight should be given to conserving landscape and scenic beauty.' Para 116 states that 'Planning permission should be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.' Considerations should include an assessment of the need for the development...and the impact of permitting or refusing it on the local economy...also any detrimental effect on the environment, the landscape and recreational opportunities.

- iv. The Shropshire Core Strategy gives a high profile to the AONB in terms of quality of landscape, geodiversity and biodiversity, as an important asset for tourism, and as a key part of Shropshire's environmental network. It recognises the need for development to be of higher quality in the AONB, stating that: 'proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which erode the character of the countryside...will not be acceptable. This application is clearly not acceptable on these criteria. Extract on spatial vision...'The character, quality and diversity of Shropshire's natural and historic environment, the County's greatest asset, will have been protected, restored and enhanced. The SHAONB will be recognised for its importance to Shropshire's character, communities, economy and sense of place'. Yet this application sets out to alter the character of the local natural and historic environment from old, naturally rural and green to man-made, new, ugly and industrial: it will change its character, divide local communities, contribute nothing to the local economy in terms of jobs or additional finance and will certainly degrade the local sense of place. CS 5 local economic & community benefits: this application fails to provide extra employment. Maintains and enhances the countryside character? Again, this application fails to do so – in fact it does the opposite. CS 6 the development will be of 'high quality' – in reality it will be an off the shelf package... It will protect, restore, conserve and enhance the natural environment – what nonsense!... It will be appropriate in scale, density, pattern and design – if only this were remotely true: it will adversely affect the natural environment. CS 16 supports schemes aimed at 'diversifying the rural economy for tourism, culture and leisure uses that are appropriate in terms of their location, scale and nature, which retain and enhance natural features, and do not harm Shropshire's tranquil nature'. This application appears to be doing the opposite on all counts. CS 17 is similar to 16 but warns against schemes that adversely affect the visual, ecological, heritage or recreational functions of these assets, their immediate surroundings or their connecting corridors or a significant adverse impact on Shropshire's environmental assets. This application seems hell-bent on adversely affecting all these assets. CS 18 deals with flood risk: it is virtually ignored – despite the presence of boggy land and an expert's stated 'risk of groundwater flooding'.
- v. Conditions...should you be minded to consider or approve this application in the open countryside you should insist on flood prevention measures & wide easements on watercourse banks; ensure safe access from the A49 to the fields, insist on pasture & grazing management details and order an assessment of the overall impact on biodiversity.

- vi. Conclusions: This is a commercial and greedy application that benefits the applicant at the expense of local residents and visitors, and runs completely against the wishes of the SHAONB. Visual impact and safe access will be the key factors in assessing the level of acceptability of the proposal. Having attended the recent Parish Council meeting where councillors voted in a majority against the application, CPRE South Shropshire sides with local opinion that - if approved – planners and the South Shropshire Planning Committee will once again have failed to give any real protection to our SHAONB, there will be no benefits to local people, tourism or visitors, and the massed ranks and rows of the 33 thousand solar panels will adversely affect the landscape for at least twenty six years, act as a blot on it from public footpaths, vantage points, roads and bridleways that no amount of additional hedgerow screening will begin to hide for at least six years. We urge you not to grant this application.

- 4.9 Shropshire Wildlife Trust: Holding objection. SWT would recommend that further information regarding great crested newts is supplied (i.e. results from eDNA samples). Also given the experience of other solar farm applications we would like an absolute reassurance that trees and hedgerows are to be retained. However our deepest concerns relate to the access proposals which describe a route running through a Local Wildlife Site (LWS). The ecological impacts of this do not appear to be fully considered as the LWS “Disused Railway Line Acton Scot” lies outside of the area covered by the ecological appraisal. The Construction Traffic Management Plan gives no recognition to the presence of a Local Wildlife Site or of any potential biodiversity impacts and clearly has not been informed by the Ecological Appraisal. While it is suggested that in the long term the traffic along the access route will be reduced it would appear that a significant increase can be expected during the construction phase. Until such time as we can be reassured that there will be no long term negative ecological impact to the LWS and that biodiversity enhancements will be a component of the access scheme we object to the application. We would therefore welcome a meeting to discuss the options and issues relating to the access route and how they could be resolved. The issues we would like to see clarified include; width of access required, extent of surfacing, proximity of another LWS “South of Hatton Wood”, possibility of Japanese Knotweed, presence of protected/priority species.

Internal Comments:

- 4.10 S.C.Archaeology: The development proposal involves land to the east of Henley Common and south of the Garden and Grounds of Acton Scott Hall (HER PRN 07718) and the former Much Wenlock, Craven Arms & Coalbrookdale Railway (Wenlock No. 1) (HER PRN 08447). The Grade II* listed Acton Scott Hall (National Ref: 483623) is located approximately 1km north of the proposed development. A Heritage Desk Based Assessment (Cotswold Archaeology Report May 2014) and Landscape and Visual Impact Assessment (Cordell Design) have been submitted in support of this application. In terms of direct impact on known or unknown archaeological remains the Heritage Desk Based Assessment supported by a geophysical survey concludes any archaeological remains within the development boundary are unlikely to be of a sufficiently high level of significance to preclude development. It acknowledges the fact that, given the existing evidence for

prehistoric and Roman settlement within the surrounding area, the potential for remains from these periods to be located within the development boundary cannot be discounted, especially in light of the less successful results from the geophysical survey in the eastern plot. With regard to the impact of the development on the setting of designated cultural assets within the wider landscape the report concludes that none of the designated heritage assets that fall within the ZTV have a direct line of site to the proposed development site therefore there would be no negative impacts on the setting of these assets. This was checked during a field inspection carried out as part of the assessment. I concur with both of these findings. The conclusions of the Heritage Desk Based Assessment could not rule out the potential for archaeological remains 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 disregarded. In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development. (included in Appendix 1)

- 4.11 S.C. Drainage: No objections. The Flood Risk Assessment is acceptable in principle. Conditions and informative notes regarding surface drainage are recommended and are included in Appendix 1.
- 4.12 S.C. Highways: No objections. The scheme in principle does not raise any highway concerns, because once built it will not have any effect on the highway and only generate one or two light van visits to the site each week for maintenance purposes. I am however concerned that the delivery of the materials and plant to the site during the construction phase will cause highway difficulties. In the Design & Access Statement it has been acknowledged that the junction off the A49 Trunk Road into Henley Lane will cause problems for delivery vehicles and it is stated that discussions regarding this will be taking place between the applicant and the Highways Agency, under whose control the A49 is. From Shropshire Council's Highway Authority point of view the movement of materials along Henley Lane will be the main difficulty and the method of doing this will have to be agreed and defined in the Construction Management Plan prior to the scheme commencing. Initial thoughts regarding this are that a nearby site should be sought by the applicant that could be used as a transfer station to load the panels onto small vehicles for the final leg of the journey.
- 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 arboricultural 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)
- 4.14i. S.C.Ecology: No objection: I have read the above application and the supporting documents, including the Ecological Appraisal by Avian Ecology dated June 2014, the Habitat Management Plan dated August 2014, GCN eDNA survey form June 2014 and Method Statement – Reasonable Avoidance Measures dated October 2014.
- ii. Recommendation: A map is required showing the area within the Disused Railway Line Local Wildlife Site accessible to construction vehicles. Tree protection plan and condition required. The following conditions and informatives should be attached to any consent.
 - iii. Protected sites: The 'Disused Railway Line Acton Scott' Local Wildlife Site (LWS) is immediately to the north of the site and is proposed to be used for construction traffic. Shropshire Wildlife Trust have asked for reassurance that there will be no long term negative impacts from the use of the LWS as an access road and details of surfacing. I have visited the site and consider that temporary access of regular sized tractors and trailers using the western section of the track should not harm the special interest of the Local Wildlife Site. There should be no need for construction vehicles to go into the eastern section of track as there are internal field access points to all the fields. If we can get written confirmation that the eastern section of LWS will not be accessed by construction vehicles then my concerns re the LWS would be met.
 - iv. Great crested newts: The results of the eDNA survey for GCN was that Ponds 1 and 2 (which are actually linked) have confirmed presence of GCN. Pond 3 was found to be dry. At my site visit in September 2014 the accessible ditches and marshy grassland were also dry. Avian Ecology (2014) have provided updated risk avoidance measures. If strictly followed these are considered adequate to reduce

- the risk of harming GCN. Conditions and informative are recommended (included in Appendix 1)
- v. Bats: FPCR (2013) consider that three trees had medium to good bat roosting potential (T1, T2 and T3). These trees are indicated for retention and lighting on tree lines is not necessary. As the proposals show retention of hedgerows and trees there should be no impact on bat foraging and commuting activity. Any other operations affecting trees such as road construction and boundary fencing will need to take impacts on trees into account. The Tree Officer has requested a tree protection plan.
 - vi. Badger: FPCR (2013) found signs of badgers on the application site but no setts. They recommend gaps in the perimeter fencing to allow access to continue across the site and preventing animals becoming trapped in any excavations. The site will need to be checked for new badger setts before construction.
 - vii. Nesting birds: Nesting birds are likely to use the hedgerows and trees on the site and also possibly the grassland. Avian Ecology (August 2014) recommend that if any ground works or vegetation removal will take place during bird breeding season that an ecologist should carry out a hand search of the area and an exclusion zone set up around any nest sites.
- 4.15 S.C.Public Protection: – No comments received.
- 4.16 S.C.Rights of Way: – No objection. No recorded public rights of way are affected by the proposals.
- 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. 65 representations have been received, 52 against, 12 in support, and one neutral.
- 4.20 Objections: The following objections have been made:
- i. Visual impact: The proposed site is in an exceptionally unspoilt landscape designated as an Area of Outstanding Natural Beauty. The government, through 'Visit England' promotions & the English Tourist Board, makes frequent reference to AONB's being special and worth a visit. This proposed 50 acres of solar panels is totally alien to its setting of scenic beauty & great landscape value. I feel particularly sorry for those who have worked so hard to promote Flounders Folly

which is unique and gains much from showing visitors the incredibly beautiful Shropshire countryside which will be blighted. The visual impact will be hugely detrimental to the beauty of the Shropshire landscape - 55 acres of PV panels together with all the ancillary development (the installation work; fencing and other means of preventing wildlife on the site, CCTV, lighting, access roads, maintenance work, staff cabins, and so on). A 'solar farm' is not what visitors to Shropshire expect to see. A.E.Housman's "A Shropshire Lad" has several poems about Shropshire's beautiful landscape and idyllic countryside -it needs to be preserved, because once it's gone, its gone forever. This development would be highly visible in the local area and make a significant visual impact within the unspoilt Landscape of the AONB. The site is in an area of outstanding beauty and clearly visible from the historic Flounders Folly and an elevated section of the Shropshire Way.

- ii. AONB: This application makes absolutely no sense at all. In an AONB, of which we understand there are only 33 left in the country, it really is desecration on a large scale. It makes a mockery of the status of the area as an Area of Outstanding Natural Beauty if such applications are even considered. We believe only 15% of England has been judged worthy of such a description so presumably that implies we have a landscape worth preserving. The installation of such a large number of solar panels would be a very invasive factor on the landscape, even if it is only visible from a few view points in an area with supposedly statutory protection. We appreciate that renewable sources of energy have to be found but not at such a large scale in an AONB. My understanding of an AONB is that it is an area of high scenic quality which has statutory protection in order to conserve and enhance the natural beauty of its landscape. The proposed development will not in any way 'conserve and enhance the natural beauty' of the Shropshire Hills. The Shropshire Hills are one of the things that Shropshire is known for. Shropshire is possibly England's most beautiful and unspoilt counties and needs to be protected so it stays that way. This AONB needs to be protected if it is to continue to attract the substantial 'volunteer force' and the Community of retired active folk who decide to live here. I notice they make a substantial contribution to the local economy and social life, boosting trade and quality of life through the time and energy they offer freely and the activities they generate and support.
- iii. Tourism: Some of the local economy is dependent on tourism & recreation and this site would be close to the Acton Scott Farm Museum and it's network of footpaths. It promotes the attractive location to encourage visitors. Within the Shropshire Hills AONB, 27% of employment is in agriculture with a further 11% in tourism. There is a high dependency on low paid seasonal employment in agriculture and tourism. The two industries are interlinked, and I believe that it is completely counter-intuitive to take an agricultural decision that will impact so heavily on tourism. Reduced levels of tourism will have a devastating effect on an industry which is made up of a large number of generally small enterprises. As a walk leader, a regular walker, and a member of several national and local wildlife organisations, I believe that the proposed development will be highly detrimental to this landscape and countryside. The Strategy And Action Plan For Sustainable Tourism In The Shropshire Hills And Ludlow 2011 ? 2016 summarises the natural heritage of the Shropshire Hills as follows: "The Shropshire Hills are believed to have the greatest

geological variety of any comparable sized area in the UK, perhaps in the world, contributing to the character and distinctiveness of the various landscapes across the AONB. Shropshire Council does continually promote the county as a tourist area of AONB they need to protect this as much as possible. This development will be seen by many tourist and I cannot see the sense in letting an individual company benefit financially at the same time as destroying the countryside. The county of Shropshire benefits from an ever increasing Tourist industry and this should be one area that Shropshire Council and the planning department should be encouraging, as it will financially benefit the county and the people of Shropshire far more than allowing such contentious development in an Area of Outstanding Natural Beauty.) Impact on the local economy: South Shropshire attracts many tourists who come to enjoy the landscape and amenities provided by its wonderful countryside. This area is criss-crossed by footpaths and bridleways and this development would be a deterrent to visitors. I note that tourists have already started to express their concerns in the press about the proposed development. I also object to an industrial site in a completely inappropriate setting especially as it is situated directly under Flounder's Folly, a place visited and enjoyed by many walkers every year. This would be detrimental to the tourist industry of the area. Thanks to the recent TV program, many visitors are coming to this area and expect to enjoy the 'Victorian Aura', not to see solar panels. The area depends on its attractiveness for the tourist trade and associated businesses / trade. I am a frequent visitor to Acton Scott, each time I visit I am struck by the natural beauty of the countryside. It would be criminal to take 50 gorgeous acres and turn it into an industrial looking eyesore.

- iv. Agricultural impacts: The reference to the quality of land being poor is not correct when adjoining land of similar grades is producing good crops. UK agriculture is already producing a smaller percentage of food consumed by the rising population at a time when food security has seldom been more important. There will in effect be a loss of 22 hectares from production of crops which as a nation we can ill afford and continuing development of this sort may result in further pressure on other productive land to meet the demands and may lead to further loss of other important habitat. . This would be taking good agricultural land out of production at a time when we should be trying to be more self-sufficient as a country.
- v. Questioning renewable energy benefits: The favoured positioning for these would be on the top of large buildings e.g warehouses and hospitals. As it appears financial benefits for these schemes are soon to change one wonders at the haste to get planning permission for this. Who will benefit most the landowner, the financiers or the planet. Conservation of the countryside seems here to be threatened by greener energy. These matters should be working hand in hand to achieve the best for our planet not cancelling each other out. Reducing pollution and waste is something everyone has to be responsible for, but the future of solar power will come from technological advances in ways you cant even imagine in the future - special solar paints, building materials, windows and even road surfaces that will produce solar electricity without any need to reduce the amount of productive farmland further.

- vi. Pollution: Arsenic, cadmium telluride, hexafluoroethane, lead, and polyvinyl fluoride are just some of the chemicals used to manufacture various types of solar cells - these toxic materials contained in solar panels will present a serious danger to public health and the environment if they are not disposed of properly when they reach the end of their useful lives.
- vii. Ecology: There will be significant impacts on biodiversity adversely affecting mature trees and hedgerows in the local area which act as vital habitats for wildlife. It would be exceedingly difficult to set up the site as the access along a bridleway is very narrow and difficult and there is a real danger that ancient hedgerows would be damaged and wildlife habitats destroyed.
- viii. Other: Having lived in the area and visited the museum for the last 30 years it is extremely sad. I loved the museum but it is struggling at the moment and looks sad, could this be part of the reason behind the application?. . The AONB is well recognised as holding a concentration of biodiversity, resulting from the varied landscape and relatively low intensity of land management and development. The Shropshire Hills are characterised by variety rather than large expanses of the same habitat, and this is reflected in the species found." I am in favour of renewable energy and it is absolutely vital that solar PV developments are installed in the right place. In other words, integrated into new builds, deployed on roofs of commercial and factory buildings, on dis-used airfields and not in beautiful countryside.
- xi. Policy: Today's government policy is to encourage the growing solar energy sector to be produced from brown field & factory roof sites. Future planning policy should include solar panels on large building roofs and new housing developments, rather than free standing on agricultural land which predominately restricts the use to the grazing of sheep for the next 30 years. Land is a finite resource and needs to be kept available for food and crop production. The proposal is not consistent with Shropshire Planning Policy CS5 in that it is clearly an inappropriate development that does not maintain or enhance countryside vitality. The proposal is not consistent with Policy CS6 in that it does not "protect, restore, conserve and enhance the natural, built and historic environment" nor is it "appropriate in scale, density, pattern and design taking into account the local context and character". The proposal is not consistent with Policy CS8 in that it does not "protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors". The proposal is not consistent with Policy CS16 in that it does not "deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities". It does not respect the NPPF policy which requires that planning should "contribute to conserving & enhancing the natural environment and reducing pollution.(visual). Allocation of land for development should prefer land of lesser environmental value...". It does not respect the NPPF policy which requires that planning should "contribute to conserving & enhancing the natural environment and reducing pollution.(visual). Allocation of land for development should prefer land of lesser environmental

value..."

4.21 Support: The following comments have been made in support of the proposals:

- i. Renewable energy benefits: We all need to use electricity, but if we continue to rely on the burning of fossil fuels for our energy, we will pollute the planet and remain vulnerable to volatile price fluctuations of the global fossil fuel markets. Surely the council would be in support of any scheme that seeks to address this issue? I am wholeheartedly in support of Solar PV as a responsible method of generating 'green energy'. Visibility issues should not override the enduring requirement to preserve the future energy requirements of this country in a socially responsible manner and avoid the unnecessary burning of fossil fuels and the reliance on global economics and political stability. Solar energy is a low impact option for generating electricity when compared to other options. The Actons have long been committed to renewable energy and they should be applauded for trying to safeguard our environment for future generations.
- ii. Limited impacts: The proposed solar farm is well-sited and would only be visible from a very limited number of vantage points. The solar farm will include sheep grazing, so that there is an ongoing agricultural use of the site. The land will still be available for food production. The site is not overlooked by many, if any, residential properties. Any impact can be easily screened, but ultimately the development of a solar farm as a much needed form of renewable energy, must surely be preferable to a number of 120metre tall wind turbines in the locality. After only 25 -30 years, the panels can be removed with no long lasting impact whatsoever. The obligation to remove the panels will also be contained in a negotiated lease document which, as standard, will contain a bond or insurance scheme to ensure the restoration. The proposal is entirely appropriate in terms of its scale and density and design. Much larger schemes are being proposed elsewhere in the country which might be classed as being on an industrial scale, but this is certainly one of the smaller schemes being proposed within Shropshire. Drainage is highly unlikely to be impacted upon by virtue of this proposal. There is also anecdotal evidence of solar panels enhancing the quality of pasture and creating useful micro-habitats by virtue of the shelter they provide. The site seems to be well chosen as not many properties are near to or overlook it. The panels are not a permanent structure and could easily be removed, thus returning the fields to their current condition.
- iii. Environmental benefits: The proposal includes a number of measures for biodiversity enhancement and habitat creation, including a new hedgerow around the majority of the site, part of which will add a valuable link to an existing woodland habitat. In addition, the grassland will be sensitively managed in accordance with a clear management plan. These measures will enhance prospects for local wildlife in the area.
- iv. Economic benefits: This development will bring much needed income and investment to a rural part of Shropshire and to help support a rural estate and farm business which helps to maintain a thriving local community. It is usual for renewable energy schemes such as this to make an annual financial contribution to the local community which can make a considerable and positive impact on the

lives of those residing in the parish. No doubt such a contribution is being offered in this instance.

- v. Policy support: The proposed solar farm is consistent with the National Planning Policy Framework. In particular, paragraph 97 which states that in order to increase renewable and low carbon energy generation "local authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources." In addition, the proposal balances the need for renewable energy generation with the local environment of the site, with the design and proposed planting avoiding adverse environmental impacts.

4.22 Trustees of Stretton Climate Care: Support. Stretton Climate Care is a registered charity whose main aim is to reduce carbon emissions in our area which includes the site of this planning application. We were established in 2008 and provide advice to households and organisations and carry out other activities to improve energy efficiency and reduce carbon emissions. In principle we support the development of low carbon sources of electricity generation as the adverse climate and consequent impacts of excessive greenhouse gas generation from fossil fuels are established and well known. The government and Shropshire Council has established policies in the NPPF and the Core Strategy to support such development in principle. We recognise nevertheless that the site of this proposal falls within the Shropshire Hills AONB and that the landscape impact of the proposal is the principle issue. The applicant's agent has submitted a detailed landscape impact assessment which demonstrates that although there is some impact, the overall impact is not severe and will be significantly reduced by the planting proposed and the management of vegetation around the site. We accept the main thrust of the submitted landscape assessment after careful viewing of the site from various vantage points. The proposal is on poor quality agricultural land which will continue to be managed for grazing with conservation in mind. No new electricity poles or wires will be needed off site and the development will not have any implications for creating additional flooding nor be affected by foreseeable flooding problems. Although some consultees assert that this constitutes a major application in the context of Paragraph 116 of the NPPF, this is not accepted. Although the application covers a large area, it is of comparatively small scale in terms of its height, largely screened by landscape features and there is continuing agricultural use of the area. It is just into the mid- sized category of solar farms and in therefore not a major proposal. We believe that it is vitally important for the development of further low carbon sources of energy generation in our area. This avoids transmission losses and additions to the distribution network and reduces our reliance on fossil fuel sourced electricity generation. We therefore strongly support the proposed development of this solar farm.

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 “*the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively*”. The guide encourages use of previously developed land or 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 proposal is located in the Shropshire Hills Area of Outstanding Natural Beauty and the NPPF also requires that such designations should be afforded the strongest possible protection. Major development should not be allowed within AONB’s unless exceptional circumstances apply (para. 116). The extent to which the current proposals can be classed as major development and whether the relevant tests can be met is discussed in succeeding sections.

6.1.5 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 AONB 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 AONB 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, distance to sensitive receptors (such as residential properties and wildlife sites), distance to the Local Distribution Network and vehicle access. Based on the initial selection criteria, the site was identified as having significant potential to accommodate a solar PV development. 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 that 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 and a connection to the electricity grid is possible. Therefore it is recognised that relevant operational suitability criteria can be met. The site is however located within the AONB and needs therefore to comply with relevant AONB policy tests.

- 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 and, although not within a flood plain, it suffers from poor drainage and it is reasonable to assume that a significant proportion of the land within the site is of subgrade 3a best and most versatile quality. The proposals would 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.
- 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 by treating in-situ soil with a bonding agent to create a firm but permeable surface. This would be ploughed / broken up at the end of the design life where it would biodegrade and revert to soil. In responding to other recent solar park schemes in Shropshire Natural England has recognised that solar parks are a 'soft' use not entailing 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. In view of this it is considered that the proposals can be accepted with respect to agricultural considerations.
- 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 6.5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1890 homes. Over the lifetime of the facility over 87,750 tonnes of Carbon Dioxide emissions would be saved, assuming the UK's current average energy generation mix. 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: The site is located within the Shropshire Hills AONB, a nationally designated landscape which is afforded the strongest policy protection by the NPPF (para 116). A Landscape and Visual Impact Assessment (LVIA) has undertaken a comprehensive appraisal of 50 surrounding viewpoints and finds that that the site is extremely well screened by intervening ridges and surrounding vegetation. It is stated that by retaining and enhancing the hedgerow structure, the traditional, well wooded appearance of the valley farming landscape will be maintained, and most of the potential long distance views into the site can be fully occluded. Views into the site from public rights of way are possible but these locations are immediately adjacent to the site itself. Additional planting is proposed to further enhance this containment. The amenity of key public views from highly popular and well trodden beauty spots would be protected; and whilst there would be some harm to the close range outlook from some of the public rights of way immediately adjacent to the site, 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.

6.3.3 This conclusion has been challenged by objectors including the AONB Partnership and Natural England who specifically refer to two locations where it is claimed that there will be a significant impact. Flounders Folly is located on elevated land at Callow Hill 3.6km to the south. The Shropshire Way long distance public footpath passes 50m to the east of the site at its closest, travelling in a north-westerly direction. The applicant's landscape consultant has responded to these comments. The following remarks are made:

The assessment of Moderate applies to the top of Flounder's Folly while the assessment of Low applies to the ridge of Callowhill Plantation itself. The view at

the base of the tower is less panoramic or entire, easier to ameliorate and also temporary. A viewpoint close to the base of the tower was chosen because the tower is of limited access to the public.... Given that all of the other VR locations are in public locations that are wholly public and not only accessible during managed opening times, I consider that an assessment of Moderate Impact upon the view from Flounder's Folly to be exaggerated rather than not sufficiently severe. I think the report makes it clear that the LVIA assesses exhaustively 'all of the public views' that can be acquired. The fact remains that within a potential visual envelope of several square miles, the site is only visible from two public locations, and one of those is temporary (or only accessible via the Flounder's Folly Trust's open days).... VR34 Callowhill / Flounders Folly. The moderate component of which can only be accessed on selected high days and holidays and so far distant from the solar farm site that it requires good to excellent visibility to obtain it. VR17 'A point on the Shropshire Way', and furthermore, a comparatively low-use section based upon my experience, where I found the upland routes to be many, many times busier with walkers and riders. I do not accept that these two Moderate views (the top of the tower and the point on the Shropshire Way) can be argued to detract from the wider consideration that the proposed development is elsewhere invisible once the effects of mitigation are taken in to account. I dispute Phil Holden's comment that a large number of VR locations has been employed to 'multiply down' the significance of these two permanent public or semi-public views. LVIA is a qualitative and not a quantitative assessment. The extent, quality, distance, scale and availability of the impacted views do not justify a more negative impact in the consideration of the visual effects upon the landscape as a whole.

- 6.3.4 Natural England has advised that 75mm photomontages should be provided in order to properly define visual impact from Flounders Folly and the Shropshire Way. The applicant's landscape consultant has however advised that the Landscape Institute's specifies 50mm and the LVIA follows this recognised good practice. Officers consider that the photomontages provided in the LVIA give a representative picture of the visual impact which matches and exceeds that of other recent industry compliant LVIA's received by the Authority. Given the limited scale and appearance of the site within the supplied photomontages it is not considered that requiring the applicant to provide additional 75mm photomontages would be justified. The LVIA significantly exceeds the number of survey viewpoints undertaken in for other recent solar park schemes considered by the Council.
- 6.3.5 Natural England has also suggested that additional planting could be undertaken between the Shropshire Way and the site. The applicant's landscape consultant has responded that the land is not within the ownership of the applicant and that this is not necessary in terms of visual impact given the conclusions of the LVIA. Officers have reviewed this suggestion and consider that imposing a requirement for additional off-site planting beyond that which is proposed would not meet relevant legal tests.
- 6.3.6 The AONB Partnership has remarked that even where a site is not highly visible there is a need to protect the intrinsic quality of the landscape. This is one reason why the nationally adopted methodology separates out the assessment of landscape and visual effects. There is no public access to the current site and

limited visibility, but the intrinsic quality of this landscape within the AONB is high. However, the applicant is not intending to remove any mature vegetation to facilitate the development. Instead, a comprehensive landscaping scheme is proposed to strengthen existing boundary vegetation. A wildflower seed mix would be employed to increase biodiversity and this would be supported by a habitat management plan. Whilst there would be some loss of intrinsic landscape quality from development of the site it is considered this would not be sufficient to justify planning refusal when the above mitigation measures and the renewable energy benefits of the scheme are taken into account.

- 6.3.7 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. However, there are no properties or sensitive viewpoints to the immediate south of the site in orientations which could potentially be affected. Peripheral vegetation would be retained and additional proposed planting would become established during the operational life of the site. It is considered that that there would not be any unacceptable glint and glare effects when available mitigation measures are taken into account.
- 6.3.8 Visual impact – conclusion: The LVIA produced by the applicant is considered to be comprehensive and fully compliant with relevant methodology. 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 longer distance view from Flounders Folly has 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 vicinity of the folly, which it is understood is open for public access on a limited number of days. It is concluded on balance that the majority of visual impacts of the proposals would be minor. 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)
- 6.3.9 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 development of the site would not lead to any harm to known heritage assets, either physically, or through alteration to settings. The potential for survival of currently unknown archaeological remains within the site is considered to be low. Historic Environment has not objected subject to an archaeological watching brief condition, which has

been incorporated 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. The site is remote from residential properties. The proposed access route passes closer to a number of properties but construction traffic during the 4 month construction period would be closely managed under a construction management plan and would be similar in nature to agricultural traffic which uses the route. The only noise source during the operational phase would be the inverter extraction fans which do not work at night when the panels are not generating electricity. Public Protection has not 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.

6.5 Access / traffic and construction:

6.5.1 Access to the site would be obtained via Henley Lane near its junction with the A49 and then via a track across a small field linking to a track along a disused railway line. A traffic management plan advises that the construction of the solar farm would result in approximately 136 HGV deliveries to the site spread over a 13 week construction period. It is unlikely that, even at the more intense periods of construction activity HGV deliveries would not exceed more than 7 per day. Deliveries to the site for construction would include both HGV's and LGV's related to the type of equipment and payload. Highway officers have not objected but have recommended that consideration is given to transferring site components into smaller loads in order to negotiate Henley Lane. 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 The proposed hours of working during the construction phase would 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 and marshy grassland bordered by further grassland, mature trees, hedgerows and an abandoned railway line to the north. 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. Other proposed mitigation and enhancement measures include the planting of native species hedgerows, and the installation of bird and bat boxes. The report advises that implementation of these 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.
- 6.6.2 The Council's Ecology section initially lodged a holding objection based on concerns about the potential to affect Great Crested Newts (GCN). A DNA survey of two nearby ponds indicates the presence of this protected species. Additional concerns are expressed regarding the potential for vehicles using the access route to impact on a Wildlife Site which this route passes through. These concerns are also raised by the Shropshire Wildlife Trust.
- 6.6.3 Subsequent discussions have led to a proposal by the applicant that a detailed GCN Method Statement should apply in place of the Reasonable Avoidance Measures, in order to protect GCN during the temporary construction period. Officers are aware of recent examples of this in similar circumstances at other Shropshire sites. The Method Statement would adopt 'worst case' precautionary measures to ensure that there would be no adverse impact on GCN. This would include a stand-off area from the railway embankment which offers potential hibernation opportunities. No development shall occur within this area unless searches by a newt expert have confirmed an absence of GCN. If GCN are identified within the stand-off area then it is likely that a licence would be required from Natural England before any development could proceed in such areas. The proposed wildflower seed mix and presence of steel supports from the solar arrays should provide an overall improvement in GCN habitat and refuge opportunities relative to the current situation. The Council's Ecologist has withdrawn the holding objection on this basis and an appropriate condition has been recommended in Appendix 1.

6.6.5 With respect to the wildlife Site the applicant has confirmed that the access route along the disused railway is an historical access route which is widely used by agricultural traffic. The applicant is now proposing to transfer HGV loads into smaller tractor and trailers to obtain access to the site and this traffic is equivalent in size to existing agricultural traffic. There would be a peak of up to 7 movements per day during the 4 month construction period, but this traffic would be closely managed under a construction management plan. It is understood that the route would be capable in principle of generating equivalent peaks under normal agricultural usage. When the construction period ends the level of traffic would be less than existing due to reduced requirements for fertilizer and lime application. No additional removal of vegetation or other disturbance adjacent to the route would be required in order to facilitate the development. The applicant has confirmed that the less-used portion of track parallel to the eastern half of the site would not be used for access and this confirmation has been incorporated formally as part of the application. On this basis the Council's ecologist is now satisfied that the access proposals would not impact adversely on the Wildlife Site.

6.6.6 Appropriate conditions and advisory notes covering ecology have been recommended in Appendix 1. This includes the requirement for submission and prior approval of a detailed GCN Method Statement. 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. Areas in the eastern half of the site are at risk from surface water flooding. Development in this area has been designed to be raised above the expected flood level and critical infrastructure has been placed outside of the higher risk zones. The majority of infrastructure will be located at least 8m away from the nearest watercourse or on development platform above the expected flood level. 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 National Planning Policy Framework states that the strongest possible protection shall be afforded to AONB's and requires that exceptional circumstances are met for major development within their boundaries. Paragraph 116 states that 'planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.9.2 The AONB Partnership contends that the development is major development and subject to the above tests. This however is queried by the Trustees of Stretton Climate Care who point out that the site is of comparatively small scale in terms of its height, largely screened by landscape features, there is continuing agricultural use and it is just into the mid-sized category of solar farms so should not be viewed as a major proposal. Officers consider that the proposals sit just above the threshold for a major development, but remain relatively small-scale, well screened and reversible. Whilst therefore the tests should apply, account should also be taken of the above factors.
- 6.9.3 AONBs make up 15% of all the land area in England and Wales. As such they cannot reasonably be exempted from the need to provide sustainable energy for use within their own bounds. The AONB Management Plan acknowledges this: "We need to play our part in shifting to a low carbon economy and way of life, conserving energy and developing appropriate small-scale renewables." ; "The local production of renewable energy should be increased, but in ways compatible with the AONB." "...seeking to limit or prevent wind energy to "encourage the focus nationally of wind energy development outside protected landscapes, and for proactive work on more compatible forms of renewables in the AONB." [p31/32]. It is therefore necessary to identify such 'compatible' forms of renewable energy.
- 6.9.4 AONB Need: With respect to the first test, need for the development, it is considered that there is strong national and local policy support for the development of renewable energy schemes where there would be no unacceptably adverse impacts. If the scheme was not developed then there would be a loss of investment and the potential to support the local farming economy. The ability of the local area to contribute to local and national renewable energy and climate change targets and objectives would also be lost. It is considered therefore that the first test can be met.
- 6.9.5 AONB – developing elsewhere: With respect to the second test, the cost of, and scope for, developing elsewhere, it is recognised that solar farm sites can only be

developed where a suitable combination of circumstances exists. This includes an ability to connect to the national grid, suitable access, a willing landowner, a suitable field area and an ability to comply with other relevant environmental considerations. The applicant undertook a comprehensive search of potential sites before deciding to progress the current scheme. The conclusion was that there are no less sensitive sites in the local area. Alternative forms of renewable energy such as wind energy would potentially have a much greater impact on the AONB. If the current site were not to proceed it is considered that the opportunity to utilise the existing grid connection to develop a renewable energy scheme would be lost. It is considered therefore that the second test can in principle be met.

6.9.6 AONB – environmental effects: With regard to the third test, the extent of environmental impacts and available mitigation measures it is considered that whilst located within the AONB, the site has been well chosen. The landscape and visual appraisal supports the conclusion that the visual impact of the scheme would be minor and outweighed by the renewable energy benefits once available mitigation measures are taken into account. This conclusion is supported by the absence of objection from heritage consultees. The LVIA advises that the site is located in a hilly landscape and benefits from excellent visual containment. A comprehensive assessment of potential viewpoints in the surrounding area finds limited views and low effects for publicly accessible viewpoints in the area surrounding the site. Medium effects are only predicted in the immediate vicinity of the site and would be mitigated by proposed landscaping. As such, and given also its limited scale, it is considered that this site represents a potentially 'compatible' form of renewable energy development in the terms of the AONB Management Plan being one of the most discreet and least visually intrusive forms of renewable energy development and benefiting from existing electrical infrastructure.

6.9.7 The other effects of the proposals have been assessed and there are no outstanding objections from technical consultees. A comprehensive schedule of planning conditions has been recommended in Appendix 1 and would provide additional reassurance regarding the ability to control any environmental effects of the proposals within acceptable limits. It is considered that the landscaping proposals have the potential to deliver ecological improvements relative to the current situation. Whilst not essential to deliver a sustainable scheme it is also concluded that the proposed betterment scheme would provide benefits to the local area in terms of education and provision of a renewable energy supply for the Acton Scott visitor centre. It is concluded that there would be no unacceptably adverse effects once mitigation is taken into account and that the benefits of the proposals outweigh any potential impacts. The third and final test is therefore met.

6.10 Other matters:

6.10.1 Community benefits: A package of community benefits has been put forward voluntarily by the applicant and equates to £5700 per installed megawatt. This would be delivered by a legal agreement (unilateral undertakings) which the applicant has agreed in principle with the Acton Scott visitor centre and Parish Council. The package comprises three elements:

- A commitment to establish a 20KW scheme on the side of an agricultural building adjacent to the visitor centre to deliver renewable energy with proceeds going to the visitor centre and the Parish Council;
 - Installation of a smaller demonstration solar panel at the visitor centre with a real time display of energy generated;
 - Construction of a viewing area of the proposed solar park in an area accessible to footpaths leading from the visitor centre.
- 6.10.2 The landowner is also Chair of the Parish Council. The legal agreement by the (Unilateral Undertaking) by the applicant includes a commitment that the landowner should not vote on the community uses to which any monies are put. The level of community betterment being offered is consistent with that delivered or being discussed with respect to other Shropshire solar park schemes. Whilst the community betterment funding is not considered essential in order to deliver a sustainable development it is considered to support the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.
- 6.10.3 CCTV and privacy: The applicant has confirmed that CCTV would be positioned and designed appropriately to avoid any privacy issues with the nearest properties. An appropriate condition requiring prior approval of CCTV specifications has been recommended.
- 6.10.4 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 within the AONB, 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 Cecilia Motley, Corvedale
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 20th June 2014 and the accompanying planning statement;
 - ii. The supporting documents and appendices, namely:
 - Planning Statement;
 - Habitat Management Plan, Avian Ecology 25th June 2014;
 - Construction Traffic Management Plan, Peter Brett, June 2014;
 - Heritage Desk-Based Assessment, Cotswold Archaeology, May 2014;
 - Landscape and Visual Impact Assessment, Cordle Design;
 - Flood Risk Assessment, Peter Brett, July 2014;
 - Surface Water Management Document;
 - Maintenance Statement;
 - Statement of Community Involvement.
 - iii. The permitted plans accompanying the application comprising:
 - Construction access and maintenance access routes (red line location plan);
 - Site Plan and Solar Details (by PerPetum);
 - iv. The further information submitted in support of the proposals, namely:
 - Wood Acton visual appraisal;
 - Glint and Glare Statement;
 - Deer netting specifications;
 - Ground mounted layout;
 - Letter from applicant to Acton Scott Parish Council (5/08/14);
 - PowerCem track specification document;

- Response to Natural England's comments. David Maddox Associates. (25/09/14);
- Letter from Bloombridge to Shropshire Council (24/09/14).

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. Construction works shall be managed strictly in accordance with the provisions of the Construction Management Plan from Peter Brett Associates dated June 2014.

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

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 SA11528/01.
- 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.

Reason: To provide effective containment of the Site in the interests of visual amenity and to allow for a review of screening requirements following the erection of the solar arrays.

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

- 9a. A scheme investigating the potential to provide a wildflower seed-mix along the field margin edges surrounding the site 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.
- b. A scheme providing for a badger gate through the proposed security fencing shall be submitted for the approval of the Local Planning Authority prior to the commencement date.

Reason: To enhance overall levels of biodiversity within the site (9a) and to ensure that Badger foraging habitat is not adversely affected by the erection of the proposed security fencing (9b). Shropshire Core Strategy Policy CS17.

10. Work shall be carried out strictly in accordance with the Method Statement – Reasonable Avoidance Measures by Avian Ecology dated October 2014.

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

11. Prior to construction commencing details of 10 bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

12. The Habitat Management Plan dated August 2014 shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

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. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.*
- iii. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- iv. 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 and CCTV

- 10a. Notwithstanding the general CCTV details shown on the approved site layout plan a scheme providing the exact details of CCTV camera design and viewing areas shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. CCTV cameras shall be designed and oriented so as to avoid any views directly towards the nearest properties.
- b. Fencing shall be strictly in accordance with the details shown on the approved site layout plan (Site Plan and Solar Details) and to a colour which shall be subject to the prior approval in writing of the Local Planning Authority.

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

Note: CCTV should be oriented away from public footpaths and cowlings should be fitted where appropriate to avoid any privacy issues.

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 any 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.*
- ii. *The site is at risk of groundwater flooding. The applicant should bear this in mind when excavating for the foundations.*
- iii. *The watercourses present within the development site require a 3m wide easement from the top of each watercourse bank for maintenance purposes.*

Archaeology

12. 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 that makes provision for a limited programme of trial trenching and watching briefs in areas of significant ground disturbance that should be in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

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

Noise

13. 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.

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.