

Development Management Report

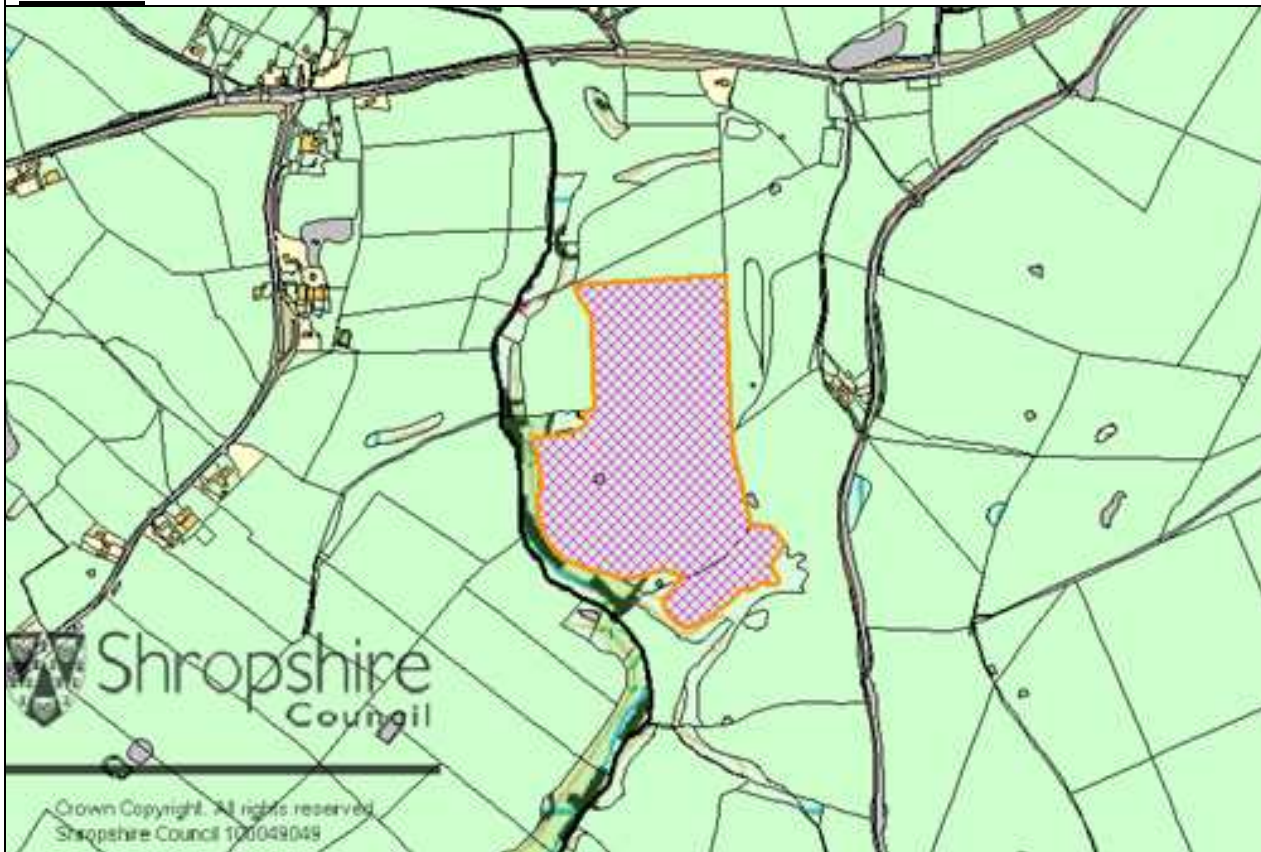
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 14/02914/FUL	<u>Parish:</u> Whitchurch Urban
<u>Proposal:</u> Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras.	
<u>Site Address:</u> Hadley Farm Wrexham Road Whitchurch Shropshire SY13 3AB	
<u>Applicant:</u> Lightsource SPV74	
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 351939 - 341337



Recommendation:- Grant delegated powers to the Area Planning Manager / Principal Planning Officer to issue permission subject to:

- **Resolution of Ecological matters**
- **The conditions set out in Appendix 1..**

1.0 THE PROPOSAL

1.1 The application seeks permission for the installation of a solar farm comprising arrays of solar panels with associated buildings and infrastructure. The proposal would comprise the installation of 25,737 solar panels generating 6.56MW of electricity. The panels would be installed within west-east orientated rows. They would be mounted on fixed frames, of either galvanized aluminium or steel, in a double portrait configuration. They would be angled at between 15 and 30 degrees, with the highest edge at a maximum height of 2.2 metres and the lowest at 0.6 metre.

1.2 Buildings and other infrastructure proposed comprises the following:

- 4no. inverter buildings: 5.9 metres x 1.3 metres x 2.4 metres high (2.6 metres including plinth)
- 2no. transformer buildings: 4.5 metres x 4.1 metres x 3.4 metres high (3.6 metres including plinth)
- 1no. client substation: 8 metres x 2.4 metres x 2.7 metres high (3.2 metres including plinth)
- 1no. communications building: 4 metres x 2.4 metres x 2.7 metres high (3.2 metres including plinth)
- 1no. production substation: 5 metres x 2.4 metres x 2.7 metres high (3.2 metres including plinth)

1.3 The buildings would be sited in two discrete areas, both centrally located, with: one towards the north and one towards the south of the site. It is proposed that the substations would be constructed of polyurethane, and the inverters and transformers of steel. All would be Moss Green in colour. They would be accessed by an access track running along the centre of the site. It is understood that the DNO substation building would need to be located on a different site and would form the basis of a separate planning application.

1.4 A 2 metre high timber post and wire fence would be installed around the perimeter of the solar farm, for security purposes. CCTV security cameras would be erected around the site perimeter. These would be on timber poles, approximately 3 metres in height. Once the panels have been erected the land is proposed to be grazed by sheep. It is proposed that the panels would be removed at the end of their operational life.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located on land forming part of Hadley Farm, approximately

1.5km to the southwest of the edge of Whitchurch. The site covers an area of approximately 14.4ha, comprising two agricultural fields – one of approximately 13ha and one of approximately 1ha. The area is gently undulating, with the site itself relatively flat. Land to the southwest, south and southeast comprises woodland. A field to the northeast is used for horse riding and jumping. Other surrounding land is undeveloped and in agricultural use. Access to the site would be gained from the A525 to the north, via an existing access which leads to a car park serving the horse riding area and a café.

2.2 The nearest residential properties are the six dwellings known as Blackoe Cottages, located approximately 170 metres to the east. Other individual properties in the vicinity are located approximately 310 metres to the north and 430 metres to the west. The Shropshire Union Canal runs in a generally north-south orientation to the east of the site. At its nearest point it is 95 metres from the application site. Public rights of way in the vicinity include a footpath to the north (approximately 15 metres from the northern boundary) and the Shropshire Way to the east (approximately 145 metres away). The site is crossed by two sets of overhead power lines.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

4.1.1 **Whitchurch Town Council** No objections.

4.1.2 **SC Highways** No objections. The application site is served by an existing access junction onto the A525, Wrexham Road to the north. The access already serves the farm, equine facilities, café and recently approved touring caravan site. The Highway Authority is of the view that the layout of the existing access together with the available measure of visibility along the principal road is satisfactory to also accommodate the vehicular movements likely to be generated by the proposal and raises no objection to the development.

4.1.3 **SC Drainage** The drainage strategy stated in the FRA is acceptable. Details of the proposed SuDS features should be submitted for approval.

4.1.4 **SC Trees** No objections, following submission of revised planting plan and tree survey. No further concerns with this application on the grounds of trees.

4.1.5 **SC Ecologist** Further information is required for great crested newts as set out below. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Conditions and informatives on other issues are given below.

Great crested newt: Six presence/absence surveys for great crested newts (GCN) have been carried out for 8 ponds within 250m of the proposed development. Pond 4 (on-site) had a peak count of one GCN and Pond 5 (target note around 80m from the site) had a peak count of two and eggs recorded. This suggests a small population in both ponds. The figures given in Section 3.5 of the report do not match the figures in the tables, which I have given above. Clarification should be provided of the pond positions.

I do not agree with the conclusions of the ecology report that given the disturbance to the grassland and arable fields from agricultural operations and the retention of existing wooded areas that adverse effects on GCN are not predicted and a European Protected Species licence would not be required and no Risk Avoidance Measures are proposed.

The presence of GCN on the site and close to the access track mean that GCN are highly likely to be present and at risk of killing and injury during construction. The precise positions of the GCN ponds in relation to the development and the operations to be undertaken need to be clarified to be able to state that a licence is not required. In any eventuality I would expect a detailed method statement to be provided in order to avoid risk to GCN.

Bats: The ecological report states that 'several mature trees' were assessed to the south and south west of the site (target note 6 not shown on Figure 1) and found to have low potential for bat roosts. The hedgerows and woodland are likely to represent valuable bat foraging or commuting resources for bats. The submitted plans show retention of these and also hedgerow planting and infilling. No lighting should be allowed to shine onto hedgerows and tree lines and I note that none is proposed.

Badger: A single badger latrine was found but no setts. Badgers using the site would be affected by the proposed security fencing. A plan indicating deer fencing with mammal gates has been submitted. In view of the woodland bordering the site it is possible that new badger setts may appear before the start of development. A condition is recommended requiring that no construction work is commenced unless evidence has been provided that no badger setts are present within 30 metres (see Appendix 1).

Water vole: There are records of water vole in the area but as the closest is around 120m away on the Redbrook there would no direct impact. The ecology report considers the possibility of silt mobilisation affecting water quality during construction and recommend standard pollution prevention measures.

Nesting birds: A trees and hedgerows are likely to support nesting birds and an informative is recommended.

Landscaping: The proposed Planting Plan is welcomed however I would comment that *Festuca rubra litoralis* is a coastal species not naturally found in Shropshire and should be replaced with a locally occurring *Festuca*.

[The Planting Plan has now been revised to remove reference to *Festuca rubra litoralis*.]

4.1.6 **SC Rights of Way** Footpath 97 Whitchurch abuts the north western corner of the site identified but will not be affected by the application. There are no public rights of way which cross the site of the proposed solar farm. However, part of Footpath 98 Whitchurch (where it leaves Wrexham Road) runs along what appears to be part of the access to the proposed site and this should be taken into consideration when additional vehicular movement along the track is probable during the construction of the site. Some warning signs for the public may be helpful.

4.1.7 **SC Archaeology** No objection subject to a condition.

The proposed development site is understood to consist of an area of approximately 36ha centred on NGR 351939 341337, approximately 800m south-west of the hamlet of Hadley Farm, near Whitchurch in northern Shropshire. The site currently comprises two fields, the largest of which is arable and other is down to pasture, on a low ridge between approximately 85 m and 95m OD. The proposed development would consist of a 6.56MW solar farm, comprising of series of solar panel arrays laid out from across the four fields, together with cabinets for inverter/ substation, underground cable feeds, ancillary access tracks and a temporary construction compound.

Recommendation: A Historic Environment Assessment by Hyder has been submitted with the application. This has been informed by a search of the Shropshire Historic Environment Record for a 2km radius around the proposed development site to inform an archaeological desk based assessment and to assess impacts on the settings of heritage assets. It is confirmed that this report fulfils the requirements of Paragraph 128 of the NPPF. With regard to indirect impacts on the settings of designated heritage assets, the Assessment concludes that within England the setting of the Scheduled Monument of Pan Castle: a motte and bailey castle (NHLE 1020286) will not be affected by the proposed development. In this respect, it is noted that English Heritage have raised no objections to the proposed development.

Turning to the archaeological interest of the proposed development site itself, the Assessment correctly indicates that there are currently no known heritage assets with archaeological interest within the site boundary recorded on the Historic Environment Record. The potential for previously unknown archaeological features or deposits from any period to be present is assessed as low. It is understood, however, that the Portable Antiquities Scheme holds a record for a metal detectorist find of a small but significant piece of Iron Age metalwork from within the site boundary. This raises the possibility that some parts of the site may hold higher archaeological potential. To this extent, and in line with 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 (see Appendix 1). This should comprise an initial geophysical survey, targeted at the three main areas of panel arrays within the larger arable field and avoiding the overhead power lines, followed by further mitigation (including by design) as appropriate.

4.1.8 **SC Conservation** No comments to make.

4.1.9 **English Heritage** No comments. The application should be determined in

accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.10 **Natural England**

Statutory nature conservation sites – no objection: Based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species: We have not assessed this application and associated documents for impacts on protected species. Natural England's standing advice should be referred to, which includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

Solar Parks – Further information: Further information relating to Solar Parks is available in Natural England's Technical Information Note, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

4.1.11 **Environment Agency** The site is located in Flood Zone 1 (low probability) based on our indicative Flood Map for Planning (Rivers and Sea). In considering the type of proposal (non EIA) and the environmental constraints, the application appears to fall outside of our checklist for consulting the Environment Agency. On this basis we would not propose to provide bespoke comments on the application but would refer you to our local Flood Risk Standing Advice for 'development over 1ha in flood zone 1'. This provides advice on the Flood Risk Assessment requirement, for consideration in consultation with your Flood and Water Management team as the Lead Local Flood Authority (LLFA). Your Flood and Water Management team would also comment on any flood risk/easement matters relating to the watercourse to the West of the site, as 'ordinary watercourses' fall within the remit of the LLFA.

4.1.12 **Canal and River Trust**

Impact on Heritage of the Llangollen Canal: The Cultural Heritage Desk Based Assessment has been undertaken by the applicant. It does not appear that the proposals will have a significant impact on heritage assets associated with this section of the Llangollen Canal. Hassells No 1 Lift Bridge No 33 is Grade II listed.

Impact on Landscape and Amenity of the Llangollen Canal: The Planting Plan shows areas of existing and proposed planting and the Landscape and Visual Assessment has reviewed the impact on the Llangollen Canal. We consider the proposals will be an intervention in a rural landscape. However, in summer time

with trees/hedges in leaf, it should have a limited impact on the canal corridor. We do have some concern over the potential impact in winter and would therefore request the hedgeline to the east of the site is doubled in thickness in addition to the infilling of the existing hedge to ensure an appropriate degree of visual buffer is provided across the seasons.

Impact on the Llangollen Canal from Land Drainage: The Application Form states surface water to be discharged to sustainable drainage system. The Flood Risk Assessment has assessed the risk of flooding from the canal and given an explanation of the drainage strategy. The drainage methods of developments can have impacts on the structural integrity, water quality and the biodiversity of waterways. In regard to the proposed drainage strategy our only comment is that any breach of the SuDS attenuation should not result in an increased flood risk to the canal.

4.1.13 **Wrexham County Borough Council (adjacent planning authority)** No response received.

4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition 12 residential properties in the vicinity of the site have been directly notified. Two letters have been received. One in support of the proposal, and one stating that the resident is neutral on the proposal and making the following comments:

- neutral on this development partly because there have been no objections so far
- query whether the panels would be visible from a recently-approved touring caravan site; tourists would not want to overlook solar fields
- query whether sufficient publicity has been carried out

5.0 **THE MAIN ISSUES**

Principle of development
 Siting, scale and design and impact on landscape character
 Site selection and agricultural land classification considerations
 Local amenity and other considerations
 Highways and access consideration
 Historic environment considerations
 Ecological considerations
 Flood risk considerations

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 One of the core planning principles set out in the National Planning Policy Framework (NPPF) is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals (see Section 10.2 below) and states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and

businesses.

6.1.2 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 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.

6.1.3 The proposed 6.56MW solar farm would be capable of generating enough electricity to power 1700 typical households. The application states that this would reduce emissions of carbon dioxide into the atmosphere by around 2900 tonnes each year. The proposal would provide significant environmental benefits through the generation of renewable energy, and it is considered therefore that there is no in principle planning policy objection to the proposal.

6.2 **Siting, scale and design and impact on landscape character**

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also 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. It should be noted that the site does not fall within an area designated for landscape importance. It is also acknowledged that the development would be temporary, and the panels would be removed at the end of their operational life or after 30 years, whichever sooner.

6.2.2 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This confirms that the site and its immediate surroundings fall within the landscape character type identified as Principal Settled Farmsteads in the Shropshire Landscape Character Assessment. Key characteristics of these areas include a mixed farming land-use and a varied pattern of sub-regular hedged fields. The LVIA assesses the landscape as of medium sensitivity, which indicates that the landscape has the potential to tolerate the change proposed.

6.2.3 The LVIA notes that the proposed development would not affect important landscape features, and landscape enhancement would result from tree and hedgerow planting. Taking this into consideration it states that the magnitude of landscape impact due to the development would be low, and the overall significance of the landscape effect would be minor. Given the topography of the site and surrounding area, views into the site from surrounding land is generally restricted by existing hedgerows and trees. The LVIA identifies potential visual receptors in the area, including properties, public rights of way, and roads. It includes an assessment of the likely visual effects that the proposed development would have on these receptors, including by way of photomontages. This takes into account the proposed mitigation which would include the management of existing vegetation and proposed landscape planting. In terms of management, it is proposed that hedgerow plants would be maintained at a height of 2.5-3 metres to improve the level of screening afforded by them. Following discussions with

Officers a revised planting plan has been submitted which proposes additional tree and hedgerow planting along the eastern boundary of the site. It is considered that this would close up gaps within the hedgerow on this side of the site and provide more effective screening from the cottages in this direction. The revised landscaping scheme would comprise the planting of a hedgerow around the northern boundary of the site, the infilling of gaps in the existing hedgerow along the eastern boundary and tree planting (39no.) along both the western and eastern boundaries of the site.

- 6.2.4 The LVIA considers that the visual effects from the residential properties to the east (Blackoe Cottages), from the nearby Shropshire Way and from the Shropshire Union Canal would be negligible. It is considered that the existing and proposed hedgerow planting between the site and these properties would minimise views of the panels and as such the proposed development would not have an adverse impact on visual amenity from these views. It should be noted that there have been no objections raised by residents of these properties.
- 6.2.5 The proposed development is likely to be visible from the public right of way which runs close to the northern boundary of the site, and the LVIA considers that the magnitude of this visual impact would be medium. The planting of a hedgerow around this boundary would in time restrict such views, however this would take a few years to become effective. It should be recognised however that views would be transitory and would be seen in the context of the horse jumping site, café, power lines and in proximity of the main A525 public highway in this area. As such, whilst it is accepted that there would be a visual impact from this footpath, particularly until such time as the hedgerow has become established, this would not be unacceptable.
- 6.2.6 One of the public representations received queried whether the proposal would be visible from the nearby recently-approved touring caravan site. Planning permission for a tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans was granted in June 2014. The site, which is within the same ownership as the proposed solar farm, is located approximately 330 metres to the northeast. Views of the solar panels would be restricted by the existing hedgerow which runs along the eastern boundary of the site. Given this screening, and the distance involved, it is not considered that the solar panels would have an adverse impact on the visual amenity of the permitted caravan site.
- 6.2.7 In overall terms it is considered that the impact of the proposed solar farm on the character of the local landscape and on visual receptors generally would be limited, and would not be unacceptable particularly given the wider environmental benefits of the proposal.
- 6.3 **Site selection and agricultural land quality considerations**
- 6.3.1 Planning Practice Guidance advises that local planning authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value. The current application is located on greenfield land, however it is accepted that planning policy and guidance does not restrict the use of such land for solar farms. The site does not contain any specific land-use designations in respect of landscape or ecological value, and the submitted

Landscape and Visual Impact Assessment assesses the landscape of the area to be of medium sensitivity to change.

- 6.3.2 Planning Practice Guidance advises that, in considering solar farm proposals located on greenfield sites, local planning authorities should consider whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 6.3.3 An Agricultural Land Classification (ALC) report has been submitted with the application. Based upon an analysis of topsoil samples the report confirms that 73% of the site is Grade 2 agricultural land (very good), 16% is Grade 3a (good) and 9% is Grade 3b (moderate). The report states that the ALC grading of land within the former North Shropshire District Council area is predominantly Grade 2 and undifferentiated Grade 3, and that Grade 3a is likely to be the poorest land quality to be found widely within that area. The report suggests that the agricultural land quality at the site is representative of much of the district, and notes that the site would be available for agricultural use by sheep grazing during the life of the scheme. It also notes that the siting of solar farm is influenced by the availability of grid connections. The report states that a survey of the corridors of land available for connection to the National Grid predicts that these areas are likely to comprise a mixture of subgrades 3a and 3b, with areas of Grade 2 quality land, and that this is comparable to the application site.
- 6.3.4 It is noted that it is the intention that the land would be grazed by sheep following the completion of construction works, and that there would be long-term biodiversity enhancements proposed by way of additional hedgerow planting and some tree planting. On this basis, and on the evidence regarding agricultural land quality in the area identified in the ALC report, it is not considered that the siting of the proposed development on Grade 2 and Grade 3a land is sufficient justification to warrant a refusal of the application.
- 6.4 **Local amenity and other considerations**
- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity.
- 6.4.2 Noise: In terms of noise, the application states that the cooling fans within the inverter cabinets would generate a small amount of noise whilst the solar farm is operating during the day. However the application states that the cabinet itself trap the majority of noise generated. In addition the application states that no noise is generated in the evening, night and early morning when ambient noise levels are typically lowest. The application states that there are strict conditions relating to noise within the contracts that are entered into with the construction firms which require that a maximum noise level of 35dBA is not exceeded at the site boundary. Given the distance between the inverters and the nearest residential properties (in excess of 250 metres) it is not anticipated that the proposed development would have an adverse impact on local amenity in respect of noise.
- 6.4.3 Glint and glare: Planning practice guidance states that the effect on the landscape of glint and glare and on neighbouring uses and aircraft safety is a consideration when determining planning application for solar farms. The submitted Supporting

Statement highlights that the solar panels are designed to absorb as much daylight as possible, and therefore has a low level of reflectivity when compared to surfaces such as window glass, water or snow. The Statement advises that, as most of the reflections from the panels would be skyward, the solar farm would not create a traffic hazard, or nuisance to residential properties. It further states that the skyward reflection does not create a safety hazard for aeroplanes. It is noted that there are no airports within the vicinity of the site. Given that the site would be largely screened from surrounding viewpoints by existing and proposed trees and hedgerow it is not anticipated that the proposal would result in adverse levels of impact upon local amenity due to glint or glare.

6.5 Highways and access considerations

6.5.1 Once construction has been completed the application states that traffic generation would comprise vehicles associated with maintenance visits, including: 2-3 grass cuts per year; 2-4 visits to clean the panels; up to 20 visits per year to undertake maintenance activities; 4 visits for meter reading. These visits will generally be made using 4x4 vehicle or transit van. These vehicles would access the site using the existing access from the A525 public highway. This access also serves the farm, equine facilities, café and recently approved touring caravan site. The Highways Officer has confirmed that this access is satisfactory for this level of traffic and has raised no objections.

6.5.2 The application is accompanied by a Construction, Decommissioning and Traffic Management Method Statement which provides details of the level of construction traffic and how this would be managed.

6.6 Historic environment issues

6.6.1 Paragraph 128 of the NPPF requires that applicants describe the significance of any heritage assets affected by a proposed development. Core Strategy Policy CS17 requires that developments protect and enhance Shropshire's historic environment.

6.6.2 A Cultural Heritage report has been submitted as part of the planning application. This identifies that none of the designated assets are at risk of adverse direct impacts or indirect impacts to their settings due to the proposed development not being visible or a combination of the extent of their settings and distance from the assessment site. No issues in respect of the potential impact of the development on built heritage assets have been raised by the Conservation Officer.

6.6.3 Although the Assessment considers that the potential for previously unknown archaeological features or deposits to be present at the site is low, given a previous archaeological find from within the site boundary, the Historic Environment Officer has advised that some parts of the site may hold higher archaeological potential. For this reason the Officer has recommended that a programme of archaeological work is agreed, to include an initial geophysical survey. An appropriate planning condition can be imposed to secure this.

6.7 Ecological considerations

6.7.1 Core Strategy 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. It is noted that the

application site does not form part of any statutory or non-statutory designated site for nature conservation.

- 6.7.2 Protected species: In terms of protected species, the submitted Ecological Appraisal states that amphibian surveys have identified a small population of great crested newts within two ponds located within 250 metres of the application site. In addition, there are foraging badgers, nesting birds and foraging bats in the area.
- 6.7.3 The Council's Ecologist requested additional information for the precautionary protection of the great crested newt population. A Reasonable Avoidance Measures (RAM) Method Statement has now been submitted. It is understood that the Council's Ecologist considers that this is acceptable, however at the time of writing this report confirmation of this was awaited.
- 6.7.4 The other recommendation from the Council's Ecologist in respect of badgers can be secured through a planning condition.
- 6.7.5 Ecological mitigation/enhancement: In terms of ecological mitigation, it is proposed that existing hedges and trees within and adjacent to the site would be retained. In addition badger gates would be provided within the security fencing. Habitat enhancement works would include: the erection of bat boxes and a barn owl box; new tree and hedgerow planting; the sowing of wildflowers within 3m – 5m wide field margins around the perimeter of the site.
- 6.7.6 Land management: A condition can be imposed to require that landscape planting is protected and managed and to require any failures to be replaced. In addition it is considered that it would be appropriate to require that a Land Management Plan is submitted and agreed to detail seek to ensure that habitat enhancement measures are managed appropriately. An appropriate condition can be imposed on any permission granted.
- 6.7.7 Subject to this, it is considered that the measures proposed in relation to protected species, and those for ecological enhancement are appropriate, and that the proposal is therefore in line with Core Strategy Policy CS17.

6.8 **Flood risk considerations**

- 6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. The submitted Flood Risk Assessment (FRA) confirms that the site lies entirely within Flood Zone 1, signifying areas with the lowest probability of fluvial flooding. The FRA states that the proposed development would not increase the risk of flooding, and that it would result in a small increase (1.4%) in the coverage of impermeable surfaces. Runoff from these surfaces is proposed to be managed via a suite of Sustainable Urban Drainage System (SUDS) which would encourage infiltration, to include the construction of swales. The Council's Drainage Officer has confirmed that the strategy put forward in the FRA is acceptable. A condition requiring the submission of details of the SuDS system can be imposed. Overall it is considered that the proposal does not raise significant issues in relation to flood risk and surface water management.

7.0 **CONCLUSION**

- 7.1 The proposed installation of a solar farm at land at Hadley Farm would allow the generation of a renewable form of energy for export to the National Grid, and contribute to a reduction in carbon emissions. As such it is supported in principle by both national and local planning policy. The impact of the proposal on local landscape character and on visual amenity would be relatively limited due to the topography of the site, the management of existing hedgerows and the planting of additional trees and hedgerows. The proposal would not adversely affect local amenity or existing drainage conditions, and has the opportunity to create biodiversity enhancements whilst ensuring that the agricultural use of the site can continue. The panels would be removed once they have got to the end of their useful life, and the land returned to its current condition.

Officers consider that in principle the overall wider benefits of the proposal are acceptable and accordingly recommend approval but request that members grant delegated powers to the Area Planning Manager / Principal Planning Officer to issue permission subject to the conditions set out in Appendix 1 and resolution of ecological matters.

8. 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 - written representations, a hearing or inquiry.

The decision is 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 a) promptly and b) in any event not later than three months after the grounds to make the claim first arose 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 give 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. Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

This promotes a low carbon Shropshire by promoting the generation of energy from renewable sources (Strategic Objective 1)

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)

Policy CS8 (Facilities, Services and Infrastructure Provision)

Policy CS13 (Economic Development, Enterprise and Employment)

Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire's environmental assets

Policy CS18 (Sustainable Water Management)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): Amongst other matters, the NPPF: encourages the use of renewable resources (para. 17 - Core Planning Principles); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); advises that lpa's recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve applications if its impacts are (or can be made) acceptable (Chapter 10); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11).

10.2.2 Planning practice guidance for renewable and low carbon energy (March 2014) states (para. 001) that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The PPG states that:

- All communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities (para. 003).
- The need for renewable or low carbon energy does not automatically override environmental protections
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- 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
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

In relation to proposals for large scale ground-mounted solar photovoltaic farms, the PPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in 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 the local planning authority will need to consider in relation to solar farms include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value
- •where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 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 proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety
- 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

The PPG refers to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013. This commented that, the Government will focus deployment of solar panels on buildings and brownfield land, not greenfield, and that “where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation, incorporating well thought out visual screening, involving communities in developing projects and bringing them with you”.

The PPG gives guidance in relation to assessing cumulative landscape and visual impact, and states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: The SAMDev has now been submitted to the Secretary of State for examination. The SAMDev will allocate sites for various types of development and will set out detailed policies to guide future development in the county. At this stage, the site and surrounding area are not subject to any specific allocations in the SAMDev.

10.3.2 Draft Development Management policies: Relevant draft Development Management policies include:

- MD2 (Sustainable Design)
- MD8 (Infrastructure Provision)
- MD12 (Natural Environment)
- MD13 (Historic Environment)

10.4 Relevant Planning History: None

11. **Additional Information**

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

The application ref. 14/02537/FUL and supporting information and consultation responses.

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Thomas Biggins

Cllr Peggy Mullock

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: The site is known to hold archaeological interest.

4. No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure the appropriate implementation and management of the surface water drainage scheme.

5. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority.

Reason: To ensure the protection of badgers.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. Prior to the commencement of development, details of the location of the inverter buildings shall be submitted in writing and approved by the local planning authority.

Reason: To ensure that the inverter buildings are satisfactorily located in the interests of protecting the visual character of the area.

7. Within three months of the commencement of the development a biodiversity management plan shall be submitted in writing for the approval of the local planning authority. The submitted details shall specify the biodiversity enhancement measures proposed for the site, and set out the management regime to develop and maintain wildlife habitats.

Reason: To ensure the protection and enhancement of species and habitats on site.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. The external colour of the buildings hereby permitted shall be RAL 6005 Moss Green.

Reason: To ensure that the external appearance of the development is satisfactory.

9. Work shall be carried out strictly in accordance with the Reasonable Avoidance Measures Method Statement, submitted by email on 7th October 2014 and as amended on 8th October 2014.

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

10. The landscape planting as shown on approved drawing Fig.1 (Planting Plan) shall be completed within 12 months of the commissioning of the development hereby permitted. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

11. (a) Within one week of the completion of the construction of the solar panels, written notice of the date of completion shall be given to the local planning authority

- (b) Within 6 months of the cessation of energy generation from the site, or a period of 30 years and 6 months following completion of construction, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site.

Reason: To ensure that the solar farm development is removed from the site following the end of its operational life or within a reasonable period of time to protect the landscape character of the area.