

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 14/03957/FUL	<u>Parish:</u>	Whitchurch Rural
<u>Proposal:</u> Formation of solar farm consisting of 79,968 solar panels on 3,332 frames; 12 inverter/transformer units; 2 sub-stations; installation of 2.2m high boundary fencing; maintenance trackways; storage area		
<u>Site Address:</u> Land On Runway At Twemlows Hall Higher Heath Whitchurch Shropshire		
<u>Applicant:</u> Sunsava 27 (Twemlows) Ltd		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 356350 - 337709



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

REPORT

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 79,968 solar panels generating 16MW of electricity which would be fed into the National Grid. The panels would be mounted on fixed steel frames in west-east orientated rows. They would be angled at approximately 15 degrees, with the highest edge at a height of approximately 1.7 metres and the lowest at 0.7 metre. There would be a separation distance of approximately 1.5 metres between each row of panels.

1.2 Buildings and other infrastructure proposed comprises the following:

- 12no. inverter/transformer units: each measuring 8.9 metres x 2.5 metres (3.2 metres including the fan vents) x 2.8 metres high;
- 1no. client substations, measuring 3.7 metres x 3 metres x 3.1 metres high;
- 1no. Distribution Network Operator (DNO) substation, measuring 6.5 metres x 3.5 metres x 3.8 metres high.

1.3 The inverters/transformer units would be of steel construction and sited at regular spacings across the site. The client substation would be a pre-fabricated corrugated construction. The DNO substation would be of brick construction, and these would be located at the northern boundary of the site.

1.4 A 2.2 metres high green wire mesh fence would be installed around the perimeter of the solar farm, for security purposes. This would be set back 3 metres from the existing fence line. This fence would be alarmed and monitored through a connection to a remote security company. No CCTV cameras or security lighting is proposed. Gravel trackways of 3.5 metres width would be constructed to provide access to the arrays. Once the panels have been erected the land is proposed to be grazed by sheep.

1.5 Landscaping would comprise the planting of a new hedgerow around the site boundaries, to be managed to a height of 2.5 - 3 metres, and hedgerow trees along the western side of the site.

1.6 The application states that the proposed development would be in operation for 25 years, following which the site would be decommissioned. This would entail the dismantling and removal of the panels and associated buildings and equipment, and the reinstatement of the land back to its original condition.

1.7 The application is supported by a number of detailed documents, including: Planning Statement; Landscape and Visual Impact Assessment; Heritage Impact Assessment; Ecological Appraisal; Flood Risk Assessment; Statement of Community Involvement.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a former RAF airfield, which is currently in agricultural use for growing silage. The site is approximately 23 hectares in size, and is relatively flat with an elevation of between 90 metres and 93 metres AOD. Access to the site, for

both construction and operational traffic, would be gained from the A41 to the west of the site via an existing concrete road (approximately 25 metres wide at the entrance) which serves the Twemlows Hall stud farm.

- 2.2 Land to the west and north comprises the Prees Heath Common, an area of open access common land. Land to the east forms a runway currently used by the local parachute club, beyond which is agricultural land and the landowner's stud farm. Buildings associated with the parachute club are located to the south, on the opposite side of the access road. The nearest residential property is Lonsdale Cottage, adjacent to the south western boundary of the site. This property is owned by the owner of the proposed solar farm site. Other than this, the nearest residential properties are located to the southwest at Prees Higher Heath, approximately 220 metres away. Other dispersed properties in the area include The Twemlows, approximately 560 metres to the east.
- 2.3 The nearest public right of way is a footpath, approximately 130 metres to the southwest, on the opposite side of the A41. The nearest Listed Building to the site is the Grade II Listed Laurel House, approximately 1.8km to the northwest.
- 2.4 Adjacent land to the west is Open Access land. The Prees Heath SSSI is located approximately 190 metres to the west, and The Prees Heath Common nature reserve is approximately 130 metres to the west, both on the opposite side of the A41.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Local Member has requested that the application is decided by Planning Committee, and this has been agreed with the Committee Chairman in consultation with the Principal Planning Officer.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

- 4.1.1 **Whitchurch Rural Parish Council** Supports the application. Councillors considered the application against concerns for visual amenity, public safety and potential local impact.
- 4.1.2 **Prees Parish Council (adjacent Parish Council; boundary is approximately 25 metres from the application site)** Has withdrawn their original objection to the proposal.

The Parish Council, in their original deliberations, considered the views of the principal objectors, the parachute club members and various local objections from parishioners who were not members of the club and were expressing their own observations. It was noted that the majority of views were connected with the potential impact approval would have on the club and many other businesses in the area.

The Council has been informed that the principal objectors have now, apparently, been able to achieve a position that now allows both the parachute business and

the solar farm to coexist which negates their objections and they have withdrawn them. Provided this agreement does in fact secure the long term viability and practical operation of the parachute business the Council is satisfied that its own and numerous other parishioner objections are satisfied with this change and can no longer be supported.

There were other objections to the proposal but, after review, these cannot be supported as being relevant on their own to refuse the application.

4.1.3 **English Heritage** No comments to make. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.1.4 **Natural England** No objections.

Brown Moss Special Area of Conservation (SAC) / Midland Meres & Mosses Phase 1 Ramsar Site – No objection

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Brown Moss Special Area of Conservation (SAC) which is a European site. The site is also listed as the Midland Meres & Mosses Phase 1 Ramsar site. It is notified at a national level as Brown Moss Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects. The scale and nature of the scheme and the distance involved mean that the development proposal as submitted is unlikely to have any impact on the European site or the interest features for which it has been designated.

SSSI No objection – no conditions requested:

This application is in close proximity to Prees Heath and Brown Moss Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application.

Agricultural land: - No objection – no conditions requested

The proposed development falls outside of the scope of the consultation procedures in relation to agricultural land as it would not appear to lead to the loss of over 20ha of 'best and most versatile' agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system). The area of land lost to agriculture for the lifetime of the proposed solar farm is 22.96 hectares. Most of the land is classified as subgrade 3b quality, with two small patches of subgrade 3a quality land. Although a precise breakdown does not appear to have been provided, it is clear that only a small proportion of the land area is of 'best and most versatile' (BMV) quality (subgrade 3a or better). The proposed development site, a disused RAF airfield, is currently used for harvesting silage. According to the Design & Access Statement, although the solar farm installation would involve a change of land use, the land would still be used for agricultural purposes, namely the grazing of sheep around and beneath the modules.

The proposed development is unlikely to lead to significant and irreversible long term loss of agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards.

The guidance on BMV agricultural land set out in the Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) should be considered.

If the development proceeds, relevant general guidance for protecting soils during development, as set out in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, should be followed, e.g. in relation to handling or trafficking on soils in wet weather.

Consideration should be given to applying conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Other advice:

Possible impacts on the following should be assessed:

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

Natural England does not hold locally specific information relating to the above, and

further information should be sought from appropriate bodies such as the wildlife trust.

Protected Species:

Natural England has not assessed this application and associated documents for impacts on protected species. Standing advice should be referred to.

Green Infrastructure & Biodiversity Enhancements:

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF, and the Natural Environment and Rural Communities Act (2006).

We are encouraged by the following excerpt from the Planning Statement:

“A Biodiversity Management Plan will be in place to increase biodiversity within the site. The adoption of a grassland improvement scheme will increase botanical and structural diversity, which will further increase biodiversity. The improvement scheme will involve adding a mix of wildflower, grass and wild bird seed which will increase the food source available. A scheme to introduce hedgerows to the site is also proposed which will improve biodiversity, benefiting a range of species, by providing habitat. In addition the developer is engaging with the Prees Heath Site of Special Scientific Interest (SSSI) to enable an extension of the reserve’s work within the site. The aim of this is to increase the presence of wildflowers and butterflies within the area.”

Landscape: All planning proposals should complement and where possible enhance local distinctiveness.

Natural England has received notification from a member of the public expressing concern regarding the proposal as the site supports two breeding pairs of curlews and skylarks. Both of these birds have been identified as species of principal importance for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act.

4.1.5 **SC Highways** No objections.

4.1.6 **SC Drainage** No objections. Details of the proposed swales should be shown on a drainage plan, and can be required by condition. Informatives are recommended (see Appendix 1).

4.1.7 **SC Ecologist** Recommends conditions and completion of Habitat Regulation Assessment.

Protected sites: Natural England have advised that a Habitats Regulation Assessment is necessary for this application in relation to Brown Moss SAC/Ramsar site and Local Nature Reserve (1.2km from the application site). They go on to advise that the scale and nature of the scheme and the distance involved mean that the development proposal as submitted is unlikely to have any impact on the European site or the interest features for which it has been designated. They also advise that there would be no impact on the Prees Heath and Brown Moss SSSI sited 200m from the application site.

Prees Heath is an important site for the Silver Studded Blue Butterfly (nationally scarce) and the SSSI and land to the east is a Butterfly Conservation reserve, and Butterfly Conservation have therefore been consulted.

A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

Nesting birds There is an email from Natural England dated 10th October 2014 stating that the application site supports two breeding pairs of curlews and skylarks. Neo (2014) also note that ground nesting birds including skylarks have been observed within the site. They recommend further survey work prior to work commencing if this takes place during the bird breeding season. Nesting birds are also likely to use the hedgerows and trees on the site. These are indicated for retention. Informatives are recommended.

Great crested newts: The revised Ecological Appraisal now states that the pond sited 50m to the south does not now exist. Other ponds within 500m are on the far side of the A49, which is considered to be a barrier. No further survey is considered necessary.

Biodiversity Management Plan (BMP): The Biodiversity Management Plan has been updated to include the addition of native tree planting within the hedgerow along the western boundary. A hibernaculum is also proposed. The wildflower planting scheme is designed to encourage ground nesting birds and butterflies. A condition is recommended to require that the BMP is carried out as approved (see Appendix 1).

4.1.8 **SC Trees** This proposal does not appear to affect any trees, either within or adjacent to the site. A native hedgerow is proposed for screening and long term environmental enhancement. Therefore I have no objection on the grounds of trees.

4.1.9 **SC Archaeology** Recommends a condition requiring a pre-commencement geo-physical survey.

The proposed development site is located within parts of the former RAF Tilstock airfield (HER PRN 21549). It is understood that the airfield opened in August 1942 and comprised three concrete runways and four aircraft hangars. Its wartime role was as a satellite airfield for RAF Sleaford, used by 81 Operational Training Unit attached to 38 Group Royal Air Force Fighter Command. It is understood to have closed in 1946. The Shropshire Historic Environment record contains no records for any other known heritage assets with archaeological interest within the proposed development site itself. There are number of other records for other features on the adjoining Prees Heath Common, including a late Bronze Age cremation cemetery c. 950m to the north of the proposed development site (HER PRN 00919). The Historic Landscape Character assessment suggests that, prior to the establishment of the airfield, the historic field pattern on the proposed development site was the result of post-medieval in-takes from the heath. Other than likely post-medieval agricultural features, any potential archaeological features and deposits on the site are therefore likely to be of prehistoric or Roman date. The desk based assessment contained within the Cultural Heritage Assessment by Neo Environmental confirms this overview and has not identified any previously unknown archaeological sites or features. It therefore assesses the proposed development site to have low archaeological potential.

The Cultural Heritage Assessment provides a satisfactory level of information about the archaeological interest of the proposed site, and likely impacts of the proposed development, in relation to Paragraph 128 of the NPPF. The Cultural Heritage Assessment concludes that the proposed development will not adversely affect the settings of any Scheduled Monuments. We concur with these findings. It is further noted that English Heritage do not raise any objections to the proposed development in their consultation response of 6 October 2014. Whilst at present the archaeological potential of the proposed development site is assessed as low, it is advised that both the foundations of the proposed solar panels and the associated infrastructure have the potential to impact on any remains which are present. No previous archaeological field investigations of the proposed development site have taken place. To provide an appropriate level of archaeological mitigation, and in line with Paragraph 141 of the NPPF, it is therefore advised that a phased programme of archaeological work should be a condition of any planning permission for the proposed development. This should comprise a pre-commencement geophysical survey followed by further mitigation as necessary (see Appendix 1).

- 4.1.10 **CPRE Shropshire** Objects. Proposal would result in harm to the area's landscape character and quality when viewed from publicly accessible vantage points. Although the landscape of the area is predominantly flat, the proposed solar installations will be clearly visible from several aspects, particularly from the region of Ash Magna and, indeed, from the A41. The solar panels will also abut publicly accessible open access countryside and will clearly be out of character with the surrounding area. Would query why an Environmental Impact Assessment does not appear to have been prepared in relation to this application.
- 4.1.11 **Shropshire Wildlife Trust** Welcomes the proposals for biodiversity enhancements included within the scheme. Given the importance of the area for butterfly species, including the last sanctuary for the Silver-studded Blue in the Midlands, taking the

requirements of butterfly species into account is especially welcomed.

Since the 2013 desk study the mapped boundary of the Prees Heath local wildlife site has extended and now lies adjacent with the development. We do not see this as a problem but more of an opportunity to explore further enhancement measures in the wider landscape.

We generally concur with the findings and recommendations of the ecological appraisal but would recommend that to ensure fencing does not affect badgers the minimum distance between the bottom of the fence and the ground should be 25cm as a minimum. Sections of 300mm pipe could be used.

The route of the high voltage cable connection appears to cross the common and LWS land but we were unable to find details within the documents. We would seek assurances that this connection can be undertaken, and maintained, without ecological impact.

Have been informed that there are breeding pairs of curlews and skylarks on the Skydiving landing area. Recommends that the guidance relating to solar farms produced by RSPB and the 'Biodiversity Guidance for Solar Developments' is used to inform the detailed design ensuring that suitable measures are included. This would help to protect and enhance the opportunities for these priority species on the site.

- 4.1.12 **Butterfly Conservation** Owns and manages Prees Heath Common Reserve, a 60 hectare site across the A41 road from the proposed development. The reserve not only supports the last remaining sanctuary for the nationally threatened Silver-studded Blue butterfly in the Midlands and a range of other wildlife, but it is also an important public amenity as it is designated as both open access and registered common land, is a very popular place for visitors and has a high public profile.

We would not expect the proposed development to impact significantly on the Silver-studded Blue colony on the reserve either detrimentally or beneficially. However, the Silver-studded Blue colony does extend its breeding range outside the reserve to include those former airfield runways that are part of Prees Heath Common across the A41 road from the reserve. These areas have been designated as Wildlife Sites by Shropshire Wildlife Trust, and we would not want to see any undue disturbance to this land caused by the installation of cabling or other matters relating to the scheme.

Butterfly Conservation recognises that more solar farms are likely to be constructed, and is keen to work with developers to enhance the wildlife, especially as regards butterflies and moths, within such schemes, particularly on former arable land. The creation of grassy areas, hedgerows and wildflower strips between PV modules can be of benefit to a range of wildlife. It is noted that this scheme does contain proposals of this nature, and that is to be welcomed. However, we would question if the proposed gaps between the PV modules and the size of some of the grassy surrounds as outlined in the application will allow in sufficient light, and we believe there is scope to have these increased. If the scheme proceeds, we would expect the developer to monitor the success or

otherwise of such enhancements for wildlife.

The proposed site for the development lies within 100 metres approximately of the reserve at its nearest point. Consideration has to be given to the visual impact of the development on the reserve. Along much of the A41 boundary of the reserve Butterfly Conservation has planted several hundred trees which in time will provide a screen from the road and will lessen the visual impact of the proposed development.

Further detailed guidance has been provided entitled “Enhancing Solar Farms on Former Arable Land for the Benefit of Butterflies”.

- 4.1.13 **Open Spaces Society** Objects. The boundary of the site extends along the eastern and northern boundary of Open Access land for almost one mile. Open Access land means that the public can exercise their right of access right up to the security fence with obvious implications.

Common Land is a national and local heritage asset and is unique in our cultural history and is important in matters of planning. No fencing is allowed on Common Land and where possible open views should be preserved. Planning Practice Guidance states that local topography should be taken into account and flat land can be just as important as hilly areas. Prees Heath has a unique geological formation of glacial sand spill and is unequalled in Shropshire and probably in the whole of GB and is a landscape worth preserving especially given proximity to 310 acres of public access common land. The PPG also states that the effect of glint and glare should be assessed. The area is an active airfield and also on Shawbury approach. Impact of security measures such as lights and fencing should be taken into account.

The common is a major heritage asset and views/setting is an important consideration. The western half of the common has been restored by Butterfly Conservation and is now a major visitor asset to Shropshire; will adversely affect views from the reserve, and adversely affect wildlife.

4.2 **Public Comments**

- 4.2.1 There have been 135 public comments of objection and 6 public comments of support. The vast majority of objections relate to the damage that the proposal will have on Tilstock Parachute Club and the loss of facilities associated with parachuting. The grounds for objection are summarised below:

Damage to the Landscape and Environment

- There are more suitable locations for solar panels locally, such as on top of existing buildings where their generated power can be used immediately.
- will be inappropriately large.
- will have a detrimental impact on the local fauna and flora. For example. Hedgerow teeming with wildlife will be destroyed, a butterfly sanctuary adjacent to the A41 will be threatened and the solar panels may generate a ‘heat island’ which will damage grassland.
- The solar farm will abut publicly accessible open access countryside.

- An ecology survey is required and has not been provided.
- An Environmental Impact Assessment is required and has not been provided.
- Contrary to claims, it will not be possible to use the proposed solar farm for grazing sheep.
- The grass on the development site will suffer from light deprivation. This will affect the quality of good agricultural land even after the removal of the solar farm.
- The proposed development will create an eyesore, visible from miles around. The extent to which this development will be a visual blight will be exaggerated because of the glare of the sun coming off the panels.
- The solar farm will clearly be out of character with the surrounding area.

Damage to the Community

- The development site is currently used by Tilstock Parachute Club. The club is an established and important part of the Whitchurch local community; it is an employer, it attracts visitors and it encourages local people to lead an active lifestyle. The proposed development is a threat to the club. The club will be forced to reduce the scale of its operation and will cease to offer certain services.
- Alternative landing site offered is not satisfactory. For example, the alternative site is almost certainly unsuitable for trainee parachutists who require a larger landing area than more experienced parachutists.
- Relocation elsewhere would be extremely difficult. This is due to a lack of viable alternative sites and a number of constraints relating to finances, legality, planning, logistics and safety.
- Parachute Club may even be forced to close altogether.
- If Club was to close or relocate there would be a large knock on affect on the local economy. For example, a local business that maintains the club's aircraft would loose a lot of business and many hotels and restaurants in the area would suffer a loss in trade.
- More generally, the development site as a landing field for sky divers is the only facility of its kind within a hundred mile radius. It is the 'local' sky diving site for an enormous section of the country, including much of Wales and the cities of Birmingham, Manchester and Liverpool.
- The site is often used by fundraisers who are parachuting for charity and the proposed development may lead to a large loss of income for a number of charities. Some objectors estimate the total loss to be as much as £25,000,000 (based on an estimate of £1,000,000 a year for 25 years).
- Inaccurate for the application to state that the site is a disused airfield, as it is used extensively for sky diving.
- The developer is a foreign company and the local area will not feel any of the economic benefit of the proposal.
- The money being offered to the local community by Vogt is tiny in comparison to the impact that the development will have on the local economy and the local community. Furthermore, the funds will only benefit a few groups, not the wider community.

- This is a cynical attempt from Vogt to get British Government funding before the subsidies for solar energy production are revoked.
- The development will damage the historical character of the area, which has been used for aviation since the Second World War.
- The development contravenes the Shropshire Core Strategy.

Public Protection

- Solar panels contain hazardous chemicals, including known carcinogens, that may leak. This could lead to the contamination of the water supply, crops being rendered infertile, skin burns and lung disease.
- More generally solar panels can cause pain, serious injury, cancer and death. They can also lead to headaches, breathing difficulties, pneumonia and undesirable mood changes.
- The solar panels are so large that they could distract drivers on the nearby A41, leading to a road safety hazard. This will be exacerbated by the glare coming off the solar panels.
- The development will lead to an increase in traffic on the A41. In particular it will lead to an increase in HGVs using the road during construction. This will lead to a road safety hazard.
- The solar panels will create noise pollution, particularly noticeable because of the low level of background noise in the locality.
- Small children may venture into the proposed solar farm. This would be of concern as they may come into contact with electrical wires.
- The site is likely to be attacked by organised gangs. This may be an issue for the local police and the onsite security may not be adequate.

Personal Concerns

- Property prices may decrease.

British Parachute Association (BPA) Objects. BPA is the National Governing Body for Sport Parachuting, recognised by UK Sport and the Home Countries Sports Councils.

- adverse effect on one of our Affiliated Sport Parachuting Centres, Skydive Tilstock, for skydiving which is a sport requiring specialised facilities
- would have a significant negative effect on provision for sport parachuting not only in Shropshire but far wider, given that sport parachuting centres are few and far between
- The next closest sport parachute facility is over 100 miles away. Skydive Tilstock is the only Sport Parachute Club able to provide 'local' facilities North and Mid Wales as well as the North Midlands, Cheshire, and the southern part of the North West of England
- would be almost impossible to relocate Skydive Tilstock's specialist facilities elsewhere as the various barriers to entry (legal, financial, planning, logistic, safety, etc) of a new sport parachute location are likely to make this extremely difficult
- Parachute Drop Zone at Skydive Tilstock has been operating at Tilstock Airfield since 1965 and is probably the oldest, continuously operating, sport parachuting facility anywhere in the UK

- Contributions to charity - The majority of the Club's novice parachutists are raising funds for charity and the loss of the many thousands of pounds raised would cause hardship to those local charities
- Social amenity - The social side of the Club is renowned among sport parachutists in the UK and, if the members had to travel to more distant parts of the UK, our area would lose the benefits of a local centre of social interaction, self-discipline and safety awareness
- Necessary safety restrictions on operation at alternative local sites likely to make operations unviable - at present, site provides one of the largest, hazard-free PLAs (Parachute Landing Area) in the UK with a clear landing area in excess of 100 acres
- no local alternative landing area that would afford the same benefits, and necessary safety restrictions placed on alternative areas would be likely to destroy the economic viability of the Club, causing a now healthy Club of long heritage, to fail

Parachute Club Action Group (PCAG)

Objects. The PCAG represents the Club and its membership.

- proposal is generating a massive negative response because it pays nil regard to the economic and social advantages that the parachute training facility offers both locally and nationally
- a number of inaccurate statements/claims have been made by the developer
- applicants have not provided opportunity for the community to influence decisions affecting them, as specified in the Government's UK Solar PV Strategy dated April 2014
- solar farm is not appropriately sited and insufficient consideration has been given to the needs of the parachute training facility
- disregards the negative impact it will have upon the existing local economy and the national parachute training facility, contrary to para. 21 of the NPPF which advises that new development must "support existing business sectors" and para. 28 which deals with the need to "support a prosperous rural economy"
- significant harm will accrue for many local businesses, resulting in the loss of a number of jobs that only exist by virtue of the existence of the parachute training facility, including professionally associated employment opportunities and businesses including some 15 training instructors, four aircraft maintenance jobs; four on site cafeteria and administration jobs; two parachute rigging and repair jobs
- application site is not a 'disused airfield' as claimed, and is not a farm; airfield is in use by the parachute club, a thriving non-profit making club and important national parachute training facility. The parachute centre provides income for many people and contributes to the local economy through 15,000 visitors per annum that it attracts from a wide catchment area
- proposed solar farm creates no long-term jobs locally and therefore makes no contribution whatsoever to the local business community. The application fails to meet the requirement that development should build a strong competitive economy
- NPPF restricts building on existing open space, sports and recreational buildings and land, including playing fields, subject to specified criteria - none of the land over which the parachute club operates is surplus to

- requirements; the alternative being offered is not equivalent or better than the existing arrangements and the development is not for a better, alternative facility
- Loss of a nationally important training and recreation facility; since its commencement the parachute centre has spawned a number of international competitors; is renowned for its training facilities by parachutists across the UK so its potential loss should be afforded considerable weight
 - The alternative drop zone offered is not now usable by virtue of various hazards having sprung up including trees, structures and power cables; and in wrong location given prevailing wind direction; offer does not take any account of the safety of users and how this will curtail training opportunities at the site. The alternative landing area will not meet regulatory requirements for the full range of student training from where a large portion of the parachute centre's income is derived
 - Tilstock is an old and important drop zone, used annually by thousands of students and experienced parachutists and has trained many long term jumpers as well as contributing to charity through sponsored jumping
 - there is no area on the estate on which it would be "legal" under British Parachute Association rules to land. The drop zone for students has to be clear of structures and of sufficient area to allow wayward parachutists to land safely; all jumps will have to pass over the solar farm before landing; incidence of parachutists having to land in the solar farm area will be more than likely
 - irresponsible to consider that the training facility can continue with such a massive area of glass enclosed in 2.2m high fencing topped with barbed wire
 - more than likely that the training facility would have to close thereby taking with it the jobs and the businesses that are linked to it
 - proposal fails to meet the requirement that development shall support existing local and national communities and their health/well being
 - proposed development is of a specification that will close down an existing facility/amenity, the Parachute Centre, where no equivalent or improved provision has been put forward. As referred to previously, the alternative site does not satisfy the regulations that govern a parachute centre and would therefore not be viable
 - development would destroy a long-standing recreation/tourist attraction, contrary to Policy CS13 and Policy CS16
 - when proposal is being considered under the EIA regulations, following should be considered: the public will be affected by this development as it effectively limits access to the training facility; the training facility at the Parachute Club will be significantly harmed as a consequence of this development. An Environmental Impact Assessment should be required
 - in conclusion, significant harm will result for the existing land users and associated businesses if this development is permitted

The grounds for support are summarised below:

- Solar farms only occupy land temporarily and therefore the development site could be used for agriculture at some point in the future.

- Solar farms generate electricity without damaging the environment.
- will help to combat Britain's energy problem in a sustainable way.
- will be quiet, have a low visual impact and not cause a significant or unsafe increase in traffic.
- site is not suitable for agriculture and industrial development would destroy the local wildlife. The proposed development is a good compromise that will preserve and prevent the destruction of local flora and fauna.
- suggest that the generated electricity should be used exclusively to help combat the power shortage in the Whitchurch area. This could even negate the need for the highly controversial proposed Anaerobic Digester nearby.
- Within the constraints of the law, the landowner has the right to use and develop his land as he chooses. Tilstock Parachute Centre should perhaps focus on negotiating with the landowner himself to try and secure a longer lease or purchase of the land in question.

5.0 THE MAIN ISSUES

- Screening Opinion
- Pre-application community engagement
- 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 Screening Opinion

6.1.1 The proposed development is of a type that falls within Schedule 2 of the 2011 Environmental Impact Assessment regulations. Officers have assessed the proposal against the relevant criteria of these regulations, and confirmed in a formal Screening Opinion issued in October 2013 that an Environmental Impact Assessment would not be required.

6.2 Pre-application community engagement

6.2.1 The NPPF states that applicants are expected to work closely with those directly affected by their proposals, to evolve designs that take account of the views of the community. The application is accompanied by a Statement of Community Involvement (SCI) setting out the steps that the applicant has taken to publicise the proposal and engage with local residents and stakeholders. These included the holding of a public exhibition (attended by approximately 70 people).

6.3 Principle of development

6.3.1 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.

- 6.3.2 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. Core Strategy Policy CS5 states that 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 benefits and community benefits, particularly where they relate to specified proposals which include small-scale new economic development diversifying the rural economy, including farm diversification schemes.
- 6.3.3 The proposed 16MW solar farm would be capable of generating enough electricity to power up to 2,189 average homes. The application indicates that this would reduce emissions of carbon dioxide into the atmosphere by more than 4,424 tonnes each year. The proposal would provide significant environmental benefits through the generation of renewable energy, and it is therefore considered that there is no in principle planning policy objection to the proposal and that there is significant policy support in principle.
- 6.4 **Siting, scale and design and impact on landscape character**
- 6.4.1 Core Strategy Policy CS5 states that 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 benefits and community benefits, particularly where they relate to specified proposals which include small-scale new economic development diversifying the rural economy, including farm diversification schemes. 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. Core Strategy Policy CS7 states that footpath and bridleway networks will be protected and enhanced for recreation and leisure use. Core Strategy 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. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. It is noted that the site and surrounding land are not covered by any landscape designation.
- 6.4.2 The application states that the proposed development would provide a sustainable source of income to the farm, through land rental payments. It states that this

would allow the farm to remain economically viable, by reducing exposure to variable market prices and securing a low risk guaranteed income for the lifetime of the project. In this respect the proposal would constitute a farm diversification scheme and therefore falls within the criteria for development within the countryside as set out in Core Strategy CS5.

- 6.4.3 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This acknowledges that the proposed development would add a new industrial feature into the landscape. However it points out that the landscape already contains industrial characteristics, due to its previous use as an airfield, with remnants remaining including airstrips and several large hangars which are prominent local features. It states that whilst the solar farm would slightly add to the local landscape's industrial characteristics, any effects would be reduced by the small scale of the development's structures. In addition it states that the busy A41 road deters from the sense of tranquillity experienced within the Prees Heath common.
- 6.4.4 Landscape character: The LVIA confirms that the application site falls within the Enclosed Lowland Heaths landscape character type and assesses the effects of the proposal on the character of this area as Minor Adverse to Minor Beneficial due to the proposed planting. In relation to the Common Land, it considers that these have a high sensitivity but notes that the setting of the Common is already influenced by large hangars and the main roads. For this reason it assesses the effects of the proposal on the landscape character of the Common Land as Minor Adverse.
- 6.4.5 Visual effects: The LVIA has assessed the visual effects of the proposal from various receptors in the area, including residential properties, public footpaths, and roads. The LVIA considers that, in relation to representative viewpoints in the area, the greatest visual effects would be on the Prees Heath Nature Reserve where there would be a moderate adverse impact on visual amenity. It states that this would reduce to minor adverse as the planting along the edges of the reserve, and also the proposed hedgerow along the site boundary, establishes. The LVIA considers that effects on visual amenity from other representative viewpoints would be up to moderate/minor adverse.
- 6.4.6 The LVIA notes that the proposed development would be visible from a number of properties on the southern edges of Ash Parva and Ash Magna, approximately 2km north of the site. The development would also be visible from Lonsdale Cottage, adjacent to the south western boundary of the site, through breaks in the line of trees along the property boundary.
- 6.4.7 The LVIA considers that there would be a minor adverse effect on the visual amenity from these dwellings. It should be noted that any views from Ash Parva and Ash Magna to the north would be at some significant distance, and it is accepted that this would limit the significance of these views. In relation to Lonsdale Cottage, it is recognised that this property is within the ownership of the site owner.
- 6.4.8 In relation to views from roads and paths in the area, the LVIA considers that views

of the solar farm would be greatest from those routes crossing the open lands of Prees Heath Common. It states that users would clearly notice a change in views at the old airfield from pasture to a solar farm development. The development would also be visible from the A41. It assesses the visual effects from these areas as moderate adverse.

- 6.4.9 In summary, the LVIA considers that the effects of the proposed development on views would be greatest on users travelling along the A41 road and through the Prees Heath Common lands. Officers concur with this assessment. Views from the nearest residential properties not in the site owner's ownership, i.e. at Prees Higher Heath to the south, would be largely obscured by existing tall coniferous at the site entrance, and by other buildings, including large hangars, in the vicinity. Views from The Twemlows to the east would be possible. However these would be at a distance of approximately 560 metres and partially filtered by existing vegetation. In relation to the visual effect from the A41, it is noted that these views would be transient, that the intervening field between the road and the site would reduce the visibility of the development, and that views would be screened as the proposed hedgerow establishes. In relation to the common lands, it is considered that the proposed development would have an adverse visual impact on users of the routes within this area. Nevertheless these views would be transient, and would reduce in time as the proposed planting grows. Overall, given the wider benefits of the proposal in relation to the generation of renewable energy and biodiversity enhancements, it is not considered that these impacts would be unacceptable.
- 6.4.10 Cumulative effects: The LVIA notes that there are no other operational or approved solar farms within 5km of the application site. It is accepted that the proposal would not result in any significant cumulative impact.
- 6.5 **Site selection and agricultural land quality considerations**
- 6.5.1 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. In addition, 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.
- 6.5.2 Agricultural Land Classification reports have been submitted with the application. The applicant has confirmed that 80% of the land is classified as Grade 3b, i.e. moderate quality, with the remainder classified as Grade 3a (good quality). The 'best and most versatile' agricultural land is classed as Grades 1, 2 and 3a, therefore the proposal would utilise some land which is classed as 'best and most versatile', albeit a small proportion.
- 6.5.3 In terms of site selection the applicant has advised that the application site comprises the poorest quality land on the farm, and that this is the reason why this particular area was chosen for the solar panels. It is the intention that the land

would be grazed by sheep following the completion of construction works, thereby allowing the continuation of the existing agricultural use of the site, and it is noted that there would be biodiversity enhancements proposed by way of significant additional hedgerow planting and some tree planting. On this basis it is concluded that the greenfield location proposed for the site, comprising a majority of moderate quality agricultural land, can be accepted in relation to national planning guidance.

6.6 **Local amenity and other considerations**

6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Planning Practice Guidance states that the effect on landscape of glint and glare and on neighbouring uses and aircraft safety should be considered.

6.6.2 Impact on current use of land by parachute club: A strip of land on the north eastern boundary of the site is currently used as a runway by the local parachute club, at the discretion of the landowner. The application as originally submitted stated that this use would cease if planning permission for the panels is granted. The majority of the public objections to the proposed development have been received from users of the parachute club facilities and others on the grounds that the proposal would result in the closure of the club and the loss of parachute jumping facilities.

6.6.3 Since the application was submitted, further discussions between the relevant parties have taken place. A meeting held in November 2014 between the landowner, the parachute club owner and the Chief Operating Officer of the British Parachute Association (BPA) to discuss alternative drop zones. It is understood that the BPA have agreed a proposed new drop zone in principle, and that this has been deemed viable for tandem jumping, qualified jumpers and student jumpers, with the restriction that there would only be one student jump at a time. The applicant has advised that this would mean that the only restriction would be that there would only be one student drop at a time, but that this would allow the solar farm and the parachute club to coexist side by side without significantly curtailing jumping activities. It is understood that the BPA Officer will be putting this recommendation to the next BPA Board meeting in February.

6.6.4 Based upon the details of correspondence between the landowner, the Parachute Club owner and the BPA Chief Operating Officer, it is understood that a resolution will be found which will ensure that the parachute club can continue to operate from the area, albeit with specific restrictions on activities and this being subject to review. As a result of this it is anticipated that the proposed development would not have a significant impact on employees, local businesses or charities associated with the club.

6.6.5 Noise: It is considered that the primary source of noise of the proposed development would be likely to be from the inverters/transformer units. It is understood that these would be likely to only operate during the day. Given the elevated levels of background noise from the nearby A41 it is not anticipated that these units would be likely to adversely affect residential or local amenity due to noise emissions.

6.6.6 Glint and glare: In relation to possible impacts on the area from glint and glare, the

applicant notes that solar PV panels are designed to absorb, not reflect, light. As such the applicant states that they have a low level of reflectivity when compared to surfaces such as window glass, water or snow. In relation to potential glint and glare effects on users of the A41 to the west of the site, the applicant notes that the panels would face south. On this basis the applicant considers that glint and glare would not be an issue, particularly when travelling from the northwest to southeast, as the back of the panels will only be visible when travelling in this direction. When travelling from the southeast to the northwest, the applicant recognises that the front of the panels will potentially be visible, however has advised that studies have indicated that PV panels do not create a risk for vehicle traffic or aircraft, due to the adsorptive properties and low reflection levels of the panels. The applicant notes that it is common for PV systems to be installed on airport terminal buildings, or within airport grounds, such as at Gatwick Airport.

6.6.7 It is considered that the generally flat nature of the site, and the fact that it is at a similar elevation to the nearest properties would reduce the visibility of the panels and therefore the potential for glint and glare. In addition, existing and proposed tree and hedgerow planting would filter direct views. Based on the available information it is not considered that the proposal would raise any specific impact from glint and glare.

6.6.8 Common Land: The Open Spaces Society has raised concerns regarding the impact of the proposal on the adjacent Open Access land. It should be noted that the proposed site does not include any Open Access land, and therefore the proposal would not affect the use of this land. The proposed development does not propose any security lighting, and the security fencing would be set back from the existing boundary fence by 5 – 5.5 metres. A native hedgerow, interspersed with hedgerow trees, would be planted along the boundary between the Open Access land and the site, and in time this would reduce direct views of the panels from the Open Access land. In addition Butterfly Conservation has advised that it has planted several hundred trees along much of the A41 boundary of the reserve which in time will provide a screen from the road and will lessen the visual impact of the proposed development.

6.7 **Highways and access considerations**

6.7.1 The proposed development would utilise the existing access to the airfield for both construction deliveries and operational traffic. This is a wide entrance from the A41 and it is considered that the use of this access is acceptable. Once construction has been completed vehicles accessing the site would comprise those associated with maintenance, and amount to approximately four routine maintenance visits every three months. It is not considered that this is significant in highway terms.

6.7.2 The application is accompanied by a Construction Traffic Management Plan which sets out how impacts associated with deliveries would be minimised. The application states that there would be 691 HGVs to the site (1,382 movements) during the construction period which is expected to occur over a 16 week period. The majority of these movements would occur during the first 5 weeks. These HGVs would be either rigid or articulated vehicles, up to 40 tonnes. The measures put forward in the Traffic Management Plan include provision for wheel washing and dust suppression, and are considered to be appropriate for this development.

6.8 **Historic environment issues**

- 6.8.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.
- 6.8.2 The Cultural Heritage Assessment includes details of a desk based assessment and field assessment, and concludes that the proposed development will not adversely affect the settings of any Scheduled Monuments. In addition it states that the proposed development would not affect the setting of any of the Grade I or II* Listed Buildings within 5km of the site, or Grade II Listed Buildings within 1km of the site. The nearest Listed Building is approximately 1.8km away. The findings of the Cultural Heritage Report that these assets would not be seen in conjunction with the proposed development due to hedgerows, topography and intervening buildings are accepted.
- 6.8.3 In relation to archaeological matters, the Cultural Heritage Report confirms that there are no statutory designated heritage assets within the site boundary, and that a walkover survey did not identify any unrecorded remains.
- 6.8.4 Neither English Heritage nor the Council's Historic Environment Officer have raised any objections to the proposal. However the Historic Environment Officer has recommended that a pre-commencement geophysical survey is undertaken, given that there have not been any previous archaeological field investigations of the application site. It is considered that this would be appropriate given that the proposal has the potential to adversely impact on any archaeological remains that are present in the area. An appropriate condition is included in Appendix 1.

6.9 **Ecological considerations**

- 6.9.1 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. In addition the proposal would not result in the loss of any trees or hedgerows.
- 6.9.2 The application is accompanied by an Ecological Appraisal report and a Biodiversity Enhancement Plan. The Ecological Appraisal concludes that none of the habitats within the study area are considered to be particularly sensitive to the proposed development, however it notes that the site does offer the potential to support ground nesting birds.
- 6.9.3 The application site lies approximately 1.2km to the south of the Brown Moss Special Area of Conservation (SAC)/Ramsar site and Local Nature Reserve, and

approximately 200 metres from the Prees Heath and Brown Moss SSSI. Natural England has advised that the proposal is unlikely to have any impact on these designated sites. A Habitat Regulation Assessment matrix has been completed (see attached) which confirms that the proposal would not have any significant effects on the integrity of any European Designated Site.

- 6.9.4 The Council's Ecologist has confirmed that no further survey work is required in relation to Great Crested Newts. In relation to nesting birds, the Ecological Appraisal notes that skylarks were observed within the study area. It recommends that ground nesting bird surveys are conducted if construction commences during the bird breeding season, and this will be included as an informative as suggested by the Council's Ecologist.
- 6.9.5 Biodiversity Management Plan (BMP): Following on from comments made by the Council's Ecologist the BMP has been revised. Biodiversity improvements would include the planting of a mixed species native hedgerow around the perimeter of the site (in excess of 2km); planting of trees along the western boundary; creation of species-rich grassland across the site; provision of logpiles as habitat for herptiles. The BMP recognises the work currently being undertaken by Butterfly Conservation at the nearby Prees Heath SSSI, to improve the area for the benefit of butterflies. It states that the recommendations within the Butterfly Conservation's guidance document for enhancing solar farms for the benefit of butterflies have been incorporated within the habitat management plan. The BMP sets out objectives to create and enhance habitats recommendations for management to be undertaken throughout the operational life of the development, and submission of progress reports to the Council.
- 6.9.6 Butterfly Conservation, the owner and manager of the Prees Heath Common Reserve approximately 130 metres to the west of the site, have advised that they do not expect the proposed development to impact significantly on the nationally-threatened Silver-studded Blue butterfly colony. Both Butterfly Conservation and Shropshire Wildlife Trust have welcomed the proposals to benefit wildlife. Comments of the Trust regarding the location of the cable connection are acknowledged, however this element of the proposal does not form part of the planning application submitted.
- 6.9.7 It is considered that the BMP provides satisfactory measures to ensure that the ecological value of the area can be enhanced. A condition can be imposed to require that it is implemented and that landscape planting is managed appropriately (see Appendix 1).
- 6.10 **Flood risk considerations**
- 6.10.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. A Flood Risk Assessment (FRA) has been submitted as part of the planning application. This 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 increase the impermeable surface area by less than 0.1%. However it is proposed that a shallow swale would be constructed along the southern boundary to intercept and dissipate surface water flows. It is accepted that this would provide betterment over existing conditions.

6.10.2 The Drainage Officer has raised no objections to the proposal. The details of the proposed swale can be dealt with through an appropriate planning condition. 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 the former airfield at Twemlows Hall 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 and existing vegetative cover. Whilst the proposal would have some impact on landscape character and visual amenity, including in relation to the adjacent open access Common Land, these impacts would be reduced in time as existing and proposed tree and hedgerow planting establishes. Concerns over the potential loss of parachute jumping zones are acknowledged, however it is understood that the British Parachute Association has agreed a proposed new drop zone in principle, and that this would ensure that the parachute jumping can continue.

7.2 The majority of the site is not classed as 'best and most versatile' agricultural land, and the proposal would result in significant ecological benefits whilst ensuring that the agricultural use of the site can continue. Surface water drainage would be improved through the provision of a swale. The panels would be removed once they have got to the end of their useful life, and the land returned to its current condition. Overall in relation to the wider benefits of the proposal, it is considered that the impacts of the proposal can be accepted on balance in relation to Development Plan policies and other material considerations, and planning permission can be granted subject to the conditions as set out in Appendix 1.

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 six weeks 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)

10.1.2 North Shropshire Local Plan 2000 - 2011 ‘saved’ policies – no relevant policies.

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.

10.2.3 The Government has advised that from January 2015, farmers who choose to use fields for solar panels will not be eligible for any farm subsidy payments available through the Common Agricultural Policy for that land. The Government has advised that the subsidy change follows other measures designed to end support for solar farms in agricultural fields, and should help to halt the expansion of solar farms on agricultural fields as it will now become less financially attractive for farmers to install the solar panels.

10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: The SAMDev has been submitted to the Secretary of State and is currently being examined. 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)
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The application ref. 14/03957/FUL and supporting information and consultation responses.
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Gerald Dakin (Whitchurch South)
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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 shall take place until details of the external materials and colour of all buildings, including the inverter/transformer units, and substations, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No development shall take place until details of the proposed swales have been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that sustainable drainage arrangements are satisfactory.

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

Reason: The development site is known to have archaeological interest

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

6. The Biodiversity Management Plan dated October 2014 by Neo Environmental and Landscape Proposals plan dated 30/10/14 shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development. This shall include monitoring and the submission of a progress report to the local planning authority every two years, as detailed in section 6.8 of the Plan.

Reason: To protect and enhance features of recognised nature conservation importance.

7. Construction work shall not take place other than between the following hours:
0730 - 1800 Mondays to Fridays;
0800 - 1300 Saturdays.

No construction work shall take place on Sundays, or Bank or Public Holidays.

Reason: To protect local amenity.

8. Unless specified otherwise by conditions of this permission, the construction phase of the development hereby permitted shall be undertaken in accordance with the details set out in the Construction Traffic Management Plan.

Reason: To minimise adverse impacts on local amenity and on highway safety.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations

of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, 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.

10. (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 25 years and 6 months following completion of construction, whichever is the sooner, all buildings and infrastructure associated with the solar farm will be removed from the site and the land shall be reinstated to its former condition.

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.