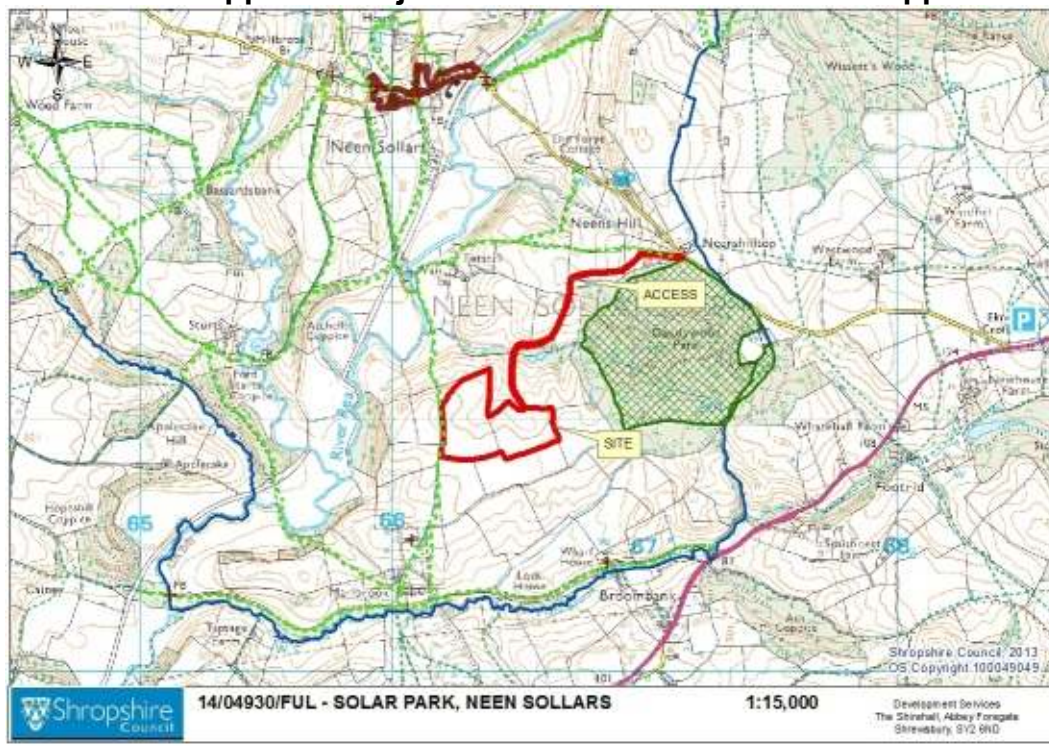


## Development Management Report

### Summary of Application

<b><u>Application Number:</u></b> 14/04463/FUL	<b><u>Parish:</u></b>	Neen Sollars Parish Council
<b><u>Proposal:</u></b> Solar farm and associated development.		
<b><u>Site Address:</u></b> Fields at High Point Farm, Neen Sollars, Kidderminster, DY14 9AH		
<b><u>Applicant:</u></b> TGC Renewables Ltd		
<b><u>Case Officer:</u></b> Grahame French	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

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



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

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to

work with applicants in the context of the NPPF towards positive outcomes. The applicant obtained an EIA screening opinion from the Planning Authority and has provided further clarification in response to issues raised during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended conditions.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The applicant is proposing to establish a solar photovoltaic (PV) park on 10.1 hectares of Grade 4 pasture farmland at High Point Farm. The proposed facility would generate up to 4.53 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,165 homes. Following construction, the site would be seeded and would become available for grazing. Construction would take 4 months. The site would have an operational life of up to 30 years, after which it would be decommissioned and the pasture field would be reinstated.
- 1.2 The solar park would consist of 14,200 photovoltaic modules mounted on frames and laid out in rows running from east to west across the site. They would be oriented south and angled at 25 degrees to the horizontal with a maximum height of 3.0m (minimum 0.8m). The mounting frames would be matt finished galvanised steel with 200mm diameter steel posts. The posts for the panel frames would be driven into the ground up to a depth of 1.5m.
- 1.3 The proposed development will require the construction of 4 inverter kiosks (2 in the centre and 2 on the eastern sides of the site) in order to convert the electricity to a form suitable for export to the electricity distribution network at the appropriate voltage. Three further portacabin sized kiosk buildings are also proposed at the eastern edge of the site (Switchroom, 33kv Substation and Comms building). Deer fencing (wire mesh and wooden post) would be constructed around the site, inside the existing field boundaries. A gate would be provided where the access track enters the site on the northern perimeter. CCTV security cameras mounted on free standing support poles are also proposed in a number of locations around the site perimeter. Gravelled roads would be provided within the site to allow access for construction and maintenance.
- 1.4 The inverters and other buildings would be installed on a concrete base and would be 9.7m long, 3.1m wide and 3.2m high and painted green. The 33kV substation would be 7.9 metres long, 5.6 metres wide and 5.4 metres high. Planning permission is sought for all cabling between the solar panels and the substation and between the substation and the Point of Connection. An onsite connection is available. The proposed cable route would be underground and would connect to existing overhead lines.
- 1.5 The proposed development would be accessed via a 1.13km route from the minor road at Neens Hill to the east. The majority of this follows an existing unmade

agricultural track which would be upgraded. The track rises and falls by 30m within the first 800m before crossing a culverted stream and rising a further 20m to the site. Radio connected banksmen would control the access and egress of lorries to the site from the minor road during the construction phase. The construction phase would be managed with a construction management plan to determine the timing of deliveries and the proposed route to the development from the principle road network. Wherever possible deliveries of materials would take place between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. There would be no deliveries on Sundays or Bank Holidays.

- 1.6 After commissioning, there would be around 3 to 4 visits to site per year for maintenance and these would be made by van or 4x4 type vehicles. In addition there will be a need for periodic visits during year moving to sheep on and off the site and for general landscaping and ground maintenance.
- 1.7 Decommissioning: The operational lifespan of the solar park is stated to be 30 years. After this all equipment and tracks would be removed from the site and arable productivity could be resumed.
- 1.8 Community benefits: Whilst not forming an integral part of the current application the applicant has agreed as a separate voluntary commitment to establish a community benefit fund of £1,000 per installed MW for the first ten years of the operation of the Proposals. This would be payable to Milson and Neen Sollars Parish Council, (irrespective of Parish Council's support or otherwise for the Proposals).

## 2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed site is located in a gentle north-facing topographic depression at the top of a hill 1.2km to the south of the village of Neen Sollars, the centre of which has a Conservation Area designation and Listed Buildings. It is not located within or immediately adjacent to any environmental designation. The River Rea is located to the south but the site is located above the associated floodplain.
- 2.2 The nearest residential properties are located at Marl Brook, 370-540m to the south west (2 properties) and Tetshill 420m to the north (2 properties). The small settlement of Neens Hill (10 properties) is located 0.9-1km to the north east. A further 11 properties are located at the base of the valley at Broombank 600-850m to the south-southeast. The above properties are generally well screened from the site by existing topography and vegetation.

## 3.0 REASONS FOR COMMITTEE DECISION

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

## 4.0 COMMUNITY REPRESENTATIONS

- 4.1i Milson & Neen Sollars Parish Council: Objection. Milson & Neen Sollars Parish Council generally supports all types of renewable energy schemes, but considers that in this case the disadvantages significantly outweigh the benefits.

- ii. Parish Councillors (PC) have taken considerable time going through the 53 documents submitted by the applicant. In the absence of any direction or planning policy from Shropshire Council on Solar Parks in rural areas, the Parish Council have adopted the following documents to best-fit its decision making process. National Planning Policy Framework March 2012
- Shropshire Core Strategy 2011.
  - Material Planning Considerations: SAMDev-pre-submission-draft-plan April 2014; Planning Act 1990
  - Case Law: Current case between Lark Energy's planned solar farm in Suffolk and the Communities Secretary Eric Pickles is still under determination. The Judge sent the case back to Mr Pickles to re-determine, Mr Pickles could now decide to block the project on different grounds. Therefore the PC considers any decision on the application should be put on hold until an outcome as been decided. (App1)
- iii. Adverse impact on Nature Conservation: Ecological survey carried out 12/07/14 by Andrew Heideman BSc (App2). There will be considerable loss to existing grassland biodiversity during setup due to the size of the project, compounded by re-seeding. There will be some repopulation, pollinators, small mammals etc, however there will be a detrimental impact to the natural biodiversity. The survey confirms 'Red listed' (endangered) birds like Yellow Hammer and Skylark, and loss of feeding grounds for raptors and owls.
- iv. Incompatible or unacceptable uses: High Point Farm, by definition, is on high ground with open views to three sides. The PC are aware that other sites, in the immediate area, have been offered as Solar Parks (one to the applicant) on less obtrusive land, but have been turned down in favour of ease of installation and excessive screening. The PC recommends a different location should be considered. Records show the ground has been constantly farmed circa 18th Century (App3) Public comments on Planning Portal describe crops being grown calling into question the Grade 4 status. The footpath at access/egress has already been encroached upon from the lane to the field gate by agricultural/domestic vehicle access. The traffic and construction plan shows the new track will further encroach on the footpath by about 20M with no application for change of use. (App4)
- v. Local financial considerations/tourism: There are currently 5 self catering/B&B properties within the ZTV, one 500 yds from the site, and one opening in 2015, that rely on the topography as a key USP in attracting customers. This proposal will place these businesses at a disadvantage in a competitive market. (App5)
- vi. Layout, buildings, design and visual appearance: The conclusion of the PC was that the appearance of a large expanse of glass and assorted buildings confined within security fencing would be incongruous to the countryside and is an industrialisation of a rural area. If the application is approved a condition of planning must be imposed on all hedges, in line with the CPRE guidelines. All statements on visual impact are subjective and have been ignored. There are 2 Grade 1 listed sites within 1 mile, and 15 Grade II sites and a conservation area within a half mile radius. The proposal will diminish these local

rural amenities (App6). Excessive mitigation and security fencing in this landscape is a substitution for a poor location. This, combined with the excessively long track, is inappropriate.

- vii. **Loss of Visual Amenity:** The 29 dwellings listed as 'high' visual receptors (Appendix 4.2) the proposed screening will mitigate to some degree, however the site will be visible from numerous locations not identified due to the undulating landscape and the angle of ground towards the village of Neen Sollars. All view-point locations are flawed, view-point 4 of the Church is exceptionally misleading, and there is a direct line of visibility from conservation area. The LVIA document has failed to encompass the key visual receptors with a further known 9 dwellings in direct sight.
- vii. **Previously made objections:** The Applicant held a local midweek consultation as a community engagement event, identifying this as 'successful'. This is not the view of several councillors who attended, who felt the artwork unrepresentative, with many questions glibly responded to, with the meeting occasionally hostile. Verbal communications to Councillors question the distribution of invitations, some claiming they did not receive any communication, others only receiving a few days notice. Posters to local businesses miles from the site is not local engagement, none of the B&Bs were requested to put up posters. It is the view of the PC that the applicant has made some effort to engage the community, but falls short of expectation resulting in disadvantaged groups. Two local applications, Acton Scott and Whitton have been refused with many others throughout the Country indicating vast Solar Parks in the countryside is not the best approach.
- vii. **Conclusion:** The proposal relies heavily on mitigation processes; is too selective in its approach and falls short on compliance. Councillors have visited the site and determined that screening would not be successful, due to the undulating nature of the ground. The Parish Council unanimously agree in the absence of policy, common sense should prevail. There are good locations for Solar Panels like Brownfield sites, industrial/retail shed roofs, motorways etc. but not on productive land.

4.2 Natural England: No objection.

4.3 English Heritage: - No comments received.

4.4 Environment Agency: - No comments received.

Internal Comments:

- 4.5i. S.C.Archaeology: The application involves elevated land to the south Neen Sollars located on a promontory above the River Rea. Gaudywood Park, a post medieval park, is located 250m to the east of the proposed development. There are no known heritage assets within the development boundary but its location on elevated land above the River Rea may offer some potential for pre-medieval occupation. A Heritage Statement and Heritage Asset Impact Assessment (Armour Heritage Ref: AH170/1) has been submitted in support of the application. In terms of direct impact on unknown archaeological remains the Heritage Statement acknowledges that it is not possible to fully assess the potential for buried archaeological remains and having identified the potential for medieval and post-medieval agricultural activity and

pre medieval remains, concludes that the site is of low (but not negligible) archaeological potential. The report suggests that an archaeological watching brief during ground disturbance should be applied in mitigation. With regard to the impact of the development on the setting of designated cultural assets and conservation areas within the wider and adjacent landscape the Heritage Asset Impact Assessment concludes that no to negligible impact would be produced by the proposals. I assume Shropshire Council's Conservation Officer will comment on these conclusions.

- ii. The conclusions of the Heritage Statement could not rule out the potential for archaeological remains of low significance within the development boundary. The impact of the ground disturbance from piling, cable trenching, access tracks and other infrastructure installations is likely to be significant on any below ground archaeological remains. In view of the above and in accordance with NPPF Section 128 I would recommend that further archaeological evaluation of the application site be undertaken prior to construction commencing. This should take the form initially, of a geophysical survey of the site. The geophysical survey may conclude that further evaluation in the form of trial trenching may be necessary to assess the extent, survival and significance of any archaeological remains.  
(A draft condition covering this matter has been included in Appendix 1)
- 4.6 S.C. Drainage: No objection. The proposed scrape and swale system is acceptable.
- 4.7 S.C. Highways: No objection subject to Construction Management Plan condition (verbal communicatin).
- 4.8 S.C.Arboriculture: No comments received.
- 4.9i. S.C.Ecology: - No objection. The January 2015 Ecology report now includes assessment of the access route. The access track would be created by upgrading an existing farm path formed by compacted stone over a geotextile base layer. All Ecology (2015) note that this will involve permanent loss of minimal areas of improved grassland. A buffer zone is recommended to protect the woodland edge of the Gaudywood Park Local Wildlife Site. A habitat management plan condition is recommended.
- ii. Great crested newts: The January 2015 report includes assessment of the small pond north of Gaudywood Park at around 25m from the access road. Ecosulis gave this a Habitat Suitability Index score of 0.61 indicating 'average' suitability for great crested newts (GCN). This pond is over 500m from the solar farm site. A second pond was subject to an eDNA test, which was negative. This pond is approximately 180m from the solar farm site and around 40m from the access track. A method statement is put forward to set out working methods to avoid works close to the ponds and other risk avoidance measures for GCN. The method statement 9as 5.3) includes mention of a 10m buffer around important areas. Having a buffer between the access road, other development and the woodland, hedgerow and trees will protect the root protection zones as well as the immediate pond surroundings.
- 4.10 S.C.Public Protection: – No comments received.

4.11 S.C.Rights of Way: – Public Bridleway 15 Neen Sollars abuts the western boundary of the site identified and will not be directly affected by the proposals. However, it is noted that a new hedge will be planted along the boundary of the site adjacent to the bridleway and it is assumed that the security fencing will be erected around the entire site including alongside the bridleway. There should be no narrowing of the width of the bridleway to accommodate any fencing/hedge. If it is not possible to keep the bridleway open and available to the public while any erection of fencing, hedge planting is carried out the applicants will need to apply to the Mapping and Enforcement team for a temporary closure of the bridleway. Once the hedge matures it should be kept cut back so as not to encroach onto the public bridleway. At the north eastern end of the site it is noted that the proposed access to the site from the highway will initially run along public footpath 20, Neen Sollars. The application proposes access over a route that is recorded as a public footpath and does not appear to carry public vehicular rights. The applicant needs to demonstrate a private vehicular right of access along the public footpath as it is a road traffic offence to drive a motor vehicle on a public footpath without lawful authority. No works must be carried out to the surface of the footpath that might affect the footpath without prior approval of the Rights of Way Officer. If permission is granted, the safety of pedestrians should be ensured particularly during the three month period of construction of the solar park and appropriate warning signs should be erected to warn users of vehicular movements along the footpath.

4.12 Councillor Gwilym Butler has been informed of the proposals.

#### Public Comments

4.13 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. 271 representations have been received. 35 for, 231 against and 5 neutral.

4.14 The main issues of concerns of objectors can be summarised as follows:

- i. Visual impact: The site is located on a rolling hilltop in the tranquil Rea Valley 1/2 mile south of the ancient and beautiful village of Neen Sollars. It is overlooked by 31 properties, many of which are Grade 2 Listed; and in particular All Saints Church, Neen Sollars, which was built in 1350 and has its roots in Saxon times. From the hill top one can see for 10 - 15 miles in any direction. In particular, Titterstone Clee and the south side of the Teme Valley. The site cannot be screened because of its elevated position on a north facing hilltop. Neen Sollars is a beautiful and unspoilt parish with breathtaking views and scenery. This installation will be a blot on the landscape - it will not be able to be adequately screened as the proposed location is on a sloping hill facing many houses in the village. It seems a rather naive view that 14,200 solar panels on a slope will be able to be hidden from view - clearly they cannot, albeit it is interesting the developers see this as 'moderately adverse' - an understandable view if you are based in Scotland. The report produced looking at the visual impact is extremely poor, and the choice of site points is questionable. The only one within the village is from a part of the churchyard which has its view of the field obscured by the large copper beech. I would suggest that the planning committee should actually pay a visit to the church main entrance so they can see how the view would be altered from this ancient building. Another view point should

have been from the village hall, and also from the many houses whose views / amenities will be affected. No part of the application has a reasonable proposal for anything other than token mitigation which has no impact for the vast majority of views of the proposed site. Shropshire is a county of outstanding natural beauty and the adverse effect that this solar farm will have on our beautiful Shropshire hills will spoil this idyllic area, creating an industrial looking eyesore. The site appears to be on a north east facing slope and will be highly visible from all vantage points to the north of the village. It will be impossible to screen from view and will adversely affect several houses that will look out on a sea of mirrors in place of a sloping green field. There is no way that it can be screened by vegetation because of the topography! The main eyesores are going to be the cabins, sub-station, comms building and particularly the high industrial fence and CCTV poles. These panels will have a negative impact on the area, which will become industrialised. Because of its hillside location the proposed solar farm would be visible from a very wide area and it is difficult to believe that any screening proposed by the developer will disguise the 14200, 3 metre high panels. It will sit like an ugly scar at the heart of an otherwise idyllic and iconic shropshire valley. Such is the indisputable value of the landscape in the area that when Western Power laid its new 33KV power line between Stockton and Cleobury Mortimer they agreed, without any discussion, to bury it underground across our land at considerable extra expense to themselves so as not to impact on this beautiful landscape. It now seems outrageous that we should be facing the prospect of a far greater eyesore facilitated by the laying of this same cable. The 14,200 panels measuring 2 meters wide by 1 metre deep mounted on frames are proposed to cover a 25 acre area. The visual impact assessment report, conducted by Wardell Armstrong on behalf of the Park developers, only focused on six views. The park location will be surrounded by close circuit TV poles at 4 metres tall and enclosed by a 2.4 meter high industrial fence, 1.4 kilometres long. The location isn't flat, but north facing, cutting into the lush Shropshire landscape. Screening cannot be effective due to the gradient of the Park location and therefore will be seen from 10-15 miles. 31 properties in Neen Sollars, including Grade II listed buildings, will have in their views blotted by the Park. The hedge planting will take many years to establish to a size when it will provide any beneficial screening. The applicant acknowledges that this will in any case be of reduced benefit in the winter months. The implementation and maintenance of landscape screening is also often difficult to 'police' in planning terms. the site is located on a ridge which makes up the middle distance ground of a view 5km away to the further ridge at Hanley Broadheath. This is a spectacular and timeless view with the church spire of the grade 2 \* listed All Saints Church and the listed buildings in the Conservation Area in the foreground. The LVIA has completely ignored both this and the impact on any dwelling (other than the Dower House, Marlbrook).

- ii. Leisure / Tourism: Like many other families in Shropshire we have a small popular holiday cottage in our garden which will be overlooked by the proposed solar farm. There are many holiday cottages, bed and breakfast establishments, hotels, pubs and restaurants in the area. Neen Sollars and the Rea Valley are popular destinations for holiday makers, walkers and horse riders. There are clear views of the site from the bridle ways and footpaths which criss cross the valley. The developers design and access statement says 'that visual screening will be provided by vegetation and landform and that tourism will not be affected'. The fact is that the site cannot be screened and it will be in full view of tourists trying to enjoy the



landscape. Visitors to our holiday cottage are horrified by this development and plan to object also. The income for local businesses, which includes many people with holiday lets, is a critical part of the local economy bringing many visitors to the area. Many of these visitors are drawn to Neen Sollars in order to enjoy the stunning landscape and local wildlife both of which will be impacted by this installation. This much needed income in a rural area is a vital ingredient in maintaining and supporting local businesses and the lifeblood for a local community. Would you really want to come and visit an area with this type of destruction to the landscape? This will be clearly visible for many miles. This will in time have a direct affect upon tourism which is a vital part of the local economy, especially if these farms are allowed to spread. Neen Sollars and the surrounding countryside, indeed Shropshire as a county rely on walkers and tourism, it is of my opinion that this blot on the landscape will put such people off, having a detrimental effect on the local economy: B&Bs, shops, pubs and the people employed in these types of businesses. The bridleway next to and around the solar panel site would be completely ruined <for equestrian trec events> and the organisers of these competitions may hold them somewhere else. Walking around this area is tranquil and very picturesque and I believe this will be a blight on the area. Tourism is a key industry in this area and an ANOB is only 3 miles from and would overlook this site. There are many footpaths around Neen Sollars which would be affected as would the lanes with large construction traffic. the reasons why I moved to this area will be severely compromised because the scenery will be completely ruined. The industrialisation of this ancient farmland will without doubt impact on local tourism and sits in direct contradiction to Shropshire's core strategies CS17 which warns against schemes that adversely affect the visual, ecological, heritage or recreational functions of these assets. The rights of way are much used by locals and visitors alike. A very popular shoot operates across our farm at Marlbrook which draws people from far and wide to enjoy a day out in the unspoilt countryside of the Rea Valley. Many stay and eat at the local pubs and B&Bs which helps support the rural economy. But there are many shoots to chose from and I am not sure they will continue to come when their day will be spent looking out on security fencing and inverter cabins. Its surrounding green hills make for such a picturesque setting that has been and continues to be enjoyed by not only villagers but the many hundreds of guests that have visited the Church. In 2012 my eldest daughter was married at All Saints. Many of the 100 plus wedding guests were visiting Neen Sollars for the first time, travelling from city dwellings. To say that they were taken aback by the views from the Church of the surrounding countryside is an understatement. The rolling hills provided a magical backdrop to a special day. And I was again reminded how fortunate I am to live in such a beautiful place - a place in England which is becoming all too rare and needs to be protected.

- iii. Heritage: The Heritage Impact Assessment grossly downplays the impact of the development on South Shropshire's heritage assets. There are clear views of the site from 31 properties including All Saints Church, the Dower House, and numerous other Grade 2 Listed buildings in the Neen Sollars Conservation area.
- iv. Agricultural impacts: The developer makes great play of a report which concludes 'that in the opinion of the author', the land is Grade 4 and thus of a poor quality. The landowner has benefitted from agricultural stewardship subsidies for 20 years and openly admits he has 'degraded' the land by not cultivating it or attending to drainage. The land is shown on government maps as grade 2 / 3; typical for South Shropshire,

and the fields next door are highly productive. Older residents in the village have knowledge of both arable and vegetable production on the site. There is evidence that arable crops have been grown on the hill since the middle ages. I have noted that the proposed site has been classed as Grade 4 land which seems rather at odds with the views of many local farmers who have farmed very successfully in this area for generations. It would therefore seem wise to review the limited number of soil samples taken, expanding this to a more appropriate number, in order to assess the Grade more accurately. The recent independent testing of the land has now showed that the land is worse than we were told at the Community Consultation. This though can be explained by the fact that the landowner has received grants for actually putting little farming input into the land and thus over the time allowing the land to degrade if it has to the point of now being grade 4. It is a shocking waste of prime agricultural land - it is pointless generating more electricity to the detriment of food production. I assume that a soil test has been done to come up with this claim since on Defra Magic maps the land is clearly grades 2 and 3 although Mr Amner of TGC was minuted at the 22nd May meeting saying that the land had tested Grade 3B (!). farmers will lose their right to claim subsidies for fields filled with solar panels under new plans to ensure more agricultural land is dedicated to growing crops and food. The change, which will come into effect from January 2015, will mean that 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.

- v. Questioning benefits: We know why an application has been made for this farm, as we have a new HV line being run through the village. These companies speculate on land adjacent to these lines to take up the ridiculously high government FIT scheme. This site does not actually fit with the current guidance from the Department of Energy and Climate Change and also due the rolling hill topography is not able to be screened to mitigate its effect. We know that Central Government does not want this kind of development to carry on in this type of area, and it is up to our Councillors to listen to the local population, follow their own policies and throw out this application. It brings little or no (and certainly wholly inadequate) benefits to the community. In the developer's report it states that local communities need to play their part in helping to meet government targets for green energy. I would like to point out that the community of Neen Sollars is already contributing with its own hydro-electric scheme. As a cooperative it genuinely benefits the local community and is on a scale far better suited to its rural location. The proposal aims to site the panels on a north facing slope which will limit the usefulness of their contribution to generate electricity. Government guidance seeks to primarily use roofs of existing buildings to site solar panels in order to minimise visual impact. There is scope to utilise many domestic, farm and other commercial buildings in the local area before having to despoil useful and beautiful areas of land which will never recover from such abuse. I am puzzled that this kind of project is planned in a region not known for its abundant sunshine (although I concede there can be some splendid sunny days during summer times). So what is the output this solar plant project is expected to generate and based on what evidence? A look on the Met office's map indicate this region has one of the lowest sunshine exposure in the UK, just after Western Scotland. The applicant emphasises the 'temporary' nature of the development and its reversibility as grounds for increased acceptability. This is a flawed argument as a fresh application can be made at the end of the consent period and unless policy on

renewables has significantly changed the same arguments will be presented to seek a fresh consent and even expansion of provision.

- vi. Drainage: The report submitted with the application downplays the impact of the additional run off from 14,200 solar panels. Neen Sollars is subject to flash floods since the water backs up from the river below the proposed site. Several properties were flooded in June 2007 and again in July 2012 when the bridge collapsed.
- vii. Ecology: Since the site was not cultivated for 20 years it is full of wildlife and rare plants. Many visitors to the area come to see a wide variety of wildlife in their natural habitat. This proposed installation will disturb that tranquil environment which houses many different species, including, but not limited to, some nesting skylarks (which I believe are on the RSPB's Red List). In the applicant's proposals a new road will be built and a bridge reinforced over a tributary of the River Rea to service the solar panel site. This construction activity has the potential to create significant amounts of silt and pollutants which could seriously affect the rare White Clawed Crayfish which is present in the River Rea. construction will, effectively, industrialise agricultural land - ignoring the history, culture, aesthetics, agricultural productivity and the integrated role that such land plays in the intricate web of biodiversity. The proposed site of this solar factory has been subject to recent set aside payments and as a result has greatly increased its biological diversity. Early purple orchards and yellow rattle are back, two plants that are very hard to find in other parts of the district. Perhaps the 'stars' of this site are the two pairs of breeding skylarks that were present this spring. I know of only one other site in this Parish that holds skylarks. This species is defined by the International Union for Conservation of Nature is classified as red listed, meaning that it is globally threatened by its diminishing range and that its numbers have decreased by at least 50% in the last 25 years. The RSPB can find no evidence that skylarks have bred on solar farms. Other Solar farm developments have witnessed that during the build period the fields were turned over as if ploughed then requiring re-seeding, resulting in loss of all ground level biodiversity, moreover the ongoing grass is tufted and of poor quality. The inclusion of unnatural elements changes the food source, creates shading and exclusion through fencing plus extreme run off of water form panels, all combined will not bring back the natural balance.
- ix. Construction / Traffic: I have serious concerns about the disruption that will ensure during the 3 month construction phase. 112 articulated lorries and 66 other vehicles will have to pass down the single track one mile country lane from the A456 to High Point Farm. This is the main route to work etc for the residents of Neen Sollars and Milson. There are no passing places and cars will be forced to reverse for long distances. The single track lane from the A456 to Neen Sollars is already a busy route used by both villagers and commuters alike. The road infrastructure will be severely impacted and damaged with the construction of this proposed site as I believe there will be 112 HGV's to the site in the first 3 months. Not only will this cause significant damage to the lane itself, it will also ruin the verges and disturb local wildlife and not forgetting of course the traffic chaos for anyone using this route. As a resident of Neen Sollars, I am also extremely concerned about the construction phase of the project: the road from which large, commercial vehicles will have to use to connect them to the site from the A456 is completely unsuitable for large vehicles such as articulated lorries; the single track road has few passing places and will

cause significant disruption to residents and visitors both coming into and out of the village in what is the main route to Neen Sollars. The single track lane from the A456 to Neen Sollars can barely stand the punishment of local village traffic and farm vehicles and is breaking away at the edges even now. It will not stand up to high numbers of HGVs in its current state and is the only means of access to the village from the southern end. Any damage to the highway will mean a 10 mile+ detour via either Tenbury or Cleobury Mortimer and will damage trade to the local pub and the holiday lets as well as adding significant expense to the farmers and residents. The access road from the A456 is single track and is not capable of bearing the weight and width of 112 articulated lorries and 66 other vehicles needed to create and service the solar park. The road is the only access for residents and visitors from the main A456 road. It is designated and signed as "Unsuitable for heavy vehicles" It is only, at best 10 feet wide, in poor condition, edges have given way and in one stretch of a tenth of a mile only 8 feet wide. This section has steep sides and widening would be a major earth moving engineering project.

- x. Community consultation: The materials presented by the applicant are a complete fabrication designed to create the impression that the community supports the proposal which it does not. We had 5 days' notice of this meeting, and it was held mid-week at a time that most people are only just getting home from work. The presentation was very generalised and answering of local pertinent questions were poor. We were told that the land grade was likely to be 3a or 3b, with a lot of time being spent on explaining that the national land map survey was inaccurate in positioning. A vote was taken previously mentioned elsewhere, and all voted against apart from 2 abstentions (who couldn't vote anyway) At that point the lead presenter said that we were only a small part of the community as they had sent 600 invitations? To where and whom were these sent?
- xi. Policy: The development cannot be supported under the National Planning Framework on Planning Practice Guidance for solar farms since it has a seriously negative impact on the rural environment Neither can it be supported by Shropshire's Core Strategy. CS16 supports projects that enhance natural features and do no harm to Shropshire's tranquil nature. CS17 warns against schemes that adversely affect the visual, ecological and heritage assets of Shropshire. This scheme is clearly at odds with these key element of Shropshire's Core Strategy. The applicant has not demonstrated that there are no suitable alternative sites as per the Sequential Test outlined by Government guidelines. Solar installations should be placed in brownfield sites, and on industrial and agricultural building rooftops. They should not be approved on agricultural land unless it is a last resort, and even then only on poor quality agricultural land. Any of the sites available nationally is considered an alternative under this Sequential Test, and therefore the applicant is under the obligation to demonstrate the sequence, they are required to demonstrate that there are no alternative sites suitable nationally. Further, this is not poor quality agricultural land. The area in question is only 3 miles from a classified area of outstanding natural beauty and this will overlook the farm; page 14 of the National Planning Framework (NPF) highlights Areas of Outstanding Natural Beauty (AONB) and says that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and areas of Outstanding Natural Beauty". In his letter to local planning authorities on April 14th 2014, Greg Baker, while acknowledging a need to develop solar energy, says that "there is a place for larger scale fields but they need to be

sensitively located". As Shropshire's core strategy gives high priority to protecting the landscape and CS 17 warns against schemes that adversely affect the visual, ecological, heritage or recreational functions of the county's assets, the proposed development seems unsupportable if the county's authorities are to remain true to their vision, since all the above functions would be adversely affected. The core strategy recognises that tourism is an important part of the local economy it further notes that much of Shropshire's appeal is due to it being 'a tranquil rural area with attractive countryside' 'where a range of leisure activities such as walking and cycling can be enjoyed. The Shropshire landscape is a key economic asset creating not only an attractive place to live and work but also an important tourist destination? The applicant's dismissal of the impact on tourism in their response to the Parish Council indicates a total lack of appreciation of why visitors choose to come and experience an area of unspoilt landscape. Eric Pickles (Secretary of State for Communities and Local Government) said: "The views of local people must be listened to when making planning decisions. Meeting Britain's energy needs should not be used to justify the wrong development in the wrong location. This new guidance is an important step in ensuring that communities can continue to shape their local surroundings and that landscape and heritage are properly considered and protected". Gregory Barker (MP for Bexhill and Battle) states: "Inappropriately sited solar PV especially in the countryside is something that I take extremely seriously and am determined to crackdown on. Support for solar PV should ensure proposals are appropriately sited, given proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunity for local communities to influence decisions that affect them."

- 4.16 The Pariochial Council of All Saints Church: Objection. All Saints Church is Listed Grade II \*, the only building with such status in the vicinity as far as I know; furthermore, out of the 14 listed buildings in the village, five are contained in the churchyard including the church itself. Therefore the setting of the church which is late C13 and C14, and its four listed monuments represent a dense cluster of heritage assets whose setting must be valued as highly significant. The church is much visited by tourists from outside the area who come for several reasons according to those who we meet. Firstly to admire the unusual layout of the church; to quote from the listing "PLAN: cruciform plan with chancel, north and south transepts and nave with south porch, all radiating from central crossing tower surmounted by broach spire". Secondly to visit "Humfrey"; again to quote " South transept contains the Conyngesby monument: alabaster canopied tomb to Humfrey Conyngesby, dated 1624, with central reclining figure in armour" whose life story and travels are inscribed below his figure. Finally, visitors who find their way to All Saints Neen Sollars to visit graves or simply walk a trail from Milson to Bayton will find a quintessentially English church in a Conservation Area setting within the Rea Valley which has remained little changed for centuries. The setting of the church is cherished by the village and much work has been undertaken in early autumn 2014 to restore the graveyard and the war memorial including the removal of scrub trees along the southern boundary to reveal the haha. This has opened up the main aspect for the church which is the original view down the Rea Valley towards the site of the proposed solar project which will be clearly visible. The PCC have grave concerns about the impact of the solar project on the setting of the church and the listed monuments in the churchyard. Little attempt has been made by the developer to show what impact the project will have on the setting of these five listed buildings

other than a viewpoint which is very misleading indeed. The Heritage Impact Assessment is woefully inadequate in its conclusion that there will be no adverse effects upon the designated sites, or their settings". There is little reference to the church other than in a brief paragraph 5.26. The person who wrote the report is based in Somerset and has not, by definition of a desk based assessment, visited the church. We, the PCC, hope that the committee will refuse this poorly-presented and ill-conceived application on grounds of conflict with adopted Core Strategies 6, 16 and 17 of the Shropshire Local Plan.

4.17 Save our Green Hills objection group: Objection on the basis that the proposals will severely damage the visual character and appearance of the South Shropshire Countryside:

- It is contrary to current planning guidance particularly Shropshire Council's core strategy;
- It will seriously damage the rural economy in respect of tourism and recreation;
- It fails to meet current guidance in respect of the use of land, community consultation, ecology and heritage; and
- It has not been demonstrated adequately that there will be sufficient resources to ultimately restore the site.

Detailed comments are provided on visual character and appearance, planning guidance, tourism, land usage, community consultation, ecology and heritage and construction phase and decommissioning which align with the comments of other objectors as summarised above. Concerns are also raised regarding procedural matters relating to the display of information on the Council's website.

4.18 The Save our Green Hills objection group has also commissioned the following reports:

- An agricultural consultant's report which questions the applicant's assertion that the land within the site is of poorer agricultural quality. This matter is discussed further below.
- A landscape consultant's report which questions the conclusions of the applicant's Landscape and Visual Impact Appraisal.

These matters are discussed in succeeding sections.

4.19i. Supporters: The observations of supporters are as follows:

- The proposals will power 1,165 homes in the local area;
- This would make a positive contribution to tackling climate change;
- Planning policy supports the development of renewable energy projects such as solar farms and the site is not in or near sensitive areas or designations;
- The land is poorer quality and not best and most versatile;
- Sheep will graze amongst the panels, so the fields will produce power and be farmed;
- There will not be inappropriate landscape, ecology, amenity, drainage impacts or impacts on built heritage and there will be ecology and biodiversity benefits;

- There will be contract opportunities for local people;
  - There are community benefit payments of £1000 per installed megawatt on the site for 10 years.
- ii. An excellent opportunity for a rural area to contribute to environmentally sound power generation in the UK. As mains gas is not available in this area it is especially important that we safeguard our electricity supply for a potential future where fossil fuels are less available. Solar farms are a superb way of doing this. I feel we should put aside any temptation toward NIMBYism and follow the majority of European countries into a 'cleaner', more environmentally sustainable future of power generation.
- 4.21 South Shropshire Green Party (support) Energy policy seeks to maximise the amount of electricity generation from renewable sources. At the national level this means wind, wave, tidal and PV (including solar farms). The Green party is also committed to the total abolition of nuclear power and oil and coal-fired power stations and this will require the planning and development of much more wind, wave and tidal power at national level. Solar farms. The urgency associated with dealing with climate change and energy security brings with it a general presumption in favour of solar farms but the Green Party has specified the conditions that must be applied before a particular site is approved. In South Shropshire these conditions are as follows:
- Solar farms should normally be developed on land formerly used for land-fill or currently used for car parks, business parks and industrial estates. Solar farms should normally be developed as part of an agreed renewable energy policy that supports solar PV on schools, council buildings and NHS facilities and the planning system should encourage this. Solar farms shall normally not be developed on agricultural land classified as grade 1 (excellent), 2 (very good), 3 (good to moderate). Solar farms must include an element of community gain that recognises the importance of associating the development with a financial contribution to the local parish council to be spent on community facilities that are prioritised by the parish council. Solar farms must be part of a comprehensive plan to promote biodiversity and ecology so that interested parties can see a tangible gain from measures that encourage plant, bird, insect and bee populations. We have considered this planning application, and support it. We acknowledge the concerns of local residents. However we understand that the site is on Grade 4 agricultural land, and note that this land would be grazed by sheep. We also recognise the promised community gains and the plans for promotion of biodiversity and ecology.

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Policy context:

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

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

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

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

6.1.4 The Shropshire Core Strategy ‘has the principle of sustainable development at its heart’. Key objective 9 is ‘responding to climate change and enhancing our natural and built environment’. Policy CS5 of the Core Strategy seeks to protect the countryside and Green Belt. New development will be strictly controlled. Proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, where this has no significant adverse impact on recognised environmental assets. Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, including in rural areas where the importance of farm diversification is recognised. Policy CS17 seeks to protect and enhance the diversity, high quality and



local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

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

- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities;
- Whether any identified impacts are capable of being satisfactorily mitigated including by any community benefits offered by the applicant (e.g. CS5);

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

6.2 Justification for the development:

6.2.1 Justification for choice of site: Section 98 of the NPPF does not require applicants for renewable energy schemes to demonstrate the need for the development. However, the NPPF companion guide on renewable and low carbon energy advises that planning authorities should consider 'the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect'. In this respect the site generally slopes gently to the north or east, with a fall of about 10m in a distance of 170m. The gently north-facing aspect of the majority of the site is not optimal for solar development. However, the site is in an open unshaded hilltop location and is not affected by any environmental designations. The approach route from the public highway involves some significant gradients, but is capable of being engineered to accommodate HGV traffic for the duration of the temporary construction period. The Landscape and Visual Assessment accompanying the application concludes that the site is capable of being screened from most viewpoints. It is also available for the proposed use, is of appropriate size, is capable of being accessed and a connection to the electricity grid is possible. It is considered on balance therefore that relevant operational suitability criteria can therefore be met.

6.2.2 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework seeks to protect best and most versatile agricultural land and expresses a preference for use of poorer in preference to higher quality land where significant areas are affected by a development. Some residents have objected that good quality land would be taken out of agricultural production. A report questioning the applicant's consultants claim that the land is not of best and most versatile quality has also been prepared. In response to this the applicant's agricultural consultant has prepared a more detailed report including sampling details. This concludes that the land gradient and soil wetness class are clear evidence that the land cannot be graded anything higher than 3b. The land considered to be Grade 3b represents approximately 35% of the site and the land considered to be Grade 4 represents approximately 65%.

- 6.2.3 The proposals would involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the Government's low carbon and renewable energy guide and there are many examples of this being successfully implemented and managed across Europe and the UK. Full agricultural use would be returned at the end of the operational lifespan. The land has been in permanent grassland use for more than 15 years, so the landowner would be required to consult Natural England to obtain consent to plough.
- 6.2.4 The proposed method for emplacing the solar panel frames would involve auger drilling without the use of any concrete foundations. Concrete surfaces within the site would be limited to the bases of the proposed inverters and the substation and would occupy less than 1% of the total site area and would be removed when the site is decommissioned. The proposed track would be formed with stone chippings which would also be removed at the end of the design life.
- 6.2.5 The proposals would support the economic viability of the farming business, ensuring its longevity and progression as a local employer. Furthermore, it is intended to stock the site margins with a wildflower seed mix which would provide a source of food for pollinating insects, benefiting other agricultural areas. A landscaping condition covering this matter has been recommended in appendix 1. It is considered that there is no evidence therefore that the proposal will result in significant (or permanent) loss of agricultural productivity. This conclusion is supported by a recent appeal decision which found no evidence of a loss of best and most versatile land in similar circumstances (*APP/D0840/A/14/2213745 Lanyon Farm, Gwinear, Hayle, Cornwall TR27 5LA*).
- 6.2.6 Choice of site – Rooftop panel opportunities register - The applicant has included an opportunity survey which investigates the potential to place solar panels on rooftops. A number of national land owners have been approached (MOD, Golf clubs, fast food stores, car dealerships, retail parks, Councils, quarries, schools, football clubs, airfields, ports and brownfield registers). The survey highlights technical problems associated with the large scale deployment of solar on rooftops including lack of owner / tenant cooperation, fragmented nature of ownerships, need for reinforcement of roofs, insurance conflicts and subsidy limitations.
- 6.2.6 Choice of site – conclusion: Notwithstanding section 98 of the NPPF it is considered that the justification for this location of the proposed development is capable of being accepted in principle, provided there would be no other unacceptably adverse land use impacts.
- 6.2.7 Climate change and economic benefits: The proposed facility would generate 4.53 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,165 homes. Over the lifetime of the facility over 54,100 tonnes of Carbon Dioxide emissions would be saved. This is compliant with section 97 of the NPPF and related policies and guidance, including strategic objective 9 of the Core Strategy. Friends of the Earth have supported other solar photovoltaic developments in Shropshire as preferable to other forms of renewable energy such as large scale biomass burning. This message is reiterated for the current application by the South Shropshire Green Party. Solar installations reduce the dependence of local economies on energy imports. The installation and

maintenance of these facilities can also generally be provided by local workers. The proposals are also capable of contributing in principle to the sustainability of rural communities by bringing local economic and community benefits, including through farm diversification and delivering sustainable economic growth and prosperous communities. (Core Strategy Policies CS5 and CS13).

### 6.3 Environmental considerations:

6.3.1 Landscape and visual impact: The Proposals would be located within the Principal Timbered Farmlands Landscape Character Area in the Shropshire Council Landscape Typology (2006), which itself falls within the Teme Valley National Character Area (Countryside Agency NCA102). The site is not within a protected landscape designation. The Shropshire Hills AONB is located 6.4km to the north-west. The application is accompanied by a landscape and visual appraisal (LVIA) which concludes that the screening afforded by the intervening vegetation in and around the Site would only result in localised, landscape effects and so would not notably affect the whole of the landscape character within the 5km radius study area.

6.3.2 With regards to visual impacts, the LVIA advises similarly that the screening afforded by vegetation ensures that the proposals would result in very few adverse effects on visual receptors. There would be no prominent visual effects on any settlement or recreational receptors within the study area. Brief, transient and oblique glimpses of the proposals would be afforded from a short section of the A456 which passes along a parallel ridge 0.8-1.1km to the south and from the local road 900m to the north-east of the Site. Overall however, the LVIA advises that any identified prominent visual effects are restricted to within approximately 410m of the Site and to the north only. All other visual effects are assessed as not prominent and there would be no cumulative landscape or visual effects.

6.3.3 The LVIA advises that the effects on the amenity of the property known as Tetstill to the north would be slight adverse, initially, reducing to imperceptible with establishment of the new boundary hedging. The Dower House to the south west may experience limited views, and moderate impacts. However, views would be oblique, at a minimum potential distance of approximately 350m and would be partial due to existing and proposed screening. There would be near distance localised views of the solar panels available from the adjacent bridleway and on the approaches to the Site. During the initial period of the site operation, effects would be moderate to substantial adverse, but this would reduce to moderate to slight-moderate adverse once the perimeter vegetation is established.

6.35 Some of the photomontages included in the LVIA are reproduced below:

Location: PROW at Dower House | 02 | 00101 | 70575 | 96 | 0.39 | Correct viewing distance (mm at A3) | 200 | Date of photograph taken

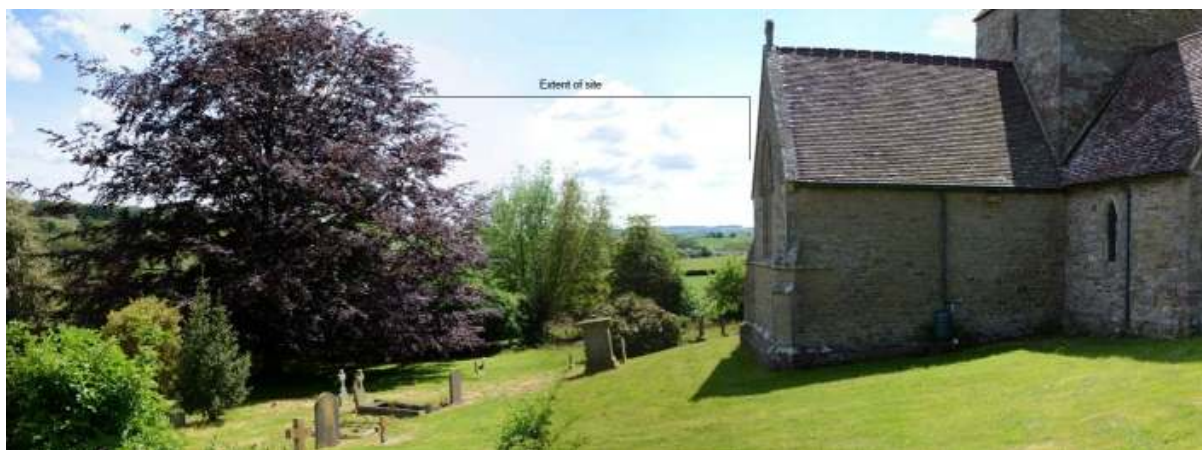
Existing View



Proposed View



View from The Dower House 360m to south south west



View from All Saints Church, Neen Sollars, 1.13km to the north

Location:	PROW Adjacent to the site boundary	01	66210	70940	105	0.62	Correct viewing distance (mm at A3)	200	0
Existing View									
Proposed view									

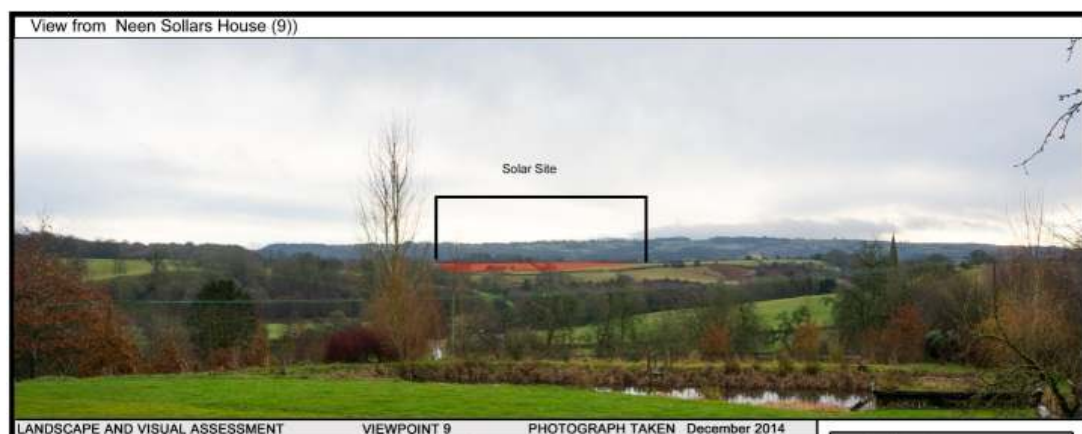
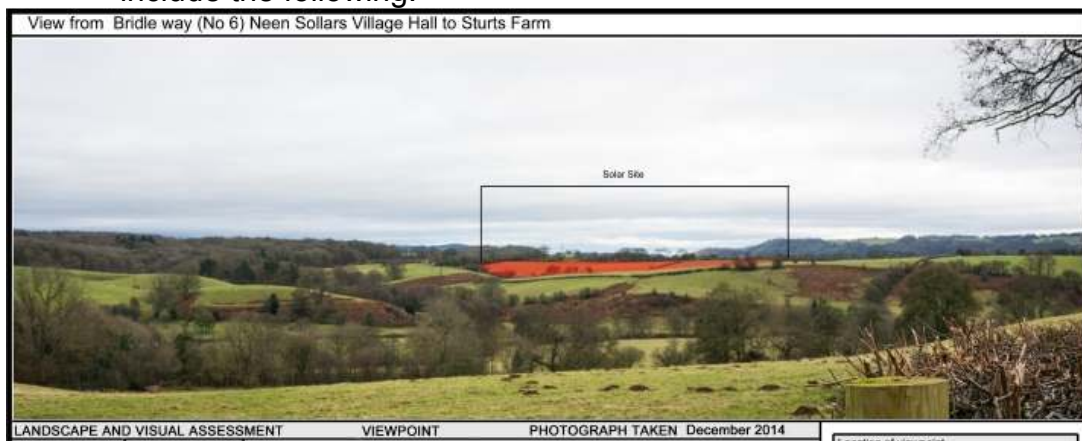
**View from right of way to west of site, existing and proposed**

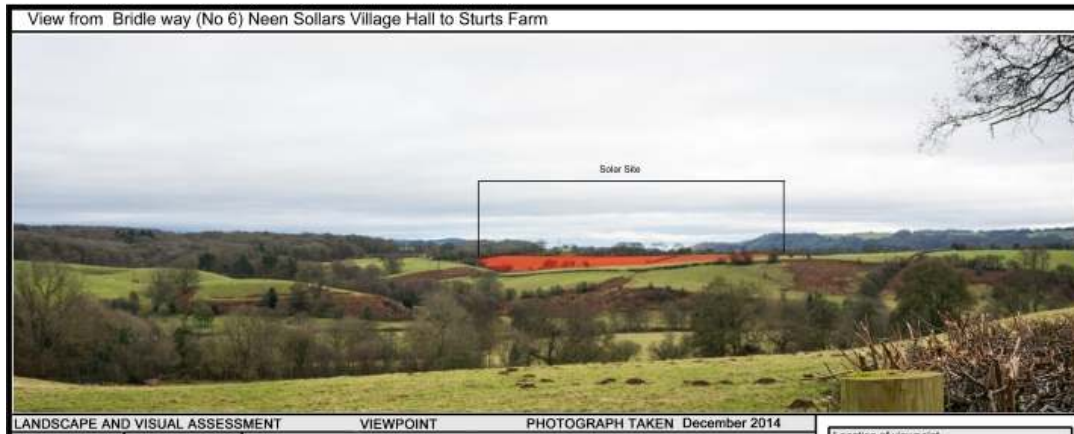
Proposed View 5 Year Growth									
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**View from right of way – year 5, planting established.**

- 6.3.4 With regards to impact upon landscape character, the LVIA finds that effects would be highly localised. The wider landscape of the Character Area in which the site sits would not be notably affected. The Proposals include the retention, creation and enhancement of key landscape features including mature hedgerows and trees on the Site.
- 6.3.5 The Save Our Green Hills group has commissioned a report by consultant's (Sightlines) which challenges the conclusions of the LVIA. Ten viewpoints are assessed. The report concludes that the extent of visual impacts has been substantially underestimated and a significant number of properties and locations would be impacted by the development. It is stated that there will be a major change to the landscape character of the site. The development 'will introduce a new feature

currently entirely absent from the surrounding landscape which will be very visible and this will undoubtedly change a person's perception of the existing landscape character which is one which is largely unspoilt by visually detracting elements'. 'Often the worst locations for arrays are on the side slopes of valleys or on slopes within an undulating landscape where it can be highly visible and appear, close up as electrical infrastructure and at a distance a strange colouration, similar to a water body, occupying a hillside'. It is stated that 'solar farms should not be located on visible hillsides, particularly hillsides such as this which is very close and inter-visible with a village which has a long history where the setting has remained relatively pristine for many centuries. The setting of the village of Neen Sollars, part of which is a Conservation Area, will be significantly adversely affected'. Photomontages include the following:





6.3.6 The applicant's landscape consultant has responded as follows:

*'The conclusions set out in the Sightline report are not founded on fact. The solar farm will not be located on the northern slope facing (and visible from) the village of Neen Sollars (the majority of properties within which are over 1.2km from the site). Views of the solar farm will be limited as a result of the northernmost boundary of the panels being positioned beyond the ridge line within the north-western part of the site. Only the less visual, rear of the panels would be seen in views from the north. Other parts of the development site are screened by intervening landform and vegetation. There is no evidence to suggest that tourists will be deterred from visiting the area as a result of the presence of the solar farm; it is likely that the majority of visitors will be wholly unaware that such a development exists. The proposed site is considered suitable for development as a solar farm, in terms of its landscape character and visual amenity, with only limited scope for high levels of adverse effects, at a very local level in areas immediately adjacent to the site. Mitigation has been built into the revision to the layout of the site, pre-application, and is further proposed in the form of additional hedgerow planting and the gapping up of existing hedges. The Sightline report makes no acknowledgement of the limited extent of theoretical visibility as indicated on LVIA Figure 1, which is based on bare ground topography; once localised changes in topography (not incorporated into the OS DTM) and the presence of woodland / other vegetation is taken into consideration, this zone would be reduced still further.'*

6.3.7 Individual viewpoints referred to by Sightlines are assessed and conclusions are that none would be more than slight moderate adverse, except in the immediate vicinity of the site. With respect to Neen Sollars church the consultant advises as follows:

*'The view from the churchyard at Neen Sollars is similarly at over 1km distance and at a lower level than the site, with trees obscuring the view towards the site. The shading used on the figure (which as elsewhere includes the north-facing slope), has obliterated much of this intervening tree cover. As with other views from the north, only the backs of the northernmost panels are likely to be perceptible, and from this location will be largely screened by the intervening tree cover (regardless of the time of year)'. 'In the absence of any stated methodology provided for the Sightline report or its accompanying figures, it is considered that the <applicant's> LVIA provides a more balanced, thorough and accurate representation of effects on landscape*

*character and visual amenity, and should be regarded as appropriate for use as the basis for determination of the planning application’.*

- 6.3.8 Officers have evaluated the visual information submitted for and against the proposals. The applicant’s LVIA conforms with relevant methodology and contains representative viewpoints. The Sightline report also shows however that additional views are available towards the site from the surrounding area. The applicant’s visual consultant remarks that the bright red colouration used by Siteline to denote the location of the site overwrites some screening vegetation. Officers consider that this may also overstate the visual prominence of the arrays, give in particular that views from the north would be of the shadowed underside of the arrays.
- 6.3.9 The applicant’s consultant has also remarked on the lack of a methodology with the Sightline report (lens type, zoom, viewing height etc.). The Sightline report does not duplicate the photomontages provided by the applicant’s LVIA, so there is no basis for direct comparison. The foreground in some of the Sightline photomontages can however appear slightly more ‘zoomed’ than the applicant’s photomontages. The scheme was amended to pull the arrays back from the edge of the ridge and the applicant’s consultant questions the extent to which this has been factored into Sightline photomontages. The Sightline photomontages also relate to the current situation and so do not take account of the screening effect of landscaping works over time. Existing hedges will be allowed to grow taller and could potentially increase by 2m in height within a year, whilst proposed new planting would potentially be capable of adding to existing screening within 5 years. Notwithstanding this, it is considered that the Sightline report contains valid visual data relating to areas not assessed by the applicant’s LVIA.
- 6.3.10 Visual impact – glint and glare: In terms of glint and glare this can potentially occur in the summer when the sun is low and the sky is clear. There are no properties to the immediate south of the site in orientations which could potentially be affected when the effects of topography and intervening vegetation are also taken into account. It is possible that there may be some localised effects encountered. However, it is not considered that any such potential effects would be sufficient to justify planning refusal.
- 6.3.11 Visual impact – Conservation Area and Listed Buildings: Available evidence suggests that there are no noteworthy views towards the Conservation Area in which the development would also form a dominant element. Some views towards the site would be available from the Conservation Area 1.2km away, but these would be limited. The applicant’s photomontages show the extent to which views from All Saints churchyard would be screened or filtered by existing vegetation. The Sightline report indicates that some other views towards the site are available from within the Conservation Area. Views from public rights of way to the north and west have the potential to show the site and the Conservation Area from the same locality, but not generally in the same direction. Hence, the setting of the Conservation Area would not be affected. There would be localised effects for some southbound views from within the Conservation Area. However, it is not considered that this would represent an unacceptable visual intrusion in view of distance, intervening vegetation and the proposed alignment and siting of the panels.



- 6.3.12 Visual impact – conclusion: The LVIA produced by the applicant is compliant with relevant methodology. It is considered that the photovoltaic panels have generally been positioned sensitively within the landscape. There would be some localised moderate adverse effects from the bridleway to the west and within 400m, but these would be localised and mitigated by landscaping. Beyond this it is considered that any observable effects would be minor adverse once mitigation and intervening vegetation are taken into account. Views towards the site from 1km and beyond would be generally form small parts of wider panoramas. It is considered that there would not be any significant adverse effects from the Neen Sollars Conservation Area, including All Saints Church. The site would represent a very minor component of a wider panorama as seen from more distant location such as from the AONB 6.5km away. Whilst the comments of objectors in relation to landscape and visual impact are noted it is not considered that refusal on the grounds of landscape and visual impacts would be justified. This is when the proposed mitigation measures and the benefits of renewable energy are taken into account. (Core Strategy Policy CS5, CS6, CS17; NPPF s28, s98, s116)
- 6.3.13 Heritage appraisal: Section 128 of the NPPF advises that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The visual implications of the proposals on the Neen Sollars Conservation Area and associated listed buildings is discussed above. A Heritage Appraisal concludes that the development will have limited adverse impact on the landscape and negligible adverse impact on the heritage resource. The proposed maintenance, reinforcement and infilling of existing hedgerows and trees and the retention of the underlying pastureland, will ensure that there is limited impact on the surrounding landscape. The appraisal acknowledges that it is not possible to fully assess the potential for buried archaeological remains on the site, but concludes that the application site is of low archaeological potential. Historic Environment has not objected subject to imposition of a condition requiring further archaeological investigation prior to the commencement of any development at the site. (included in Appendix 1). It is concluded that the site is compliant with relevant heritage policies and guidance. (NPPF s128; Core Strategy Policy CS17).
- 6.3.14 Noise: A condition requiring the submission of a Construction Management Plan has been recommended in Appendix 1 and this would control hours of operation and noise limits. It is not considered however that there would be any significant noise or vibration impacts within the 4 month construction period. Construction traffic would be closely managed under a construction management plan. The only noise source during the operational phase would be the inverter extraction fans which do not work at night when the panels are not generating electricity. Public Protection has not commented on the proposals but has not objected to other similar recent solar photovoltaic proposals. There is no reason to suspect that there would be any unacceptable noise impact, given also the separation distance to the nearest properties and the screening effect of intervening topography. It is however recommended that any planning permission should include an appropriate noise control condition.

- 6.3.15 Access / traffic and construction: The development would be accessed via a 1.13km route from the minor road at Neens Hill to the east. Radio connected banksmen would control the access and egress of lorries to the site from the minor road during the construction phase. The construction phase and associated traffic would be managed with a construction management plan to determine the timing of deliveries and the proposed route to the development from the principle road network. Wherever possible deliveries of materials would take place between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. There would be no deliveries on Sundays or Bank Holidays.
- 6.3.16 After commissioning, there would be around 3 to 4 visits to site per year for maintenance and these would be made by van or 4x4 type vehicles. In addition there would be a need for periodic visits during year to move sheep onto and off the site and for general landscaping and ground maintenance. The construction of the solar farm would result in approximately 72 HGV deliveries to the site spread over a 10 week construction period. The proposed vehicles would be able to negotiate the access into the site. Highway officers have not objected. It is considered that the proposals can be accepted in relation to highway and access considerations. (Core Strategy Policy CS5, CS6, CS7, CS8).
- 6.3.17 Ecology: An ecology report advises that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species. The Application Site comprises semi-improved grassland, hedgerows and standard trees. It is located within a rural area dominated by sheep-grazed improved grassland fields, a good network of hedgerows and woodland parcels. The survey found evidence of badger and notable bird species. Two mature trees have been identified as providing suitable opportunities for roosting bats and these and others on and around the Site will be protected and retained. An Environmental DNA (eDNA) survey of a large pond adjacent to the site has been undertaken and indicates that Great Crested Newts are not present. No statutory designated sites lie within or adjacent to the Site. As the existing hedgerows and trees will not be affected the report advises that bat surveys are not required. The grassland within the site will be surveyed to inform the proposed grassland seed mix which will form part of the biodiversity enhancements.
- 6.3.18 No intensive agricultural practices would take place during the operation period so the flora and fauna would have the opportunity to flourish when biodiversity enhancements are implemented. Natural Environment have not objected subject to recommended conditions (included in Appendix 1). It is considered that the Proposals comply with Policy CS8 (encouraging infrastructure that mitigates and adapts to climate change) and Policy CS17 (protecting and enhancing Shropshire's natural environment).
- 6.3.19 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 therefore at low probability of flooding from fluvial sources. The FRA advises that the existing surface water regime would not be affected by the proposed development. The Council's drainage team has not objected. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

#### 6.4 Timescale and decommissioning:

6.4.1 Current solar photovoltaic arrays have a design life of approximately 25-30 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to normal agricultural use, as stated in the application. This would ensure that arable productive capacity is protected (NPPF s112) and the sense of openness of the countryside in this area is not permanently affected. An appropriate condition covering decommissioning has been recommended in Appendix 1.

#### 6.5 AONB

6.5.1 The site is located 6.5km from the Shropshire Hills AONB, a statutory landscape designation. Policy CS17 requires that new development should take account of landscape character assessment which grades landscapes according to their sensitivity. The applicant's landscape and visual appraisal complies with this requirement. It is considered that the visual information submitted in support of the application indicate that the AONB is located too far away to be materially affected by the proposed development.

#### 6.6 Other matters:

6.6.1 Community benefits: Whilst not considered essential in order to deliver a sustainable development the applicant company has advised that it is willing on a voluntary basis to make funding available for local community uses in order to provide a benefit to the local community. It is envisaged that this would take the form of a legal agreement (Unilateral Undertaking) with payment into a community fund at a level consistent with that of other recent solar park schemes which the Council has dealt with (£1k per installed megawatt for the first 10 years). This supports the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.

6.6.2 CCTV and privacy: It is proposed that CCTV would be used at the site for security reasons. Cameras would however sensitively positioned and would point away from the nearest residential properties in the interests of privacy.

6.6.3 Recent Government statement: Objectors have referred to recent ministerial statements establishing a general preference towards the use of brownfield sites for solar photovoltaic schemes. These statements are noted, but do not alter adopted planning guidance set out in the NPPF and the associated low carbon and renewable energy guide and referred to in section 10 of this report. Shropshire is a predominantly rural county and there is insufficient brownfield land to deliver the progress in renewable development expected by policies and guidance.

#### 7.0 CONCLUSION

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

in accordance with Section 10 and Paragraph 98 of the NPPF and strategic objective 9 of the Core Strategy and Policy CS8. The proposals would also provide an additional revenue stream for the farm, yielding cost savings and a diversified income that would help to ensure the longevity of the associated farming business and retention of existing jobs (SC13). The applicant has also offered voluntarily to provide benefits to the local community and these are to be welcomed.

7.2 It is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment, local amenities or other interests of acknowledged importance in particular with regard to visual impact / landscaping, amenity, ecology, hydrology, archaeology, drainage, agriculture, access and traffic (Core Strategy Policy CS17). This is provided appropriate conditions are imposed, including the requirement for a construction management plan and decommissioning at the end of the design life. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan.

7.3 The NPPF advises that the production of renewable energy is a major material consideration and that sustainable development proposals which accord with the development plan should be approved without delay (S98). It is concluded that the proposal can be accepted, subject to the recommended conditions.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

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

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

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

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

#### 9.0 FINANCIAL IMPLICATIONS:

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

#### 10.0 BACKGROUND:

##### 10.1 Relevant guidance

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

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

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

- Support community-led initiatives for renewable and low carbon energy, including developments outside areas that are being taken forward through neighbourhood planning; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

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

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

## 10.2 Relevant planning policies:

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

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

### Policy CS5 - Countryside and the Green Belt:

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

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

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

### Policy CS6 - Sustainable Design and Development Principles

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment,

which respects and enhances local distinctiveness and which mitigates and adapts to climate change. And ensuring that all development:

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

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

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

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

10.3 South Shropshire Local Plan - The site is not affected by any other specific designations in this Plan. Formerly relevant policies have been superseded by the Core Strategy.

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

#### 10.5 Other Relevant Guidance

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

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

*‘The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of*

*a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:*

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

#### 11.0 RELEVANT PLANNING HISTORY:

11.1 There is no planning history associated with the application site.

#### 12.0 Additional Information

List of Background Papers: Planning application reference 13/02579/FUL and plans.
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Cabinet Member (Portfolio Holder): Cllr M. Price
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Local Member: Cllr Gwilym Butler, Cleobury Mortimer
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Appendices: Appendix 1 – Conditions.
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**APPENDIX 1****CONDITIONS**Commencement of Development

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

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

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with:-
  - i. The application form dated 2<sup>nd</sup> October 2014 and the accompanying planning statement;
  - ii. The supporting documents and appendices, namely:
    - Planning Design and Access Statement;
    - Landscape and Visual Impact Appraisal, Wardell Armstrong (09/14);
    - Extended Phase 1 Habitat Survey, Ecosulis (06/14);
    - eDNA survey. Freshwater Habitats Trust (09/14);
    - Agricultural Land Classification, Bateman North;
    - Flood Risk Assessment, H2OK (05/14);
    - Heritage Statement, AH Heritage Planning (amended report, 02/15);
    - Provisional traffic and construction management plan (TGC Renewables);
    - Rooftop, previously developed and/or non-agricultural land solar programme opportunity register. TGC Renewables.
  - iii. The permitted plans accompanying the application comprising:
    - Site Boundary, 1:10,000 (01/09/14);
    - Revised Plan, 1:4000 (22/10/14);
    - Site Design, (location) 1:4000;
    - Site Design, (location) 1:2000;
    - Site Design, (access) 1:1000;
    - 232-05-PV-High Point Farm, Site Design, (Access Plan)(TGC Renewables);
    - 2V Racking System;
    - GCS0016-1, GCS0016-2, GCS0016-3, GCS0016-4, GCS0016-5; GCS0016-6) Substation (proposed elevations based on 33kw looped connection building) (6 plans, Western Power Distribution);
    - NT11742/001/01; Fig 1, Zone of Theoretical Visibility and Viewpoints;
    - Zone of Theoretical Visibility, 1:35,000;
    - Zone of Visual Influence, 1:75,000;

- NT11742/001/02; Fig 2, Sensitive Receptors;
- NT11742/001/03; Fig 3, Landscape Designations;
- NT11742/001/04; Fig 4, Access Network;
- NT11742/001/05; Fig 5, Landscape Character Areas;
- NT11742/001/06; Fig 6, Topography;
- TGC/PV001; 2.0m Deer Fencing (amended plan);
- TGC/PV002; HV Standard double gate configuration;
- TGC/PV003; Inverter Cabin;
- TGC/PV004; CTV System;
- TGC/PV009/01; Comms Building;
- TGC/PV010; Switchgear Housing;

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

- Response to Sightline Landscape Report, Wardell Armstrong (01/15);
- Great Crested Newt Habitat Suitability Index, Ecosulis, (01/15);
- All Ecology, Great Crested Newt Method Statement;
- Agricultural Land Classification Report, North Letherby (02/02/15)
- Email from TG Renewables to Shropshire Council (response to objectors), (28/10/14);
- Email from TG Renewables to Shropshire Council, (revised fencing details)(18/02/15).

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Site Boundary 1:10,000), hereinafter referred to as 'the Site'.

Reason: To define the permission.

#### Construction Management Plan

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

Reasons: In the interests of highway safety

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

#### Access

5. The sole access to and from the site during construction and throughout the subsequent operational phase shall be by means of the route shown on the approved location plan reference 'Site Boundary', 1:10,000.

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

#### Landscape and Ecological Mitigation Plan

- 6a. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with a scheme which shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- b. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.

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

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

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

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

#### Arboriculture

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

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

#### Ecology

9. A habitat management plan shall be submitted to and approved by the local planning authority prior the start of development. The plan shall include:
- i. Description and evaluation of the features to be managed;
  - ii. Ecological trends and constraints on site that may influence management;
  - iii. Aims and objectives of management;
  - iv. Appropriate management options for achieving aims and objectives;
  - v. Prescriptions for management actions;
  - vi. Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - vii. Personnel responsible for implementation of the plan;
  - viii. Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

- 10a. Work shall be carried out strictly in accordance with the Great Crested Newt Method Statement by All Ecology dated January 2015.
- b. Prior to the commencement of work on site a minimum 10m buffer shall be fenced off between the woodland edge of Gaudywood Park and the access track. No access, material storage or ground disturbance should occur within the buffer zone, except for pre-existing gateways.

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

Notes:

- i. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- ii. *Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

- 11a. No development hereby permitted, including ground disturbance, siting of plant, equipment, buildings or bunds, shall take place within 2 metres of any hedgerow, without the prior written approval of the Planning Authority.
- b. No trees or hedges are to be removed without the prior written approval of the planning authority.

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

#### Fencing

12. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference TGC/PV001; 2.0m Deer Fencing (amended plan).
- b. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference TGC/PV004 (CCTV System).

Reason: In the interests of and visual amenity and privacy.

#### Archaeology

- 13a. No development approved by this permission shall commence until a scheme identifying a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a written scheme of investigation which shall make provision for the following:
- i. Geophysical survey prior to the commencement of construction works on site.
  - ii. Targeted evaluation trenching if the results of the geophysical survey indicate that this is necessary.
  - iii. Implementation of an archaeological watching brief in all areas of ground disturbance within the site.
- b. If any significant archaeological remains are identified within the site and tested by evaluation then development in such areas shall be subject to the non-intrusive construction methods including:
- i. Concrete shoes;
  - ii. Above ground cable trays;
  - iii. Realignment of the arrays to avoid archaeological remains.

The areas in which non-intrusive construction methods shall be employed shall be agreed in writing by the Local Planning Authority prior to the commencement of construction works in the affected areas.

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

Noise

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

Reason: In the interests of residential amenity.

Amenity complaints procedure

15. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
  - ii. Reporting the results of the investigation to the Local Planning Authority;
  - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

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

Final decommissioning

- 16a. No re-placement of any solar panels within the Site at the end of their planned design life shall take place under the terms of this permission.
- b. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 30 years of the date of this permission and the Site shall be reinstated as an agricultural field. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

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

Notes:

- i. *The typical design life of modern solar panels is up to 30 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.*
- ii. *For the transformer installation, the applicant should consider employing the following measures:*
  - *Surface water soakaways;*
  - *Water Butts;*

- *Rainwater harvesting system;*
- *Permeable surfacing on any new driveway, parking area/ paved area;*
- *Greywater recycling system.*