

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

REPORT

1.0 THE PROPOSAL

1.1 The planning application is for the construction of an underground water turbine adjacent to the Shrewsbury Weir to generate hydroelectricity. The proposed development would include a below-ground turbine house containing the water turbine and other equipment; a new fish pass to replace the existing fish pass; a fish bywash and debris channel. A stone-clad building would provide access to the turbine room. This would have an octagonal shape with a conical roof, and measure 3.2 metres to crenellations, 3.9 metres to apex and 2.4 metres wide. A substation would be provided, set back from the turbine by a few metres. This would replace the existing electrical control box on the same site which is associated with the fish pass. The substation would measure 3.1 metres x 2,8 metres x 3,4 metres high. Other elements of the proposed development include the installation of 1.1 metre high railings around the turbine.

1.2 The turbine would be expected to generate approximately 1.7 million kWh of electricity per year which would be exported to the National Grid.

2.0 SITE LOCATION/DESCRIPTION

2.1 The turbine would be constructed at the southern side of the River Severn, adjacent to the existing weir in the Castlefields area of Shrewsbury. The overall site area is approximately 0.4 hectare, with the turbine and associated structures occupying an area of ground measuring approximately 90 metres x 15 metres.

2.2 To the southwest is Castle Walk, an informal recreation area including grassland and woodland. At the southwestern end of Castle Walk is a children's play area, beyond which is a path and cycle path which runs between a footbridge over the river and the Underdale Road to the south. Access to the site, for construction and ongoing maintenance, would be from Underdale Road, via an existing track which runs along the eastern side of the Castle Walk recreation area.

2.3 The nearest residential properties to the site are those along Underdale Road to the southeast. The closest of these is 65 metres from the turbine; the rear garden area abuts the edge of the site. The nearest properties on the northern side of the river are approximately 100 metres away.

2.4 The site lies within the Shrewsbury Conservation Area. The site lies within Flood Zones 2 and 3. This part of the River Severn (Montford to Shrewsbury) is designated as a Wildlife Site. The Castle Walk area is a former landfill site. The northern extent of this is at the point where the land slopes down towards a level area adjacent to the river..

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 A decision by Planning Committee is required as part of the application site is owned by Shropshire Council and the proposal is not in line with the Council's statutory functions. Additionally the Local Member has requested that the application is

decided by Planning Committee, and this has been agreed by the Chairman in consultation with the Principal Planning Officer.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

4.1.1 **Shrewsbury Town Council** Supports in principle. It should be noted that the Town Council owns part of the land on which this application is to be based and any comments made by the Town Council should not be construed as a tacit permission to proceed with development on their land. Members are of the view that this application has such prominence in the town and in the heart of the Conservation Area that it should not be considered under Officer Delegation, but by the Planning Committee. The Town Council is supportive of the principle of developing a hydro-scheme at the Weir, however the devil in the detail of this application will determine the success of such a scheme. In particular members would wish to see greater detail on the impact on Castlewalk as a valuable amenity area. Further detail should be submitted in terms of the design proposals for the hard infrastructure and in particular its impact from the adjacent river bank. Members also remain cautious about the loss of very mature trees and the impact of such on the visual amenity of the area. Replanting areas should also be reconsidered particularly in view of the former use of Castlewalk as a tip and the need not to break the protective capping over the area

4.1.2 **Environment Agency** No objections.

Environment Agency Permits: In addition to any planning permission, hydropower schemes require a number of permits and consents, including water resource license(s) (abstraction and/or impoundment), flood defence consent (including temporary works consent) and fish pass approval. We also have a regulatory duty to ensure that schemes are in compliance with environmental regulations such as the: Water Framework Directive - the freedom of movement of fish, upstream or downstream, is an important component of achieving or maintaining good ecological status; and Salmon and Freshwater Fisheries Act (1975) – we are required to maintain, improve and develop all freshwater fisheries, and to ensure the free passage of migratory salmon and sea trout.

An application for an Environmental Permit (EP) for the scheme has been received and is currently being reviewed.

Flood Risk: The site is located within Flood Zone 3 of the River Severn, based on our 'indicative' Flood Map for Planning (Rivers and Sea). This zone comprises of land assessed as having a 1 in 100 year or greater annual probability of river flooding (>1%). The FRA has utilised data from your Council's Level 2 Strategic Flood Risk Assessment (SFRA) for Shrewsbury and an updated model produced by Atkins in 2012, including cross sections. The baseline model is considered to be in accordance with our own levels and flood extent outlines in this location. We note the FRA has used the baseline model to determine impacts on flood risk (levels) post development, including the loss of flood storage associated with the proposed powerhouse. The FRA demonstrates a small reduction in flood levels and in

consideration of the expected tolerances from the modelling technique used, the development is unlikely to impact on flood risk.

The FRA has not referred to the impact on flood flow routes as a result of the proposed powerhouse. However, based on the topography of the area, this is considered unlikely to have a significant effect.

The development may be at risk of flooding and it is advised that any flood susceptible equipment is sited 600mm above the 1% plus climate change flood level (or nominal level) or flood proofing is considered, in the interest of the applicant's operational issues and of course safety. Given the nature of this type of proposal, we would advise that safe access is considered as a less critical risk i.e. the proposed development may not be accessible in design flood events.

Biodiversity:

Fisheries

The proposals include the replacement of the existing fish pass on site. Under the Salmon and Freshwater Fisheries Act (1975), any new fish pass will require Fish Pass Approval, in addition to any planning permission. For completeness, the design of the proposed fish pass is being considered by the Agency's National Fish Pass Panel as part of the current EP application. The type and design of the fish pass proposed is considered generally acceptable.

As part of our consideration of the Flood Defence Consent, including the temporary works consent, we are likely to require an assessment of the impact on fish passage (fisheries) during the construction phase to help inform any necessary mitigation measures required. These should be appropriate to maintain the free passage of migratory salmon and any other relevant protected fish species.

Hydrogeomorphology

We have received the Hydromorphological and Geomorphological Investigation Reports as part of the EP application. Whilst these reports have not been submitted as part of the planning application, the Environmental Report submitted summaries the investigations undertaken and without prejudice to the EP, we do not foresee any significant cause for concern at this time.

Biodiversity

Protected species are a material consideration and any impacts on them must be established, and mitigation (for protection and enhancement of such) agreed. A superficial wildlife survey of Shrewsbury weir was undertaken in 2012 (Wildlife Service's Protected Species Survey Report, May 2012), as referenced within the Environmental Report. The Report found no evidence of any protected species in the areas surveyed, although several trees located on the boundary of the proposed development site were noted as having potential for roosting bats and nesting birds. However, the area is designated as a Local Wildlife Site, in recognition of the importance of the area as a wildlife corridor.

The proposals include the removal of 7no. trees, which will be replaced by 12no. new trees. Your Council, in discussion with Natural England may wish to secure the provision of bat boxes, to help mitigate any potential loss of bat roosting habitat.

Notwithstanding the above, our records indicate that otters have been seen along the River Severn in this location but we are not aware that there are otter holts present at this time. For completeness, otters and their resting sites are protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. It is unlikely that the development will have significant impacts on otters, however, Natural England's standing advice should be referred to and no obstacles are located on the banks which may impede otter movements along the river and no artificial lighting shall be used between dusk and dawn.

Water Framework Directive: The proposed development site is located within a catchment classified as a 'moderate' waterbody. Any development should not cause any deterioration in water quality or hamper efforts to improve waterbody status to 'good' by 2027 and should provide opportunities to meet the good status objective. Policy CS18: Sustainable Water Management of your Council's adopted Core Strategy (March, 2011) outlines '*wherever possible, new development contributes to achieving these objectives, by protecting and enhancing water quality within Shropshire*'.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

- 4.1.3 **Natural England** No specific comments to make. The application does not pose any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response.

The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.

In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application.

Protected species: Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application.

Local wildlife sites: If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of

the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

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

Landscape enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

- 4.1.4 **SC Drainage** No specific comments. The River Severn is a Main River. Consent is required from the Environment Agency for the works which are within the channel of the river / 8m from the bank of the river.
- 4.1.5 **SC Public Protection** No objections. Notes that the noise generating equipment will all be beneath ground. In relation to noise a combination of existing noise and distance to nearest residential properties gives confidence that no noise issues will be likely should this application be granted approval.

The proposed development site is adjacent to the former Castle Walk Landfill site. This landfill was in operation from approximately 1957-69 and the sloping masonry wall running parallel to the River Severn marks its most northern extent. The absence of landfill material in any of the boreholes located between the site and the river confirmed this. In 2004 a detailed site investigation and risk assessment of the Castle Walk Landfill was carried out on behalf of the former Shrewsbury & Atcham Borough Council. The results of the groundwater sampling and preliminary modelling indicated that the landfill is acting as a source of contamination. Public Protection routinely carries out monitoring to check contaminant levels leaving the site and ensure that the situation remains stable. It does this by sampling through boreholes.

One of the above mentioned boreholes is located in the area of the proposed turbine house and would be lost as a result of the development. Public Protection would require the developer to replace this borehole the same specification as originally installed at no cost to the Council and it is therefore recommended that a condition is imposed to require a borehole to be installed to a specification and location approved by the local planning authority (see Appendix 1).

The landfill site is still generating elevated levels of landfill gas and carbon dioxide was recorded at the time of the 2004 investigation attributed to the landfill with the possibility of some being produced by natural sediment deposits. The turbine house

will be below ground and therefore there are potential risks to construction workers from exposure to asphyxiates and flammable gases, contaminated soils and groundwater during construction and also to users/visitors of the site post development when entering a below ground confined space. Planning Policy requires a developer to undertake risk assessments sufficient to demonstrate to the local planning authority that any proposals adequately mitigate any potential hazards associated with ground contamination, including gas. A condition should be imposed to require the submission of a Site Investigation Report, and provision for remediation in the event that the site is found to be contaminated (see Appendix 1).

4.1.6 **SC Ecologist** Recommends conditions and informatives.

Protected sites: The development would be within the River Severn (Montford – Shrewsbury) Local Wildlife Site. Shropshire Wildlife Trust have provided comments and consider that the scheme should be amended to ensure that the walls to be introduced on the river bank do not present a barrier to movement of species such as otter and suggest installing gabions as one option. Subject to this they have no objection to the scheme in relation to the Local Wildlife Site.

Invasive species: The application site contains frequent Himalayan Balsam. This species is classified as an invasive species and is included within The Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) (Statutory Instruments 2010 No. 609). This makes it an offence to release, allow it to escape, plant or cause it to grow in the wild. Shropshire Wildlife Surveys (2012) provide Environment Agency guidelines on developing on ground with this plant.

Manual or non-chemical control is preferred on the banks of the River Severn Local Wildlife Site. Regulations restrict use of herbicides adjacent to watercourses and the Environment Agency can advise on this. Further information can be found here: <https://www.gov.uk/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

Snowberry was also recorded in 2012 and is also invasive, although not included in the Wildlife and Countryside Act. This species should also be removed in a controlled manner to prevent spread.

An informative should be added to any decision notice in respect of Himalayan Balsam (see Appendix 1).

Otter: Shropshire Wildlife Surveys visited the site on February and May 2012 and reported no evidence of otters. Otters have been seen throughout the River Severn through Shrewsbury. The Council's Ecologist visited the site in April 2015 and saw no otter holts visible on the application site. This location is open to public access and dog walkers, which is likely to dissuade otters from creating a holt here. The Conservation of Habitats and Species Regulations (2010) protect (amongst other things) breeding sites and 'resting or sheltering places' of otters, but not their wider habitats. Otters have a large territory, with about 18km being a typical length, therefore as the Environment Agency state, the scheme is unlikely to have significant impacts on otters.

The Council's Ecology team concur with the Environment Agency view that no obstacles should be located on the banks which may impede otter movements along the river. Alterations to the scheme have been submitted to allow otters to come ashore. A condition is recommended requiring details of this to be submitted prior to commencing works (see Appendix 1).

Bats: Shropshire Wildlife Surveys (2012) assessed the potential for trees within and beyond the application site boundary to contain bat roosts. The Tree Survey reports that the proposal would involve the removal of 7 trees. The trees being removed are weeping willow, crack willow, ash and an alder. The ecologist reports one damaged willow tree on the eastern boundary of the works with potential for episodic use by bats. This is not shown for removal, however it is recommended that a suitably licenced ecologist inspects the trees again prior to removal to check for evidence of bats and appropriate precautions to protect bats taken if necessary.

The river corridor will be an important bat foraging and commuting route. The increase in number of trees will provide a long term gain to this function. It will be important not to introduce lighting in this area to avoid affecting its use by bats. The recommendation to introduce bat boxes as compensation is welcomed and a condition relating to external lighting is recommended (see Appendix 1).

Nesting birds: Although no bird nests were recorded in the 2012 survey it is quite likely that birds could nest in the trees to be removed. It is recommended that the tree works are carried out between September and February inclusive and bird boxes are installed to compensate for the (temporary) loss of nesting sites. It is requested that consideration should be made for inclusion of an artificial kingfisher nest tunnel in the scheme. A condition requiring provision of artificial nests is recommended (see Appendix 1).

Environmental Permit issues including fish: The Environment Agency has received an Environmental Permit application. This application includes consideration of migratory salmon and other relevant protected fish species, including design of the fish pass therefore no comments are provided on these matters. As requested by the Environment Agency, conditions should control pollution. These should ensure that there is no possibility of contaminated water entering and polluting surface or ground waters.

- 4.1.7 **SC Trees** No objections, following receipt of amendments to the proposed tree planting scheme (drawing 1001 rev. 5 dated 27.05.2015), subject to a condition requiring the implementation of the tree protection measures set out in the submitted Tree Survey report (see Appendix 1 for condition). Some of the trees to be removed are mature specimens. The tree cover will initially be eroded by the loss of these trees although mitigation in the form of well-placed replanting scheme could lead to a long term improvement in the age, diversity and structure of the riverside trees.
- 4.1.8 **SC Highways** No objections in principle, however no details have been supplied regarding the access to the facility other than outline information contained in the Design & Access Statement, which indicates that access will be via the existing track through the recreation ground. Whilst there is no issue with the principle of this access being used, a suitable surface will be required depending upon the level of

usage and the type of vehicles required to access the site. Due to the nature of this facility, it is understood that there will be high volume of large vehicle movements to the site during the construction of the project, but once completed the number of vehicles required to access the site for on going operations and maintenance should be low and infrequent.

Discussions will need to be held regarding the routing of construction traffic to the site due to a number of local constraints. It is considered that issues surrounding access can be resolved at a more advanced stage of the project and therefore a condition is recommended to deal with access and construction management (see Appendix 1).

- 4.1.9 **SC Rights of Way** No legally recorded public rights of way will be affected by the proposals.
- 4.1.10 **SC Archaeology** No comments to make.
- 4.1.11 **SC Conservation** No objections, subject to conditions. The location where the weir spans the River Severn is part of the Shrewsbury Conservation Area, with the south easterly bank and associated lands within the 'Underdale Road Special Character Area' and the north bank and associated lands being part of the 'Castlefields and Spring Gardens Special Character Area'. There are no listed buildings within the immediate vicinity of the weir however the weir is a visual feature within immediate and wider views and vistas from both sides of the river within the Conservation Area.

Principles of Scheme: There is no objection in principle to the proposal as it would appear from the photomontage and site plan that the proposed facility would likely not further disrupt the character and appearance of the Conservation Area and would generally have a neutral impact on wider views and vistas along the river. The proposed turbine hall would likely be the most visible feature and conditions should be imposed in terms of its detailed design and external materials to ensure it and any other built features harmonise with the surrounding environment.

Recommendation: No objections raised in terms of historic environment matters, subject to the comment on detail noted above, and the inclusion of the following conditions: C1 and C2 (External materials), and D3 (Enclosures re proposed gates and railings, including their decorative finish).

- 4.1.12 **Shropshire Wildlife Trust**
Shropshire Wildlife Trust believes that climate change poses a significant threat to our biodiversity and so supports appropriate renewable energy generation schemes.

The proposed installation of an underground water turbine alongside the Shrewsbury Weir has a number of potential ecological impacts.

Construction impacts

There is scope during construction for contamination or pollution to occur; pollution prevention guidelines must be followed and Environment Agency consent obtained.

- Modifications to water flow affecting fish and eel movements.

We understand that a new fish pass of an improved design will be incorporated into the scheme and that this has been designed to latest Environment Agency guidance to accommodate a range of fish species and eels. The need for fish pass approval and the legal requirements preventing barriers to eel movement should ensure there are no adverse impacts to these species and if anything the current situation is improved.

- Tree removal

We are satisfied that the trees lost to the development will be replaced by a greater number of appropriate native tree species and there is unlikely to be a long term ecological impact. We would however recommend that care is taken in selecting and sourcing tree species to ensure those most appropriate to the setting are chosen and that the chance of introducing any disease or pests is removed.

To ensure that the ecological value of the site is maintained, and to potentially provide ecological enhancement, we would recommend a series of bat boxes are installed as per the ecological report.

- Disrupting species movement along river banks.

The construction of walls along the southern bank has the potential to affect the movement of species such as otter who are known to feed and travel along this stretch of the River Severn. The fish pass and bywash have the capacity to allow otter movements. The inclusion of gabions to facilitate mammal access and enable species such as otter to access the path/bank at the top of the wall are welcomed. The detailed design will need to be confirmed as suitable for the species concerned, most notably otters. This could be achieved by providing gabions at a suitable slope or in a series of suitable sized steps to cover a reasonable range of water level. This matter could be covered by a condition that a detailed design should be submitted and approved prior to commencement of works. Shropshire Wildlife Trust would be happy to assist in this process if required.

The majority of the River Severn, including the application site, is designated as 'Local Wildlife Site' and a 'Core Area' in Shropshire Environmental Network. Planning policy therefore requires that protection and enhancement measures are incorporated into the scheme.

Subject to otter movement being unimpeded (via installation of gabions or other amendment to the scheme) and the ecological protection and enhancement measures being agreed, Shropshire Wildlife Trust has no objection.

- 4.1.13 **Shrewsbury Friends of the Earth** Supports the application. Careful consideration has been given to the design and the construction required. This scheme improves the existing fish pass without damage to the weir and will provide a valuable contribution to the renewable energy mix of Shropshire. It is important to develop low carbon energy production in order to combat the threat of climate change. Many small scale hydro schemes are being installed across the UK and using the River Severn to generate electricity in this way is a good idea.

- 4.1.14 **South Shropshire Green Party** Supports the application. Small scale hydroelectricity projects are essential to meet the renewable energy targets that are essential if global warming is to be seriously tackled. We want to see a reduction in greenhouse gasses of 90% by 2030. This is a responsible, carefully planned project that is important not only in the provision of renewable energy, but as an example of good practice for others to emulate. Small scale and community projects will make a significant contribution to short and medium term energy provision, and should have the full support of the Council.
- 4.1.14 **Shropshire Anglers Federation** [Comments made by Chairman of the SAF, managing agent for Shrewsbury Council and Shropshire Council for Council-owned waters portfolio of river and pool]:
- Proposal may create irreversible ecological issues that have not been addressed fully
 - No assessment or notice of temporary fish pass whilst under construction has been undertaken or reported. Although referred to in mitigation that the “old fish pass” would be utilised during this period. No consultative evidence is offered of the ability of this old fish pass as in cost of regeneration or most importantly functionality of the pass for temporary usage
 - No reference to the displacement of the Otter Holt which has existed for the last two years, has been addressed; set is less than twenty five yards from the mouth of the existing Underdale side fish pass; it is my understanding legislation prohibits such interference
 - Weir Pool flow will be altered and render Weir Pool Sydney Avenue side to reduced function in regard to salmon fishing with financial implications to SAF and council alike. This mitigation is supported by the APEM consultative and other reports similar in nature
 - Local resident share capital minimum needed 1.3 million to 2.3 million required. Commercial share capital should not be entertained. Neither should share capital funding be attained beyond the confines of the Shrewsbury Borough as the project is intended and implied as a community enterprise
 - As Weir flow will be side tracked into hydro unit, the ecological fall out will be immense. Sweden has had Hydro Power for 40 years and due to the ecological disaster, now spending a fortune removing all and any such units. The Weir in function is already in “in-balance” highlighted in the APEM report demonstrating a high proportion of flow deep into the Sydney Avenue elevation, even at a Q50 flow clearly demonstrated. To reduce functionality flow further to the turbine will render little or no water flow on the Weir crest from centre point to the Underdale side
 - Will result in damage to the immediate ecology and to migratory salmon or coarse from holding in the Weir Pool due to severe reduction in oxygen generation of Weir toe and flow
 - In “summer level” extreme low water conditions, fish stocks will not have the previously availed haven to hold in the Weir Pool. Attempting to obtain extra oxygen that has been depleted due to water level and water temperature, very much a requirement in late summer for the purpose of spawning recovery
 - Reduced river flow over the Weir will result in further silting of this section of river, adversely affecting “river flood prevention measures” and the immediate foundation of the Sydney Avenue catchment of stone, pebble and gravel. Without question a prime spawning ground for all coarse fish and holding water for migratory species. River flow in this section as a whole will be that of reduced

- oxygen level, silting of gravels due to altered flow pattern, creating new bank erosion sites along the immediate river bank
- No assessment of the effect and consequence of the Electricity feasibility study, or how both Shrewsbury Hydro and the Electricity Grid Power achieve completion on the same site, working on the same underground levels
 - Concern raised regarding construction of horizontal boreholes under the Weir as part of electricity supply
 - Impact on local residents, ecology, wildlife and fish movement due to magnetic fields created from electricity supply projects
 - Concern over impact on river flow at the toe of the Weir in flood conditions
 - Uncertainty regarding bank erosion on the left bank downstream of the Weir
 - Query whether the existing fisherman's walk to the beach downstream will be reinforced / rebuilt / replaced
 - Embankment between the river and roadway of Sydney Avenue will come under increased pressure of erosion due to the change in river flow

4.2 Public Comments

4.2.1 The application has been advertised by site notice and in the local press. In addition 31 residential properties in the local area have been individually notified. Nine objections have been received, and 27 letters of support and one general comment have been received.

4.2.2 Objections have been made on the following grounds:

Environmental

- Extending the white water by 14 metres on a slack water side of the river is an environmental disaster
- boaters and wildlife have no way of ascending the weir
- impact on otters, mink, ducks, and swans, from loss of corridor, especially when the young have been swept over the weir
- impact on buzzards, woodpeckers
- loss of mature woodland trees and bat roost
- concrete monstrosity will be a blot on the landscape, a blight on a conservation area and beauty spot
- large volume of excavation required
- construction traffic will blight the park with potential safety issues for children and animals
- construction noise, particularly if involves driven piles
- operational noise
- loss of riverbank access and amenity
- flooding area likely to increase due to faster flow and narrower river width
- disruption to residential area
- will result in reduced dissolved oxygen levels below the weir, which will reduce all marine life in the river
- huge concrete walls are ugly
- concern that the generator could become a visitor centre, and will need parking and amenities such as washrooms
- new substation is immense in comparison with the existing small box, will be very intrusive

Private property

- Development encroaches onto private land
- impact on easement of water and right of way by foot and boat, and mooring and fishing rights
- loss of entitlement of enjoyment of our land and possessions.

Technical

- public safety, and health and safety, concerns
- queries whether vandal-proof
- any overground cables necessary would be an eyesore
- photovoltaic cells or a series of mini water wheels could be guaranteed to match the project output
- project has a heavy carbon footprint with cement production and transportation unlikely to be offset by the electrical output
- solar panels would be more practical

Viability

- queries over financial viability of project
- concern that project may be left unfinished if finances not secured in advance
- queries on plans to restore the site should the scheme prove uneconomic to maintain or repair
- query whether climate change has been taken into account in power estimation calculations, with increased drought or high flow periods
- would create negligible amounts of power

4.2.3 The reasons for support are:

- Castlefields Weir is unique as the only current structure suitable for hydroelectric generation on the Severn in Shropshire
- Proposal for community-led and community-owned turbine is a very welcome initiative
- Hydroelectric is a very valuable source of low-carbon electricity and a key part of the renewables mix, essential to enhancing energy security
- Proposal chimes with both local and national planning policy
- Proposal will minimise impacts on ecology, hydrology and visual amenity
- Will be an attractive feature
- Will enhance interest for visitors, educational groups and public
- Will produce significant amounts of renewable energy for much longer than a wind turbine or PV system
- Will have community benefit spin offs
- Disruption during construction will be short lived
- Tree replanting can screen the inconspicuous structure
- Low level stone clad construction is more attractive than the current dull concrete slope
- Will provide an improved fish pass
- Proposal would marginally reduce the risk of flooding
- Proposal conforms with the Shropshire Community Strategy, the tourism strategy and the Marches LEP Strategy for Growth

The general comment:

- Questions over financial viability of project

Further details required over environmental impact, construction logistics (noise, duration, disruption etc.) and operation (noise, maintenance, and functioning during high and low river flows)

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design; impact on Conservation Area
- Water environment and flood risk considerations
- Local amenity considerations
- Ecological considerations
- Pollution considerations
- Highways, traffic and construction considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

6.1.2 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

6.1.3 A number of objections to the proposal state that the proposal would provide a negligible amount of electricity. The proposed turbine is expected to generate approximately 1.7M KWh of electricity which is equivalent to supplying approximately 406 typical households per year. The application states that this would save up to 1000 tonnes of CO₂ emissions each year compared to the same amount of electricity produced by a conventional power station. The NPPF states that applicants for energy development are not required to demonstrate the overall need for renewable energy, and advises that recognition should be given that even small-scale projects provide a valuable contribution to cutting greenhouse emissions.

6.2 Siting, scale and design; impact on Conservation Area

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local

character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. The application site lies within the Conservation Area and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to preserving or enhancing the character or appearance of the Conservation Area. In addition section 12 of the NPPF provides further advice in relation to development within Conservation Areas.

- 6.2.2 Proposed structures: The proposed turbine would be sited partly on land currently occupied by the fish pass at the southern side of the river. The principal element of the proposed development would be the turbine house, and the roof of this would be at the level of the adjacent ground. The safety railings, at 1.1 metres high, would be similar in scale to the railings around the existing fish pass. The other principal above-ground elements would be the turbine tower and the replacement electricity substation. The turbine tower would improve access to the turbine house below. It would be octagonal in shape, and clad in Grinshill stone, and it is considered that this would improve the appearance of the structure, and would be preferable than an otherwise more functional design. The proposed replacement substation would be significantly larger than the existing substation. However it would be set back from the river edge and would be sited within an area of trees and other vegetation. This, and the proposed green colour, would help to reduce its visibility when viewed from the principal public viewpoints on the northern side of the river.
- 6.2.3 Tree issues: The application proposes the removal of seven trees from adjacent to the river bank in order to facilitate the installation of the turbine. The application is supported by a Tree Survey report which identifies that five of these are of moderate quality (a weeping willow three crack willows and an ash) and two are of low quality (a small ash and a small alder). The Council's Tree Officer notes that some of these are mature specimens and that the existing tree cover would initially be eroded by the loss of these trees. However the Officer considers that the proposal to replace these with twelve trees, set slightly further back from the river bank, could lead to a long term improvement in the age, diversity and structure of the riverside trees.
- 6.2.4 The removal of seven trees would inevitably have some adverse impact on the visual character of the area, including views from the public path on the northern side of the river. However it should be noted that the wider area on the southern side of the river is well vegetated with a variety of trees along the riverbank and additional vegetation on the bank further back from the water's edge. This vegetation would be retained and the development would be seen against this backdrop. As such it is considered that this short-term impact can be accepted, considering also the longer term benefits from the replanting proposals.
- 6.2.5 The Conservation Officer has raised no objection to the proposal. The Officer considers that it would be unlikely to further disrupt the character and appearance of the Conservation Area and would generally have a neutral impact on wider views and vistas along the river. Officers have also discussed with the applicant the possibility of the railings being of a design to match those on the opposite side of the river. Details of materials, including those of the fish pass walls, can be agreed as part of planning conditions, as recommended by the Conservation Officer.

- 6.2.6 Overall it is considered that the overall appearance would not adversely affect the character of this part of the Conservation Area, or otherwise have an unacceptable impact upon the visual qualities of this area, subject to further controls over the specification of external materials which can be controlled through planning conditions.
- 6.2.7 Concerns have been raised that the proposed would affect riparian rights in relation to the River Severn, and that the site encroaches onto third party land. It is understood that the parties with freehold and/or a leasehold interest in the land are Shropshire Council, Shrewsbury and Atcham Borough Council and the Environment Agency. The application site abuts land owned by a resident but would not prevent access to the river from that property. The applicant has advised that it is not proposed to block the current access path that runs from this property along the riverbank.
- 6.3 **Water environment and flood risk considerations**
- 6.3.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.
- 6.3.2 The application is accompanied by a Flood Risk Assessment (FRA) and also a Hydromorphology Impact Assessment which has informed the design of the scheme. The FRA calculates that the turbine scheme would result in a small reduction in water levels on the river. It concludes that the scheme would very slightly reduce the flood risk on the river and adjacent floodplain.
- 6.3.3 The Environment Agency notes that the proposed scheme would result in a loss of flood storage due to the presence of the turbine house. However the Agency advises that, when considering the expected tolerances of the modelling technique used, the development is unlikely to impact on flood risk.
- 6.3.4 Furthermore the Agency considers that the proposal is unlikely to have a significant effect on flood flow routes, based upon the topography of the area. Whilst the concerns of the representative of the Anglers Federation regarding potential impacts on river flows and fish are acknowledged. However, as noted by the Agency, in addition to planning permission, a number of further consents will need to be obtained prior to the scheme being able to go ahead. These include a water resource licence, flood defence consent and fish pass approval. The Agency also have a duty to ensure that schemes are compliant with Directives and Acts for the freedom of movement of fish, including the free passage of migratory salmon. The Agency will be assessing hydromorphological and geomorphological issues as part of the determination of the Environmental Permit, and it has advised that they do not foresee any significant cause for concern at the current time.
- 6.3.5 In view of the above, it is considered that the planning application documents demonstrate to a satisfactory level, for land-use planning purposes, that the proposal is acceptable in relation to potential impacts on the water environment. As such it is in line with Core Strategy Policy CS18.

6.4 Local amenity considerations

6.4.1 Core Strategy Policy CS6 seeks to safeguard residential and local amenity.

6.4.2 Noise: The application states that the turbine and generator would be in a sealed, water-tight, concrete structure underground, and that no noise issues are anticipated. Further information provided by the applicant states that the only external noise would occur during those occasional times when the fish screen cleaner is in operation, to remove accumulated debris. The Public Protection Officer considers that no noise issues would be likely. The noise of water flowing over the weir is anticipated to be principal noise in the area. Whilst this noise would be lower during lower flows, the application notes that the turbine would not operate during low flows.

6.5 Ecological considerations

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

6.5.2 Concerns have been raised through objections to the proposed development over the potential impact on wildlife in the area, including otters and bats. The Environment Agency considers that the proposal is unlikely to have significant impact on otter. Nevertheless, following on from recommendations made by the Shropshire Wildlife Trust the design of the proposal has been modified to incorporate gabion walls to enable otter to access the river bank alongside the turbine. In principle it is considered that this is in line with the recommendations of the Trust. Nevertheless a condition can be imposed on any permission granted to require that the detailed design of this is submitted for approval.

6.5.3 In relation to bats, the ecological survey undertaken assessed the potential for trees within and beyond the application site boundary to contain bat roosts. The report states that one damaged willow tree on the eastern boundary of the works has potential for episodic use by bats. This tree would be retained as part of the proposed scheme. The Council's Ecologist has advised that the river corridor is an important bat foraging and commuting route, and considers that the proposed increase in number of trees will provide a long term gain to this function. The recommendations of the Council's Ecologist requiring prior approval of any lighting, and for the provision of bat boxes can be secured by planning condition.

6.5.4 Overall it is considered that the proposed scheme incorporates sufficient measures to address potential issues in relation to protected species. In addition the provision of replacement and additional trees, and bat and bird boxes would contribute to improvements to the ecological value of the area. As such the proposal is in line with Core Strategy Policy CS17.

6.6 Pollution considerations

6.6.1 Part of the Castle Walk amenity area is a former landfill site which closed in the 1960's. Whilst the proposed turbine development would be situated outside of the landfilled area, one of the monitoring boreholes is located at the turbine site. It is considered that it would be appropriate to impose a condition requiring that this borehole is replaced to a suitable specification and location, as recommended by the Public Protection Officer. The Officer has also recommended that a site investigation

report, with provision for remediation if necessary, is submitted and this requirement can be secured by a planning condition.

6.6.2 It is considered that these precautions would ensure that satisfactory provision can be made to minimise the risk of pollution.

6.7 **Highways and traffic considerations**

6.7.1 The hydroturbine would be unmanned. Access to the site would be limited to occasional maintenance and inspection visits. Vehicles associated with these visits would not need to park at the site, and would access the site on foot. It is noted that there is no provision for vehicle parking at the site. The application refers to there being occasional parties of visitors to the site. Again, any such visitors would access the site on foot.

6.7.2 Outline details of the construction phase have been submitted. The applicant anticipates that the turbine could be constructed within a single low water season. Construction vehicles would approach the site from Monkmoor Road via Tankerville Street. It is anticipated that the track from the Castle Walk car park to the site would be temporarily re-surfaced for the duration of the construction phase, and the construction area secured by fencing.

6.7.3 The Highways Officer has confirmed that the principle of the existing access track being used is acceptable, but that further details of surfacing, routing of vehicles and other construction management measures can be agreed at a later date. It is therefore recommended that a condition is imposed on any permission requiring that a Construction Method Statement and access details are submitted for approval prior to works commencing. This would control matters such as working hours, site security and the construction compound.

6.7.4 The construction of the proposed turbine, including deliveries of materials to the site, would inevitably result in some disturbance in the local area to residents and users of the surrounding public paths and amenity space. It is considered that these local impacts can be minimised through a Construction Method Statement which can be discussed and agreed with the highways team and other relevant bodies.

7.0 **CONCLUSION**

7.1 The proposed installation of a water turbine at the Shrewsbury weir would generate renewable energy for export to the National Grid, and contribute to a reduction in carbon emissions. As such the scheme is supported in principle by both national and local planning policy. The proposed turbine would incorporate a replacement and improved fish pass. Further consents will need to be obtained from the Environment Agency in relation to impacts on the river, including fish. However it is considered that sufficient information has been submitted as part of the planning application to demonstrate that the proposal would not have an unacceptable impact on the water environment and flood risk. The proposal would not adversely affect the character of the Conservation Area, and short term impacts from the loss of trees would be mitigated in the longer term by the planting of additional trees. The operation of the turbine would not adversely affect local amenity or the ecological value of the area. Temporary localised impacts from the construction of the turbine can be management through a Construction Method Statement. On the basis of the

above it is considered that the proposal is in line with the Development Plan and as such it is considered that planning permission can be granted subject to the conditions set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

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

9. Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

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

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS8 (Facilities, Services and Infrastructure Provision)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire's environmental assets
- Policy CS18 (Sustainable Water Management)

10.2 Central Government Guidance:

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

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

The PPG states that:

- All communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy

automatically overrides environmental protections and the planning concerns of local communities (para. 003).

- The need for renewable or low carbon energy does not automatically override environmental protections
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

In relation to proposals for hydropower, the PPG states that planning applications should normally be accompanied by a Flood Risk Assessment.

10.3 Emerging policy:

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

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

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

10.4. Other relevant considerations

Shrewsbury Place Plan: This is a material planning consideration. The Place Plan provides details of community priorities for infrastructure and investment needs for the area. The Shrewsbury Weir Hydro Scheme is listed in the “Environmental” theme of the Shrewsbury Place Plan. The scheme is listed as a key priority in the schedule of wider investment priorities for the town. The notes state: “Dependant on results of detailed feasibility study (currently ongoing) and funding availability. An offline solution on the fish pass may be acceptable from a flood risk perspective, but any raising of the weir to provide navigation or a larger scale hydropower project is likely to cause issues in relation to flood risk. Shrewsbury Town Council owns some of the land but is happy for it to be utilised for the scheme”.

10.5 Relevant Planning History:

12/03678/TCA Lift branches from two areas of various trees within Shrewsbury Conservation Area (Underdale Road Extension) NOOBJC 25th September 2012
SA/82/1080 Use of land as public open space, creation of cycleway along existing footpath and construction of a replacement footpath. NOOBJC 29th December 1982

11. Additional Information

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

The application ref. 15/01395/FUL and supporting information and consultation responses.

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Miles Kenny (Underdale)

Appendices

APPENDIX 1 - Conditions

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STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

5. Prior to the occupation of any buildings on site details of all walls, fences and hedges shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

6. No development shall take place until details of the means of access, including the layout, construction and sightlines, have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory means of access to the highway.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

8. No development hereby permitted shall take place until details of the location and specification of a landfill site monitoring borehole have been submitted to and approved in writing by the local planning authority. The submitted details shall include details of the timescale for the installation of the borehole. The borehole shall be installed in accordance with the approved details and timetable.

Reason: To facilitate continued monitoring of the adjacent former landfill site.

9. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors

10. No development shall commence until detailed plans showing alterations to the scheme to allow free access for otters to move through the River Severn corridor, including gabions, have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: to protect otters, a European Protected Species.

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

11. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species.

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

12. The approved measures for the protection of the trees as identified in the agreed "BS5837 Tree Survey for proposed hydro-electric scheme, Method Statement and Tree Protection Plan: Surveyor: Jim Unwin Date: April 2012" shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation shall be made from the approved tree protection plan without the written agreement of the Local Planning Authority.

Reason: To safeguard retained trees which are important to the appearance of the development.

13. A total of three woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the development hereby permitted as recommended in the Protected Species Survey Report by Shropshire Wildlife Surveys dated May 2012. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

14. Prior to the first operation of the development details of a minimum of five artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and kingfisher shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the operation of the development.

Reason: To ensure the provision of nesting opportunities for wild birds.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. The local planning authority has worked in a positive and proactive way in determining this planning application, as required by paragraph 187 of the NPPF, in order to address issues raised and secure an acceptable development.
3. Himalayan Balsam is an Invasive Non-Native Species listed on Schedule 9 of the Wildlife and Countryside Act. Any soil excavated that contains parts of this plant is classed as 'controlled waste' and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991.
4. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

It is recommended that a suitably licenced ecologist inspects the trees again prior to removal to check for evidence of bats and appropriate precautions to protect bats taken if necessary.

5. 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, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: 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.