

Grahame French
Development Management
Shropshire Council
Shirehall
Shrewsbury
SY2 6ND

Your Ref: 14/04930/FUL
Our Ref: gc_101214_objection 14_04930_FUL

10 December 2014

Dear Mr French

14/04930/FUL Construction of a solar farm of size 10.99ha; inverter cabins, transformers, two sub-station cabins, two ancillary equipment cabins; pole mounted CCTV cameras; security fencing; continued use of land for agricultural purposes, Land North Of Henley Common, Henley Lane, Acton Scott, Shropshire

This detailed response is in addition to the standard response from the AONB Partnership already posted to the Council planning website.

The Shropshire Hills AONB Partnership objects to this application. The development would introduce an industrial scale installation into a high quality rural landscape, changing its character fundamentally and causing unacceptable harm to the special qualities of the AONB. The application documents consistently undervalue the AONB and underplay the significance of the development's impact, in ways that leave them seriously flawed. For example the AONB is described as 'a single receptor' and the impacts 'of not more than local importance'. The AONB is of course a national designation protecting a nationally important landscape. The concept of 'receptors' is established in visual impact analysis, though the large area of the AONB cannot be considered a single receptor, and the narrow consideration of visual aspects is not at all in line with government policy giving AONBs '*the highest status of protection in relation to landscape and scenic beauty*'. Landscape and scenic beauty are broad factors, and the analysis of impacts of this development do not at all reflect this. The Landscape and Visual Impact Assessment referred to is not in fact even published with the application documents, but we have taken account of the assessment published with the previous application. This assessment focuses its consideration of landscape character too much on the landscape 'types', without addressing adequately the significant effects of the proposed development on the intrinsic character of the area in question. A short section (6.3) of the Planning Statement purports to cover 'Landscape and visual impact' but in fact talks only about visual aspects. The significant impact on landscape character from the addition of large scale industrial structures is the key factor on which this application turns, but has, for convenience of the applicant, been substantially overlooked. This is also crucial in that the proposed mitigation measures, while perhaps going some way to address visual impacts, do not and cannot mitigate the change to landscape character resulting from the new structures, which in addition to 19,608 solar panel modules, include several cabins, transformers, CCTV and security fencing.

We consider therefore that **the proposed development does not comply with para 115 of the National Planning Policy Framework:**

*115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have **the highest status of protection in relation to landscape and scenic beauty**. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.* (emphasis added)

The applicant's Planning Statement does not refer to this section of NPPF or explain how they believe it is met, and is therefore flawed. **Notwithstanding this omission, the applicant's agent appears to make the case that the sections of NPPF quoted in support of renewable energy (para 93) apparently 'trump' protective policies on AONBs.** This is not sound or borne out by an accurate reading of NPPF. The policies in favour of particular development types are generalised policies for the whole country, while the AONB policies are 'area specific' and therefore clearly intended as exceptions. This approach is clearly apparent through the footnote 9 to the very first overarching policy paragraph within NPPF, para 14, which indicates AONBs as an exception to the presumption in favour of development contained in para 14, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted." (We make further comment regarding other sections of NPPF below).

We also consider that the application does not comply with the following sections of Shropshire Council's adopted Core Strategy and Site Allocations and Management of Development (SAMDev) Plan, Draft Development Management Policies. These policies make clear the very high importance placed on the AONB and weight given to the AONB Management Plan, all of which the applicant's agents have sought to downplay as much as possible, or failed to address at all (for example in section 5.6 and 5.7 of the Planning Statement).

CS5 Countryside and Green Belt

In the open countryside, new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt from inappropriate development. (emphasis added)

CS17: Environmental Networks

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources.

This will be achieved by ensuring that all development:

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

(emphasis added)

SAMDEV Plan Policy context (extract)

The statutory Shropshire Hills AONB Management Plan contains a number of policies adopted by Shropshire Council and has therefore been a key document influencing the preparation of the SAMDev policies. Whilst stressing the importance of the countryside as a whole, the SAMDev policies emphasise the importance of the AONB and the need to conserve and enhance its character and distinctiveness and have regard where appropriate to the requirements of the AONB Management Plan. (emphasis added)

Draft Policy MD2 Sustainable Design, Explanation (extract)

For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan and supplementary guidance. (emphasis added)

Draft Policy MD7 – Managing Development in the Countryside (extract)

Further to Core Strategy Policy CS5,

1. Development in the countryside should:

i. Protect and respect heritage and natural assets and be in accordance with the requirements of: Policy MD2 (Sustainable Design); Policy MD12 (Natural & Historic Environment); Adopted Natural and Historic Environment SPDs and, where appropriate, the AONB Management Plan;

(emphasis added)

MD12 – Natural and Historic Environment

1. Shropshire Council will **require new development proposals to conserve, enhance and restore Shropshire’s natural and heritage assets and landscape character** in order to support the delivery of CS6 and CS17. Internationally and nationally important habitats, sites of wildlife conservation and geological interest and legally protected species will be afforded the highest level of protection in accordance with the relevant legislation and policy. **Great weight will also be accorded to conserving and enhancing the natural beauty of the Shropshire Hills AONB having regard to the AONB Management Plan.** Heritage assets will be safeguarded in accordance with their significance. (emphasis added)

2. Development proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following assets:

I. the special qualities of the Shropshire Hills AONB;

II. locally designated sites;

III. priority species;

IV. priority habitats

V. valued woodlands, trees and hedges;

VI. designated heritage assets and non-designated heritage assets of demonstrably equivalent significance;

VII. geological assets;

VIII. visual amenity;

IX. the landscape character and local distinctiveness of the area in which the proposal is located.

will be rejected unless:

i. the social or economic benefits of the development proposal can be demonstrated to clearly outweigh the harm to the assets; and

ii. there is no satisfactory alternative means of delivering the proposal

(emphasis added)

We also consider that the proposals do not comply with Shropshire Council Policy within the statutory Shropshire Hills AONB Management Plan 2014-19:

Valuing the AONB in Planning and Decisions – Management Plan Policies

Protection of the AONB

In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan. (emphasis added)

Further comments

Lack of clarity or misrepresentation in documents

The application documents are not clear about the scale of the proposals, in a way that we are aware has been misleading to a number of consultees, potentially giving the impression of a substantially smaller development. Regarding the number of modules, it is apparent that there is an error in the alignment of figures in the Project Information box on the layout plan. The plan itself and its key indicating the depiction of a rack of 24 modules makes it apparent that the figure of 19,608 is indeed the number of modules, and not as shown on the plan the ‘Module Type’. 255Wp is clearly the peak Watts output of the panels (Performance) and not the number of modules. However this number of 255 has been erroneously used by the planning authority in the title given to the application (‘circa 255 modules’), which is therefore highly misleading regarding its scale. We note further that the applicants in subsequent correspondence have chosen themselves to use this incorrect title rather than correct the mistake, which is inexcusable.

For consultees who will have studied the previous application, the total power output of the installation has been given in a different unit - the output of the previous larger application was quoted as 6,500 mVA whereas that of the new application is given as 5,000kWp. The figures are not therefore comparable, but the closeness of the numbers could give the false impression that something close to a similar power output could be achieved through this new scheme.

References to pre-application discussions

The implication in the application documents that the AONB Partnership gave some endorsement of the proposal as a pre-application stage is incorrect and misleading. As stated on our website, the AONB Partnership has a policy of not generally giving endorsement of a development proposal at pre-application stage, and has not in this case given any endorsement. If the applicant has gained the impression of such an endorsement from pre-application discussions which have taken place, then the error is one of interpretation. Such an interpretation is not however supported by the emails included in the documents, which clearly refer to our *'preference towards smaller scale renewable installations'*, with a previous, acceptable example cited of a single ground-mounted solar panel. Emails from Glynn Barratt clearly indicate that *'for the AONB (this) would be a major scheme'* and our view that the proposal should have been subject to a full EIA. The quoting of alleged verbal expressions of support are clearly not substantiated in writing, since no formal endorsement of any sort of the proposals by the AONB Partnership has been given at pre-application stage.

The 'Statement of Community Involvement' document also includes description of a community survey which we consider to be too small to be reliable. As evidenced by the recent public meeting, we believe this survey is not at all representative of the views of the local community, within which there is a great deal of concern and opposition.

Applicant's 'rebuttal' of our comments

The applicant's agents have chosen to publish a letter dated 3 December, purporting to 'rebut' arguments and policies which we advance, though oddly this has been done before our detailed response has been submitted. The content of this letter is misleading and not accepted. The agents seek to personalise the views of the AONB Partnership in a way which is inaccurate, and aims to reduce their weight and importance. The AONB Partnership is a Joint Advisory Committee, with the formal role under the Local Government Act 1972 to advise the constituent local authorities regarding the AONB. The Partnership currently has 40 members, representing a wide range of interests including conservation, landowning, community, recreation and tourism. The current staff team has over 87 cumulative years of experience of work to conserve and enhance the Shropshire Hills AONB, as well as considerable previous experience in protected landscape management. The statements about the team not drawing in 'landscape expertise' are therefore misplaced and not relevant.

We reject completely the suggestion that a choice by us not to meet with the applicant's agents in any way undermines our legitimate role as a consultee in the process, representing the Partnership's view as the Council's official adviser regarding the AONB. We are under no obligation to meet with an applicant or their agent in such circumstances, and saw no likely benefit to the AONB in doing so at the stage of the new application having been submitted.

The agent's attempt to 'rebut' policies in NPPF and Core Strategy is surprising, and we are not aware of their authority to over-ride national or Shropshire Council policy. Amongst other policies, para 115 of NPPF clearly applies to this case, and in fact revolves around 'great weight' being given to the AONB, and not as stated around exceptional circumstances, which relate to para 116, which we discuss below. Core Strategy policy CS17 is also highly relevant, contrary to the agent's assertions.

The question of major development

We understand that it is for the decision making authority to determine whether this development is classified as 'major' and therefore whether para 116 of NPPF regarding AONBs applies. We do not here make the case that this decision turns on the definition of major development or otherwise.

As set out above, we believe the application does not meet the requirements of para 115 NPPF and corresponding pieces of local policy requiring 'great weight' to be given to the AONB designation. However, if the application were deemed to be major development, we contend that the tests of exceptional circumstances are not met for the reasons outlined in our response to the previous application, i.e. alternatives outside the AONB do exist, and there are unacceptable impacts which cannot be mitigated. The 'Site Sift' document accompanying this application certainly does not satisfy the requirement that there are no alternative ways of meeting the need outside the AONB. We note in addition the considerable effort to which the applicant's agents have gone to address para 116 of NPPF (though we disagree with their conclusions on this), indicating their apparent acceptance that the development is indeed major.

Quoting of other solar schemes approved

The examples of other schemes approved do not in our opinion carry any weight, since government policy has changed, and is clearly now not in favour of large ground-mounted solar schemes in the countryside. The letter of 22 April 2014 to local authorities from the Minister Greg Barker states that the UK's solar strategy is to *'focus growth of solar PV in the UK on domestic and commercial roof space and on previously-used land'*, and *'proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration'*. Amber Rudd, Parliamentary Under Secretary of State for the Department of Energy and Climate Change (DECC) as recently as 6 November 2014 reiterated to the House of Commons the government's ambitions to drive solar investment towards rooftop projects and away from ground-mounted solar farms, stating that solar farms are *"not particularly welcome as we go forward"*, as they should *"be on roofs, buildings and homes roofs, not in beautiful green countryside. We are proud to stand on that record."*

The absence of an objection to a similar scheme just outside the Wye Valley AONB should not either carry any weight here. Aside from being outside the AONB in that case, our own contact with the Wye Valley AONB Unit reveals that following construction of the solar farm there, concern about the impacts of it were debated in the Wye Valley AONB Joint Advisory Committee and found to be greater than they had anticipated. Consequently guidance was drafted by the AONB Unit, and if a similar application were received now, we have been informed that they would not respond in the same way.

Impacts on tourism

We have had considerable concerns regarding the proposals raised with us from businesses operating in the tourism industry, who perceive that large scale solar development would harm their businesses. The economic value of the high quality landscape of the Shropshire Hills is recognised in the Strategy and Action Plan for Sustainable Tourism in the Shropshire Hills & Ludlow (approved by Shropshire Council), which has the objective to:

2.1 Give priority to maintaining a high quality landscape and environment as a primary resource of sustainable tourism. [emphasis added]

Conclusion

We urge that for the reasons set out above, backed up by an overwhelming weight of policy, this application be rejected.

Yours sincerely

George Chancellor
Chair