

Planning Inspectorate
3/10b Wing
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Your Ref: APP/L3245/W/5/3022913
Our Ref: gc_230715_Henley solar appeal

23 July 2015

Dear Sir/Madam

Appeal Ref APP/L3245/W/5/3022913 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

The Shropshire Hills AONB Partnership wishes to restate its objection to this application.

The content of our two letters dated 10 December 2014 and 2 February 2015 have been supplied already by Shropshire Council as evidence in relation to this appeal. Though the appellant seeks to dismiss these, we contend that their content remains valid and has not been 'rebutted' by the appellants' responses and submissions. Rather than re-state our overall case therefore, we make here some additional points regarding the appellants' statement of case and supporting information.

Misunderstanding of the value of the AONB

We accept that the appellant has an interest in the landscape of the area, but this does not mean that a major development such as this on a part of the estate distant from the house and the Historic Working Farm does not have an unacceptable impact on the wider landscape of the AONB.

The appellants' case seeks to separate the 'environment' from the character, landscape and visual quality of the AONB in a way which is not apparent in the test of exceptional circumstances in s116 NPPF from where these words are found. The quotation of biodiversity and climate change benefits to claim a 'net environment gain' to the AONB is therefore unjustified. There may be biodiversity benefits from the proposed mitigation measures, but these do not over-ride the landscape and visual impacts to create a net gain. The implication of this is that if such developments were to be very widespread around the AONB, the AONB would be better overall. Section 116 of NPPF is very clearly intended to protect AONBs for the qualities for which they are designated – principally 'natural beauty' – the connected qualities of scenic beauty, tranquillity, biodiversity and the cultural and heritage influences of our landscape.

In relation to our comments on the distinction between landscape and visual impacts regarding the LVIA, we are not maintaining that these aspects should be considered entirely in isolation, since they are clearly connected. The point however, as made extensively in our letter of 2 February 2015, and inadequately addressed by Mr Cordle's letter of 6 February 2015, is that the intrinsic landscape impacts have not been adequately assessed or weighted in accordance with the national LVIA guidelines. We believe the Planning Officer too has demonstrated insufficient regard both for the LVIA guidelines and for the qualities of the AONB in reaching his recommendation, and has made the same mistake as the appellants in focusing overly on visual aspects. We believe the Planning Committee's decision in this case to refuse the application represents a more accurate and

full understanding and application of the relevant policies. Further, and contrary to the appellants' assertions, we are certain that the Committee will understand the balance required in s116 NPPF, since they have previously approved planning applications for major development within the AONB.

Misunderstanding of the role of the AONB Partnership

Para 1.5 refers to an expectation 'that there would not be an objection from the AONB Planning Team'. Submissions from the AONB Partnership on planning applications are submitted on behalf of the AONB Partnership, which is formally the Joint Advisory Committee established by the two Councils to advise them on matters relating to the AONB. The informal pre-application emails from both myself and Glynn Barratt indicate clearly that no solar installation of anything like this scale had been found in the AONB before. They do not provide any written proof of any endorsement or support for the proposal from the AONB Partnership.

The appellants maintain that the AONB Partnership's position is based on opinion rather than evidence. We dispute this, and maintain there is much detailed evidence in our submissions. However, this assertion is also based on a misunderstanding of our role. It is not for us to produce our own Landscape and Visual Impact Assessment for a development when the applicant must do this, even if what is provided in this case is inadequate. Our role is to comment on these as we have done, and the Partnership's role as a Joint Advisory Committee is to express an informed view to the Council on issues affecting the AONB. We note also that the Landscape and Visual Impact Assessment process relies throughout on 'opinion' in assigning e.g. levels of significance to impacts. Our critique of the LVIA makes clear that the recommended rationale, transparent identification of effects, etc underpinning these judgements are not made clear in the LVIA submitted. We further note that the interpretation of the various relevant policies in decision making is a matter of weighing different arguments rather than absolute facts, and is itself ultimately a matter of opinion. The decision making system relies in such a case as this on the apparently biased and inaccurate views of individuals who are paid to facilitate the development rather than being impartial. For example, the opinions expressed about the low levels of access in the area by the appellants' consultant (from outside the area) on the basis of brief visits are clearly countered by the extensive evidence from many public responses to the application about the levels of use and value ascribed to the area by local people.

We have been given sight of a report commissioned by another objector to this proposal from Sightline consultants, which we understand will be submitted as evidence. We believe this report shows that the appellant's LVIA does indeed underestimate the visual significance of the proposed development.

Unfounded interpretation of policy

The appellants' one page 'Summary of Landscape Character and Visual Impacts' is extremely misleading and we would argue is not compliant with the LVIA guidance. To suggest that both a Zone of Visual Influence and Character impacts are limited only to the site, discredits the more detailed LVIA submitted, which we still maintain does not adequately address the intrinsic aspects of landscape character. The final line of this document setting out that the development site comprises 0.000137% of the AONB area serves unfortunately to illustrate the gross misunderstanding of the appellant's agents with regard to policy matters regarding AONBs. There are of course many planning applications in AONBs which may quite justifiably be turned down because of their impacts, though they may be only some metres in size, not to mention hectares. The suggestion that the proportion of an AONB affected is a factor in acceptability is a complete fallacy (which would imply the same development would be more acceptable in a larger AONB) and is not reflected in any policy.

The 'spare grid capacity' which 'will be taken up by another development in the AONB' is not an argument to allow this development. The over-riding issue here is the unacceptable impact on the AONB, and the notional threat of other potential developments, especially at a time when the government's financial incentives for solar generation are being significantly removed, is we would suggest, not material to this decision.

Partial representation of the AONB Management Plan

Sections of the AONB Management Plan relating to Low Carbon have been quoted in support of the application, while policies which indicate that this development is not compatible with the AONB are ignored:

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.

Carbon emissions and Renewable Energy

Major developments of wind and solar energy, and woodfuel or biomass processing should be refused within the AONB, unless it can be demonstrated the proposals are in the public interest and the tests of exceptional circumstances in AONBs as set out in NPPF para 116 can be fully satisfied.

We urge the Inspector to support the Planning Committee's decision against this development, and to reject the appeal.

Yours faithfully

George Chancellor
Chair, Shropshire Hills AONB Partnership