

Application No: 20/2576N
Location: Land adjacent to DRURY LANE, WARMINGHAM
Proposal: Solar farm and associated development
Applicant: Moss Lane Farm Solar Limited
Expiry Date: 22-Sep-2020

SUMMARY

The NPPF requires that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The proposed development would provide a source of renewable energy to power approximately 5,200 homes. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefitting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental objectives of sustainable development.

In terms of sustainability, the benefits of the provision of a source of renewable energy, for which there is a recognised need, outweighs harm to the local environment having regard to the impact on open countryside and agricultural land.

The proposal would satisfy the economic and social sustainability objectives by providing energy from a renewable, low carbon source.

The proposal is considered to be acceptable in terms of landscape, amenity, ecology, flood risk and highway safety.

The scheme therefore represents a sustainable form of development and the planning balance weighs in favour supporting the development.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

The proposal is for a solar farm and associated development of solar panels, a sub-station building, switchgear buildings, inverter cabins, a communications/storage building, battery containers, access track, fence gates and CCTV equipment. The solar farm would deliver

approximately 17 Megawatts peak (MWp), expected to be able to supply approximately 5,200 homes annually.

The panels would be 3m above ground level with at least 0.8m between the bottom of the panels and the ground to allow for sheep grazing, with a minimum of 3.2m between rows.

The proposal would form part of the solar farms approved to the west of the site at Moss Farm.

The lifespan of the solar farm is expected to be approximately 40 years and it could then be dismantled and the land restored to agricultural use. This is the same lifespan as the previously approved schemes at Moss Farm

SITE DESCRIPTION:

The site is approximately 26.4 hectares in size and is located between Drury Lane to the east and Moss Lane to the south. The site is generally flat agricultural land enclosed by mature vegetation. There are trees and hedgerows within the site and public footpaths around the site but not within it.

The land has been assessed as Grade 3b agricultural land which is considered to be of 'moderate' quality.

RELEVANT HISTORY:

- 18/4033N (Moss Farm south) Variation of conditions 8 and 12 on 15/2126N (removal of solar farm) – Approved 13th October 2020
- 18/4032N (Moss Farm north) Variation of conditions 8 and 12 on 15/2113N (removal of solar farm) – Approved 13th October 2020
- 15/2126N (Moss Farm south) Solar farm and associated development – Approved 31st May 2016
- 15/2113N (Moss Farm north) Solar farm and associated development – Approved 31st May 2016

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Development Plan:

Cheshire East Local Plan Strategy (CELPS)

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 – Efficient use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Infrastructure
SE7 – The Historic Environment
SE8 – Renewable and Low Carbon energy
SE9 – Energy Efficient Development
IN1 – Infrastructure
IN2 – Developer Contributions

Crewe and Nantwich Replacement Local Plan (CNRLP)

BE.1 – Amenity
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.6 – Development on Potentially Contaminated Land
BE.16 – Development and Archaeology
BE.21 – Hazardous Installations
NE.5 – Nature Conservation and Habitats
NE.6 – Sites of International Importance for Nature Conservation
NE.7 – Sites of National Importance for Nature Conservation
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

There is no Neighbourhood Plan for this area.

Other Considerations:

Cheshire East Design Guide

CONSULTATIONS:

Highways:

No objection subject to conditions relating to hard surfacing at the access and upgrading of layby on Drury Lane.

Environmental Health:

No objection.

Natural England:

No objection.

Environment Agency:

No objection subject to compliance with the submitted FRA.

Health and Safety Executive:

Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Flood Risk:

No objection subject to drainage conditions.

Public Rights of Way:

No objection subject to an informative relating to footpaths adjacent to the development.

Warmingham Parish Council:

The PC supports this application in principle but would strongly suggest that mitigation is put in place for those properties affected most by the development and that the traffic adheres to the submitted traffic management plan.

The PC have concerns that this is the location of a third solar farm in the village and that any future requests for further planning of such may lead to overdevelopment, spoiling open countryside.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and site notices posted.

At the time of report writing two comments have been received relating to this application.

One objects to the proposal for the following reasons:

- Impact on the beauty of the countryside
- Impact on tourism
- Solar farms are not attractive
- Negative impact on the village
- Loss of property value

One supports the application for the following reasons:

- Excellent place for solar panels
- Delighted to support solar installation

APPRAISAL:

The key issues to be considered in the determination of this application are set out below. They are the principle of the development, sustainability, renewable energy production, highways, amenity, agricultural land, heritage assets, landscape, trees, ecology, flood risk and archaeology.

Principle of Development

Paragraph 154 of the NPPF states that:

When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Policy

The most relevant policy of the Cheshire East Local Plan Strategy is Policy SE8 (Renewable and Low Carbon Energy) which states that *'the development of renewable and low carbon energy schemes (including community-led initiatives), together with any ancillary building(s) and infrastructure, will be positively supported and considered in the context of sustainable development and any impact on the landscape'*.

The Policy then goes on to state that weight will be given to the wider environmental, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon:

'The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses'.

The justification to the Policy then goes on to identify the technologies that will be most viable and feasible including *'solar thermal and photovoltaics on south facing buildings throughout the Borough. Ground mounted schemes may be more appropriate where they do not conflict with other policies of the plan'*.

Need for Renewable Energy

In relation to need, paragraph 154 of the NPPF makes it clear that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

Alternative Sites

The applicant has undertaken a site selection assessment including the technical suitability, grid connection feasibility, planning issues and site availability.

Conclusion

In this case the principle of the proposed development would be contrary to the Policy PG6 of the CELPS as it does not fall within any exceptions listed within the policy. However, there is significant support within the NPPF and through Policy SE8 (Renewable & Low Carbon Energy), for sustainable energy developments. As a result it is necessary to consider whether the proposal represents sustainable development and assess if any other material considerations indicate if the development is acceptable.

Sustainability

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improve productivity; and by identifying and coordinating the provision of infrastructure;

A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

ENVIRONMENTAL OBJECTIVE

Renewable Energy Production

The development would potentially produce 17MWp of electricity, which would be capable of powering approximately 5,200 typical households. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental objectives of sustainable development.

Landscape and Trees

This is an application for a solar farm and associated development on land adjacent to Drury Lane, Warmingham. The submission includes a Landscape and Visual Impact Assessment (LVIA) and indicates that this has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition 2013.

The submitted assessment identifies that the application site consists of a number of agricultural fields that are currently in pastoral use and that the fields are separated by a network of hedgerows, hedgerow trees, as well as a number of scattered trees and that the application site is bound to the east and north by Drury Lane, with mature vegetation enclosing the application site along this boundary. The western site boundary is marked by a track linking Drury Lane to Moss Lane, which runs approximately 140m to the south of the southern site boundary. There are eight fields within the application site boundary.

The appraisal identifies that there are no landscape designations within the application site and that the site is located within the Cheshire Plain East (LCT4) and specifically within Wimboldsley (LCA4d) - a part of the Shropshire, Cheshire and Staffordshire Plain National Landscape Character Area. The appraisal states that this is a landscape type with medium sensitivity and that there will be limited removal of hedgerows, trees and shrubs, resulting in negligible adverse effects and that infill planting into existing boundaries will result in minor beneficial results and a beneficial influence on the Wimboldsley character area, with an overall magnitude of change that will be of no change and a level of effect that will be neutral. The assessment identifies just four viewpoints and identifies that the year 1 and year 5 effects will be neutral/neutral for VP1 – FP18 Warmingham, moderate/moderate for VP2 – junction of FP7 and FP18 Warmingham on Drury Lane, minor/negligible for VP3 – FP 16 Warmingham/Moss Lane and moderate/moderate for VP4 – Drury Lane.

The submission includes a Hedgerow Plan, this indicates the location of hedgerows across the site. While the submission does not include an arboricultural report or hedgerow survey the only information relating to the hedgerows and trees is found in the Preliminary Ecological Appraisal, which states *'Along the boundaries and dividing the fields were a series of species-poor hedgerows, dominated by common hawthorn Crataegus monogyna. Some were intact (stock proof), while others were defunct (large and frequent gaps). Occasional standard trees were present; particularly along the site's south and east boundaries'*.

The Council's Principal Landscape Architect initially had concerns relating to the mitigation measures. Subsequently further details of mitigation have been provided that address these issues, subject to a condition relating to hedgerow heights and management.

The landscape vision and strategy guidance contained within the Cheshire East Landscape Character Assessment for the Cheshire Plain East LCT identifies that hedgerows should be conserved and replaced where they have been lost in the past as a result of field enlargement and farm intensification and that semi natural landscapes be restored or created to improve linkages between them. This character area has been greatly changed over the past 100 years and reference to the Epoch 1 Ordinance Survey map for this site shows that what is now an area of eight fields was at that time composed of in excess of 40 fields and had a significantly greater hedgerow tree element both along existing boundaries and also to those that have been lost since 1882, confirming the previous comments, that this is a landscape where landscape features such as hedgerows and hedgerow trees are mature and in overall decline. Whilst it would be unrealistic to reinstate an additional 32 fields on the site a landscape masterplan should be required by condition. This masterplan should be submitted prior to commencement of development to ensure adequate landscaping of the site during its lifespan.

Ecology

Breeding Birds

If planning consent is granted, a condition is required in order to protect breeding and nesting birds.

SSSI Impact Zone

The proposed development falls within Natural England's SSSI impact zone. Natural England ask that for proposed developments in this location they are consulted on the potential risk from 'Solar schemes with footprint > 0.5ha'. Natural England were consulted and raised no objections to the proposal.

Great Crested Newts (GCN)

Due to the presence of ponds on site (previously assessed as average/poor for GCN) and good newt habitat on site in the form of extensive hedgerows it is anticipated that the proposed development presents a potential risk to GCN.

The applicant has confirmed that a maximum of 10m of hedge removal is required based on the layout. Due to the locations of the proposed hedgerow removal in relation to the onsite ponds, it is considered that the potential risk to GCN is low and will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within the provided Reasonable Avoidance Measures for Great Crested Newts report (Midland Ecology, September 2020). This should be controlled by condition.

Bats

The four mature trees identified in the ecology report as having bat roost potential, are all located on the site's hedge boundary and none are proposed for removal under the scheme.

Biodiversity net gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 has been undertaken by the applicant. The assessment is acceptable and will result in a net gain for biodiversity. Details of how the proposed grassland enhancement will be achieved should be included in the requested Biodiversity Enhancement Strategy. This can be controlled by condition.

Hedgerow

Hedgerows are a priority habitat and hence a material consideration. The applicant has confirmed that a maximum of 10m of hedge removal is required based on the layout, and 130m of new hedging will be incorporated on the site's southern boundary. More detail should be provided in the Biodiversity Enhancement Strategy.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development.

If planning consent is granted it is recommended that a condition be attached requiring a survey for hibernating hedgehogs be submitted prior to the removal of vegetation between 1st December and 31st March.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. This should be included in the Biodiversity Enhancement Strategy.

Flood Risk

The majority of the site is located within flood zone 3, however the applicant has outlined appropriate measures within the Flood Risk Assessment which can effectively mitigate the flood risk on site.

The Council's Flood Risk Manager and the Environment Agency has assessed the proposals and have no objection subject to conditions requiring compliance with the details contained within the Flood Risk Assessment and submission of a detailed drainage strategy.

Agricultural Land

Policy SE2 (Efficient use of Land) of the CELPS, at section 4, states that development should safeguard natural resources, including high quality agricultural land (grades 1, 2 & 3a)

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The Agricultural Land Classification Report submitted in support of the application states that the development would utilise Grade 3b agricultural land. Therefore the proposed development would result in the temporary loss of a limited amount of moderate quality agricultural land for the 40 year lifetime of the proposed development.

ECONOMIC OBJECTIVE

The Framework includes a strong presumption in favour of economic growth.

Specifically, in relation to the rural economy the Framework identifies that planning policies and decisions should enable the development and diversification of agricultural and other land based rural businesses.

The NPPF makes it clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

SOCIAL ROLE

Highways

Access

This current application proposes access to be from Drury Lane, which is 130m to the north along Warmingham Lane from the previous approvals. Drury Lane is narrow but access into the site is only 50m along it from the junction with Warmingham Lane. Drury Lane is also not a through road and provides access to only a few properties and farms and will therefore have few vehicle movements. Visibility onto Warmingham Lane is sufficient.

Opposite the access on Drury Lane, within the highway, there is a layby which forms part of the highway but appears informal and will need to be laid with hardstanding to allow HGVs to turn into and out of the site.

The site plan states that the access track will be stoned. The access track within the site will need to be bound gravel surface for the first 20m from the highway to ensure stones are not deposited onto the highway.

Traffic Generation

The construction phase of the development proposal is expected to last for 24 weeks with an average of 15 HGV deliveries per day (30 movements per day).

The applicant indicated that if approved then construction could be complete alongside the existing consented phases. This would take around 36 weeks with the same average number of HGV movements per day.

After construction, the site will generate a couple of vehicle trips per month for maintenance and servicing for the whole of the site.

Construction Route and Facilities

Construction vehicle routes to the site will be largely the same as already agreed for the consented sites. Vehicles will exit the M6 J16 onto A500; then David Whitby Way; University Way; Sydney Road, Groby Road; and onto Warmingham Road.

The applicant has also stated that all contractor and construction vehicle parking will be within the site; all storage, loading and unloading will take place within the site, and wheel wash facilities will be in place to prevent mud and debris being deposited onto the highway.

Highways Conclusion

The access is acceptable and the impact on the wider highway network is acceptable and temporary. After construction the highways impact will be negligible.

No objection is raised by the Head of Strategic Infrastructure with conditions and informatives relating to the surfacing of the access, upgrading of the layby and entering into a s278 agreement for the off site works.

Amenity

Given the isolated rural nature of the site there are relatively few residential properties in close proximity to the application site. There would be some disruption caused during the development of the site; however it is considered that this would be limited and any noise and disturbance could be controlled by condition.

There would be a minor alteration to the outlook from a limited number of properties, however this is not considered to result in an oppressive or overbearing outlook and as such could not be sustained as a reason for refusal. As a result it is not considered that the proposed development would raise any significant issues relating to residential amenity.

Public Rights of Way

The site has no public rights of way within it but there are some in close proximity (Warmingham FP7, FP16 & FP 18). The Public Rights of Way Team has no objection to the proposals, subject to the standard informative requiring no interference with the public rights of way.

Impact upon the setting of the Local Heritage Assets

There are no designated heritage assets in close proximity to the site; it is therefore not considered that there would be any substantial harm to heritage assets. The proposal therefore is in compliance with paragraphs 196 and 197 of the NPPF.

Archaeology

This application is supported by a heritage assessment which includes an archaeological assessment, which has been prepared on behalf of the applicants. It concludes that the archaeological potential of the application site is low.

Other Matters

The impact on property values is not a material planning consideration.

Planning Balance

The NPPF requires that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The proposed development would provide a source of renewable energy to power approximately 5,200 homes. This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefitting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental objectives of sustainable development.

In terms of sustainability, the benefits of the provision of a source of renewable energy, for which there is a recognised need, outweighs harm to the local environment having regard to the impact on open countryside and agricultural land.

The proposal would satisfy the economic and social sustainability objectives by providing energy from a renewable, low carbon source.

The proposal is considered to be acceptable in terms of landscape, amenity, ecology, flood risk and highway safety.

The scheme therefore represents a sustainable form of development and the planning balance weighs in favour supporting the development.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Submission and implementation of a Landscaping Management Plan including height and management of hedgerows**
- 4. Tree protection measures**
- 5. Tree retention**
- 6. Protection of breeding/nesting birds**
- 7. Implementation of the reasonable avoidance measures detailed in the submitted Great Crested Newt Report**
- 8. Submission and implementation of a Biodiversity Enhancement Strategy**
- 9. Survey for the presence of hibernating Hedgehogs prior to removal of vegetation between 1st December and 31st March**
- 10. Compliance with the submitted Flood Risk Assessment**
- 11. Submission of a detailed strategy/design, associated management and maintenance for surface water drainage**
- 12. The first 20m of the access to the site from Drury Lane shall be bound hardstanding. This shall be created prior to any other development commencing on site**
- 13. The layby opposite the access to the site access shall be upgraded to current highway specifications and adoptable standards**
- 14. The hours of construction and deliveries at the site shall be restricted to the following:
07:30 to 18:00 hours Monday to Friday
07:30 to 14:00 hours Saturday
No working on Sundays or public holidays**
- 15. Within 40 years following the development being brought into use or within 12 months of cessation of electricity generation, whichever is sooner, all equipment and structures shall be dismantled and removed from the site and the land restored to agricultural use**

Informatives:

Public rights of way

Entry into s278 agreement for the off-site highway works

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

