

Application No: 24/5074/FUL
Application Type: Full Planning
Location: Hatherton Lodge Hunsterson Road, Hatherton, Nantwich, Cheshire East, CW5 7RA
Proposal: Construction and operation of a solar farm together with all associated works, equipment and necessary infrastructure
Applicant: Noventum Power Ltd, 19 Eastbourne Terrace, Great Park Road□, London, W2 6LG
Expiry Date: 17 March 2025

Summary

The planning balance in the Inspector's Report for the 2015 appeal is a useful starting point here as in most regards the circumstances remain unchanged. Taking matters in the same order:

There will be a significant visual impact on the PROW's adjacent to the site, however the effects are very localised to specific stretches and mitigation will in time limit the impact on those views. Similarly, a limited number of properties will have an impact on their outlook – the property named 'Bearcats Field' in particular, but the moderate impact is considered acceptable. Wider landscape impacts are considered limited.

Whilst the development is not on a brownfield site, and will have an impact on agricultural land, it is largely poorer quality land and in accordance with Government guidance in the PPG brings ecological benefits.

A significant benefit – in line with policies at a National and local level, is the supply of energy from a renewable resource.

The Inspector concluded that *"focusing on the Framework balance required, I conclude that the harms identified would not significantly and demonstrably outweigh the benefits of energy generation which would arise from this scheme."*

In short whilst there will be some limited localised impacts from the development, most of the issues identified in the report on for example traffic during the construction phase or on the PROW can be addressed through conditions, and the benefits that renewable energy bring in terms of combating climate change and helping meet Net Zero carbon emissions clearly weigh in favour of approving this application. The revised NPPF (at Para 168) states that Local planning authorities should give significant weight to the benefits associated with renewable and low-carbon energy generation. As such the application is recommended for approval subject to conditions.

Summary recommendation

Approve subject to conditions

1. DESCRIPTION OF SITE AND CONTEXT

- 1.1. This application relates to a 17.55 hectare site at Hatherton Lodge Farm, which lies in open countryside southeast of Nantwich. The site is accessed off Hunsterson Road which currently serves the farm complex. Immediately northwest of the site is the Joseph Heler Cheese factory although this business has a separate access off Crewe Road.
- 1.2. The site edged red for the application consists of the main access to the farm, which then runs around the north and eastern boundaries and south into the main area of the site which consists of 4 low lying fields with intermittent field boundaries of sparse hedgerows and some trees. Vegetation is thickest along the southern boundary. The areas around the site to three sides is raised so the site effectively sits in a bowl, with a more open flatter area to the southeast.
- 1.3. This lower part of the site is crossed by a number of ditches that drain along the field boundaries flowing to the southeast.
- 1.4. The site adjoins farmland to all boundaries, and the only property in close proximity (farm complex and cheese factory excepted) is Bearcats Fields a residential property.
- 1.5. Public footpaths run parallel to the main site boundaries to the north (Hatheron FP8) and east (Hatherton FP12). Both overlook the site.

2. DESCRIPTION OF PROPSAL

- 2.1. The proposed site description is given as:

“Construction and operation of a solar farm together with all associated works, equipment and necessary infrastructure”

- 2.2. As described above the development would utilise the existing farm access (with an area to the east for the construction compound) which would then bypass the existing farm complex to the north and east and run the main site which lies to the south.
- 2.3. The main part of the development would involve the siting of PV panels across the 4 fields described above, designed to generate approximately 12MW of power. (Estimated to supply over 6,500 homes per annum). The main features of the panels (taken from the Design & Access Statement) are:
 - The solar panels would be laid out in straight arrays from east-west across the field enclosures. Panels will face in a southerly direction and will be fixed in-situ (not tracking the movement of the earth around the sun).
 - The maximum top height of the solar panels would be 3.5m above ground level. The bottom edge of each array would be 0.4m above ground level.
 - The solar panel modules are made from photovoltaics which are blue, grey or black in colour.
- 3.4 In addition to the panels and access road the following structures are proposed:

- A 2.1m high deer fence will encompass the entire gated solar farm development site.
- Pole mounted infrared CCTV cameras will be positioned at intervals along the fence.
- A small collection of buildings/structures/parking at the northern end of the main site adjacent to the access road (just south of the main farm complex) consisting of a substation, storage & welfare facilities. The structures are typically 2 ½ - 3m high.

- 3 inverter stations are proposed along the central access track through the site – 6.2m x 2.6m x 3m tall

3.5 Landscaping is proposed to all site boundaries of the main site, consisting of new hedgerow tree and wildflower planting.

3.6 The development is proposed for a 40 year period – the operational life of the solar farm.

3. RELEVANT PLANNING HISTORY

3.1.13/5090S An Environmental Impact Assessment screening opinion was requested relating to this site. This concluded that the development would not constitute EIA development.

3.2. 14/4296N Installation of a solar park with an output of approximately 8.28 MW on land associated with Hatherton Lodge Farm. Agricultural Land At, Hatherton Lodge Farm ,Hunsterson Road, Hatherton, Nantwich, CW5 7RA REFUSED March 2015 (contrary to officer recommendation) for the following reasons:

1. The development of the proposed solar park would have a significant adverse impact on the landscape character of the site. In particular the views from public footpath 9 an 12 Hatherton and 2 Hunterston. This adverse impact significantly and demonstrably outweighs the benefits of the scheme in terms of renewable energy production. The proposal is therefore contrary to paragraph 98 of the NPPF and Policies NE.2, and NE.19 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011, Paragraph 112 of the National Planning Policy Framework and guidance contained within paragraph 13 of the Renewable and Low Carbon Energy Section of the Planning Practice Guidance.

4.3 The application however was appealed and allowed under Appeal Ref: APP/R0660/W/15/3033298 subject to 11 conditions. Feb 2016

4. NATIONAL PLANNING POLICY

4.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions, most recently in 2024. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making. At Para 168:

“168. When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;”

4.2. Planning practice guidance for renewable and low carbon energy - July 2013

“What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?”

26. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

27. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare (see guidance on landscape assessment at paragraphs 39-40) and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect

28. The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

5. DEVELOPMENT PLAN POLICY

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.”

5.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

CELPS

Policy MP 1 - Presumption in Favour of Sustainable Development

Policy PG 6 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy IN 1 – Infrastructure
Policy EG 2 - Rural Economy
Policy SE 1 – Design
Policy SE 2 - Efficient Use of Land
Policy SE 3 - Biodiversity and Geodiversity
Policy SE 4 - The Landscape
Policy SE 5 - Trees, Hedgerows and Woodland
Policy SE 7 - The Historic Environment
Policy SE 8 - Renewable and Low Carbon Energy
Policy SE 13 - Flood Risk and Water Management

SADPD

Policy GEN 1 - Design principles
Policy ENV 1 - Ecological network
Policy ENV 2 - Ecological implementation
Policy ENV 3 - Landscape character
Policy ENV 5 - Landscaping
Policy ENV 6 - Trees, hedgerows and woodland implementation
Policy ENV 7 - Climate change
Policy ENV 10 - Solar energy
Policy ENV 16 - Surface water management and flood risk
Policy HER 8 – Archaeology
Policy RUR 2 - Farm diversification
Policy RUR 5 - Best and most versatile agricultural land
Policy INF 3 - Highway safety and access

5.3. Neighbourhood Plan

The Wybunbury Combined NDP passed referendum on the 27 February 2020. The plan was made on the 6 April 2020.

Policies of the Neighbourhood Plan relevant to the consideration of this application are:

Policy E1 – Woodland, Trees, Hedgerows and Boundary Fencing
Policy E2 – Wildlife Corridors
Policy E3 – Biodiversity
Policy E5 - Landscape Quality, Countryside and Open Views
POLICY F1 - PROW
POLICY LE1 - New and Existing Business
POLICY TI1 - Traffic Management
POLICY TI3 - Traffic Generation
POLICY TI4 - Drainage

6. **Relevant supplementary planning documents or guidance**

6.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

Ecology and Biodiversity Net Gain Supplementary Planning Document July 2024

7. CONSULTATIONS (External to Planning)

7.1. Highways – No objections subject to conditions

7.2. Environmental Health – No objections subject to informatives

7.3. Public Right Of Way – Whilst no objections are made, as one PROW is directly affected, a range of detailed comments are made together with a suggested condition & informatives.

7.4. Cheshire Archaeology Planning Advisory Service – Whilst raising no objections, sought clarification of some points and indicated that a programme of archaeological mitigation is likely to be required by condition.

7.5. Flood Risk Team – Whilst raising no significant objections wanted the applicant to demonstrate they could access the watercourses for maintenance purposes.

7.6. Doddington and District Parish Council - The Parish Council acknowledges the principle of development for a solar farm has been established for this site at appeal and so subject to the following conditions, the Parish Council offers no objection to this proposal:- (i) Glover's Moss is related to the National Nature Improvement Area, Meres and Mosses. Glover's Moss is not a pond and the Parish Council asks that the Cheshire East Ecology Officer and Cheshire/Shropshire Wildlife Trust are consulted to advise of appropriate Moss improvement strategies. What is currently in the report is not appropriate to the reclaiming of a historic Moss. (ii) In relation to Public Rights of Way, the Parish Council would like information on how these will be maintained during the construction period. (iii) Both Parish Councils request that they are informed as a priority consultee when the decision has been made regarding the location of the cables. (iv) The Parish Council welcomes the repositioning of the construction compound to the south of the site entrance to reduce noise and disturbance to local residents. The Parish Council asks that there is a condition, that post construction, the compound is reinstated to its previous pasture condition.

8. REPRESENTATIONS

8.1. Four representations have been received. Two representations do not object to the proposals, but concerns are expressed about the impact of traffic movements on adjacent rural roads and damage that could be caused to them which need to be carefully managed.

8.2. One representation did not state support or objection to the application but indicated the land in question could be improved with the application of manure etc and drainage and wanted to highlight that there is much unused roof space that could be used to generate solar energy.

8.3. Finally, the fourth representation objects to the application on the grounds of loss of agricultural land, impact on the landscape and views and impact on wildlife.

9. OFFICER APPRAISAL

Principle of the development

9.1. Planning policies at a National (NPPF & Planning Policy Guidance (PPG)) and local level (CELPs/SADPD) all give support to the principle of renewable energy generation subject to criteria, perhaps best set out by the PPG at 5.2 above. Policy ENV 10 Solar energy of the SADPD replicates these criteria.

9.2. In addition, in this case a previous appeal decision on this same site in 2015 approved a very similar solar farm on this same site. (see 4.3 above). To be clear, whilst there are some relatively small layout differences the site being considered here is essentially the same as approved in 2015. More detailed landscaping and an indication of the ecological measures is provided with this application, whereas it was conditioned with the earlier application.

Key Issues

9.3. The key issues are considered to be:

- Highway access and vehicle movements especially during the construction phase
- Landscape impact
- Ecological impact including impacts on trees/hedgerows
- Impact on PROW's

Highways

10.4 Site description and current application proposal

The application site is a field in the same location as the previously approved scheme. It is accessed off Hunsterson Road which is a rural unclassified road which itself is accessed approximately 500m to the west via Crewe Road which is a B-class road.

Site Access

Speed surveys have been carried out by the applicant on Hunsterson Road adjacent to the access which showed speeds of a little more than 30mph, and sufficient visibility splays are achievable as shown on the submitted plan.

The existing access to the site will be widened to 6.5m and allow safe use for HGVs coming to and from the site. Construction vehicles will access Hunsterson Road from Crewe Rd to the west and then onto the A51 to the north, as shown on plan 'Figure 2.1' in the construction management plan.

Hunsterson Road is narrow but vehicle numbers during construction will be low and temporary. There is limited visibility at the Hunsterson Road / Crewe Road junction and Crewe Road has a derestricted speed limit. A temporary TRO on Crewe Road reducing the speed limit to 30mph should therefore be put in place prior to commencement of construction and remain for the duration of the construction period, and this can be conditioned.

In addition, the applicant has stated that warning signage will be used informing drivers of construction works and traffic.

The arrival and departure of HGVs at the site will be managed by the site manager and drivers will be required to call ahead to ensure that any emerging HGVs can be held within the construction compound. No HGVs will be permitted to wait on the public highway.

Hunsterson Road is a minor and narrow road and not suited to a large number of HGVs, and there is potential for unacceptable damage to occur to the public highway during the construction period. The applicant, alongside CE Highways, will therefore be required to carry out a pre-commencement condition survey of the highway, and another post construction, and carry out any remedial works if required.

Vehicle Numbers

The applicant has confirmed that for the entirety of the construction period approximately 540 HGVs will need to access the site. Over the course of a 6-day working week and a 6-month construction period this equates to 4 HGVs per day (8 two-way movements per day).

With regards to construction workers, there will be around 50 on site at peak times. The location of where staff will travel from is unknown at this stage however it is anticipated at this stage that the non-local workforce will stay at local accommodation and general operatives will be transported to the site by minibuses to minimise the impact on the local highway network. The number of car trips to the site will be minimised to those senior staff such as project managers and the Health and Safety Executive.

During operation of the solar farm there will be approximately two visits per month for equipment maintenance typically with the use of vans.

The proposal is considered acceptable in highway terms subject to conditions and an informative.

Landscape impact

10.5 The Landscape and Visual Impact Assessment (LVIA) has been carried out in accordance with the Landscape Institute guidelines for LVIA edition 3 and subsequent clarifications.

The Council's Landscape Architect agrees with the LVIA's conclusions that the proposal will have limited close proximity visual effects due to the location within a low depression, the type of low lying development, the surrounding intervening trees and a re-enforcement of the existing field boundary's with a proposed hedgerow with interspersed tree plantings, to partially screen, filter views from close proximity footpaths.

Views from further away will be limited due to intervening vegetative cover and topography.

Whilst the change in character of the site will be adverse in the short/medium term the solar farm will be decommissioned after 40 years and therefore any long-term permanent landscape effects will be negligible. The change in the wider landscape character would be negligible due to the limited visual effects at mostly close proximity.

The layout of the proposed development would retain and enhance existing field boundary trees and hedgerow and would introduce new hedgerow and trees along the site's boundaries, infilling gaps in existing hedgerow boundaries and creating new hedgerow along open field boundaries. Although a detailed planting plan was not submitted, it is recommended that landscape design and management conditions be attached to ensure an appropriate detailed landscaping scheme is delivered to reduce visual affects locally and create greater ecological diversity.

Trees and hedgerows

10.6 The development area comprises of agricultural land bordered by hedgerows and established field boundary trees, none of which are afforded any statutory protection. The proposal has been supported by an Arboricultural Impact Assessment (AIA). The report states that no hedgerow or tree loss would arise as a consequence of the proposed solar farm.

All construction is shown to be sited outside the RPAs (root protection areas) of retained trees although the access track in some locations will pass through the RPA of occasional trees although an existing drainage ditch is acknowledged as likely to have restricted rooting in these areas. Ground clearance of mature trees across the site is noted to be low, and some crown raising works will be necessary to provide required clearances for construction and maintenance vehicles although these works can be reasonably implemented in accordance with BS3998:2010 Tree Work - recommendations.

The installation of the panels should not raise any significant issues although there could be impacts of shading from the trees on the functionality of the some of the panels, and also seasonal issues arising such as leaf litter. However as submitted there are not considered to be any significant arboricultural implications arising.

The submitted AIA contains a Tree Protection scheme and as no construction activity will arise in RPAs this is considered acceptable to condition in this instance. A non-standard condition is recommended.

Ecology

10.7 Biodiversity Net Gain (BNG)

Mandatory Biodiversity Net Gain applies to this application. The submitted biodiversity metric predicts a net gain of 31.77% for habitats, 126.68% for hedgerows and 20.62% for watercourses.

The site is partially covered under Cheshire East Council's Nature Improvement Areas and ecological restoration areas, which forms part of the SADPD. In the absence of a released draft Local Nature Recovery Strategy, it is advised that the existing and proposed habitats that fall under these restoration and nature improvement areas should be filled into the metric as 'formally identified within local strategy'. However, a 10% net gain is still predicted within the metric when the strategic significance is amended.

Habitats

A net gain for habitats is proposed through the creation of other neutral grassland, bioswale, mixed scrub and modified grassland, as well as enhancing existing modified grassland by increasing botanical diversity. Provided that there is ongoing management and monitoring, which will be secured through a Habitat Management and Monitoring Plan condition, it is considered that the habitat creation and enhancement measures appear achievable.

Hedgerows

The 126.68% net gain for hedgerows is proposed through the enhancement of native hedgerows, and the creation of species-rich native hedgerow with trees. The proposed planting within the metric is also reflected within the submitted landscape plan. There are no concerns regarding the hedgerow creation / enhancement and the proposed measures appear reasonable.

Watercourse

A net gain for watercourse units is proposed through the reduction of encroachment on the riparian zone. It is advised that this is considered reasonable, and there are no concerns regarding watercourse units.

By intention and design, Biodiversity Net Gain is a post-consent matter. It is advised that the proposals appear to meet both the mitigation and the biodiversity gain hierarchy, and subsequently, there are no significant concerns regarding BNG. The proposed habitat, hedgerow and watercourse creation is considered 'significant', and therefore a Habitat Management and Monitoring Plan condition must be secured, with any planning approval, which will include a 30-year monitoring schedule for the proposed habitats, hedgerows and watercourses. Additionally, an informative must be added to the decision notice relating to the deemed Biodiversity Gain Condition.

Designated Sites

No statutory or non-statutory sites are present on or immediately adjacent to site. The application site lies within Natural England's SSSI Impact Risk Zone; however, the proposed development does not meet the identified risk categories to trigger a consultation with Natural England. Negative impacts to designated sites as a result from the development are therefore considered unlikely and are not discussed further.

Badgers

No evidence of badgers or their setts were recorded on site during the 2024 site surveys (Tyler Grange, 2024). However, during 2014 surveys the presence of five badger setts on site was recorded (Preliminary Ecological Appraisal (Wardell Armstrong, 2014)). As there is historic evidence of badgers utilising this site, it is advised that an update badger walkover is completed prior to the commencement of works to ensure that no new badger setts have been created, and if present, no badger setts will be impacted by works. Furthermore, to facilitate the movement of badgers it is advised that badger gates are installed within fencing, which has been incorporated in the below Ecological Enhancement Plan recommended condition.

White Clawed Crayfish

It is advised that White Clawed Crayfish are unlikely to be present or affected by the proposed works.

Water Vole and Otter

Water voles and otters are unlikely to be adversely affected by the proposed works, provided the proposed 10m water course buffer zones are implemented, as detailed within the biodiversity metric and landscape plan.

Great Crested Newts (GCN)

Existing ditches on site have the potential to support great crested newts (GCN), along with four offsite ponds also having the potential to support GCN. However, only two of these ponds were accessible for GCN surveys. eDNA samples of the two offsite ponds and onsite ditches were taken on the 30th June 2024 and results were negative for the presence of Great Crested Newts.

As the existing site has limited suitability for terrestrial GCNs, it is advised that in this instance Reasonable Avoidance Measures for Great Crested Newts are considered suitable, and with the implementation of RAMs it is advised that an offense is not likely to occur under Habitat Regulations. The RAMs can be addressed within the Construction Environmental Management Plan (CEMP) which is detailed below in the condition section of my response letter.

Bats

A daytime inspection of existing trees for roosting bat potential was undertaken in 2024. A number of trees on site were determined to offer potential to support roosting bats; however, these trees are proposed to be retained and subsequently it is advised that these potential roosts will not be directly impacted by works.

However, if additional lighting is proposed on site this could have an impact on any roosting, commuting and foraging bats. Therefore, it is advised that a sensitive lighting scheme is incorporated through the below lighting condition. For clarification, this sensitive lighting condition is only required in the event that additional lighting is proposed under planning application 24/5074/FUL.

Brown Hare

The Ecological Impact Assessment determined that the site has value for brown hares, which are protected under the Wildlife and Countryside Act 1981). It is therefore advised that

mammal gates are installed within the perimeter fencing to facilitate the movement of small mammals, including brown hare. This is included within the recommended Ecological Enhancement Plan.

Breeding Birds

Dunnock and Skylark were recorded on site, which are a species of principal importance, listed under Section 41 of the Natural Environment and Rural Communities Act and are therefore of material consideration. The development will result in a loss of suitable breeding habitat for skylark onsite and will potentially deter skylark from breeding immediately adjacent from works. However, locally it is advised that there are other areas that are considered suitable for skylark territories. In conclusion, it is considered that the proposed development will have a low adverse impact on this priority species; however, this is not considered to be a significant harm.

A breeding birds condition is therefore recommended, in order to safeguard any nesting dunnock or other birds on site.

Ecological Enhancements

The proposed site falls within Cheshire East Council's ecological network restoration areas, which forms part of the SADPD. In order to secure enhancements, and to facilitate the continued movement of species, it is advised that the below ecological enhancement plan is secured with any planning approval. These recommendations are separate to the requirements of biodiversity net gain and are in line with local policy ENV1 and the National Planning Policy Framework.

Public Rights Of Way

- 10.8 The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes "a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered" (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

The development, if granted consent, would affect Public Footpaths Hatherton Nos. 8 and 12, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way (PROW). Public Footpath Hatherton No. 9 is adjacent to the site.

It is proposed for the access road to cross Public Footpath Hatherton No. 8. Safe, high quality crossing facilities for walkers should be provided. Traffic will need to be marshalled to allow for safe crossing, with signage and speed limits etc, as the developer deems fit under their risk assessment. In respect of the surfacing for the access road, it is asked if the developers provide details for the intended size of the capping material referred to in the drawing. Ideally this should not be bigger than 40mm, material larger than this can be difficult to navigate and a potential tripping hazard. The developer is be advised that no new gates can be authorised in any new boundary other than for stock control.

A drawing (site layout), depicts Public Footpath Hatherton No. 12 running across the south eastern corner of the site, within the red line boundary. Free passage along the public footpath must be ensured at all times and no new gates can be authorised in any new boundary other than for stock control. An alternative option would be to divert the footpath..

During construction, assuming that the development will temporarily affect the public right(s) of way, the developer must apply to the PROW team for temporary

closure(s) of the route(s), preferably providing suitable alternative route(s). A condition and an informative are recommended to secure the matters identified above.

Flood Risk/Drainage

- 10.9 The Flood Risk Team (LLFA) conclude that the proposals do not increase the risk of flooding on or off-site, and no vulnerable infrastructure is shown to be within any flood zones / flooding areas. The only comment they wish to make is regarding the 3 metre easement from the ordinary watercourse.

Typically, the LLFA want at least a 6m buffer between any ordinary watercourse and any development, this is partly to allow easy access to any excavating vehicles. They ask that the applicant demonstrate (e.g. via Swept Path Analysis) that there is sufficient space for any excavating vehicles to be able to access the entirety of the ordinary watercourse. The applicant has been asked for their comments on this matter.

Archaeology

The application is supported by a Heritage Assessment provided by Pegasus Group. This document outlines the historical background of the proposed development area alongside noting a previous planning application for a solar farm development on the site. The Document notes that the 2014 application which was refused, was supported by a desk-based assessment provided by Wadell Armstong. Both the 2014 document and the document in support of the current application referred to the potential of archaeological remains relating to a medieval fishpond. It may be noted that a scheme of archaeological mitigation was advised by APAS with regard to the 2014 application to address the identified archaeological interest.

The Heritage Assessment notes the potential for the fishpond at the western extent of the PDA, and while the field walk over gave no visible results, the LiDAR data supplied within the document clearly shows significant features likely to be related to the fishpond, drainage or damming to create the ponds.

While the other supporting documentation did not provide sufficient information with regard to the primary site clearing and preparation. Information sent directly has outlined the proposed removal of a substantial topsoils for the establishment of the access tracks, the excavations of cable trenching to a significant depth, and the excavations of foundations and cable infrastructure to a significant depth also. This would undoubtedly have a significant impact on the potentially sensitive archaeological deposits. Therefore, a programme of mitigation is advised to address the potential archaeological deposits which will be impacted by this proposed development.

A programme of archaeological mitigation is required to address the trenching for cabling, foundations for the substations and investigation of features seen on the LiDAR, with particular reference to the cabling trenches and the below ground features of the substations. The programme of mitigation should also take into account the removal of topsoil's for the access roads and therefore a wider programme of archaeological observation and recording will be required for that work.

This mitigation should take the form of a programme of archaeological observation for the removal of topsoil's, the foundations for the access roads, the trenching for cabling and the foundations for the substations and associated cable works. It is recommended this work be secured by condition.

Built Heritage

- 10.10 The nearest heritage assets (The Broomlands & Bank House - both Grade II Listed Buildings) are some distance from the site and it is not considered the development will have any impact on their settings.

Amenity implications

- 10.11 As set out in the description above there are only three receptors in the vicinity of the site, the farm (who are the applicant's) the cheese factory and one dwelling. Environmental Protection have raised no issues with regards to noise, air quality or contaminated land subject to informatics. Visual amenity is considered under landscape above and impact from the construction phase will be addressed via the Construction & Environmental Management Plan (CEMP).

Agricultural Land Quality

- 10.12 The Inspector in his report on the appeal stated:

"The percentages given for the site, based on the sampling, indicates some 13.2 ha (82%) as being Grade 4 (poor) land, 0.7ha (4%) Grade 3b (moderate) and 2.3ha (14%) Grade 3a (good). Thus, the most versatile agricultural land is small. Moreover, the appellant identifies that this better quality land is situated at the edges of the site, close to the hedgerows, where it would be harder to utilise the land without compromising the existing ecology."

The Inspector concluded that whilst some land is lost for the duration of the solar farm (although it could continue to be grazed) there are counter arguments that this is beneficial with the land being rested, although management would be difficult. In short, it is concluded that this matter is neutral in the planning balance.

11 PLANNING BALANCE/CONCLUSION

- 11.1 The planning balance in the Inspector's Report for the 2015 appeal is a useful starting point here as in most regards the circumstances remain unchanged. Taking matters in the same order:

There will be a significant visual impact on the PROW's adjacent to the site, however the effects are very localised to specific stretches and mitigation will in time limit the impact on those views. Similarly, a limited number of properties will have an impact on their outlook – Bearcat in particular, but the moderate impact is considered acceptable. Wider landscape impacts are considered limited.

Whilst the development is not on a brownfield site, and will have an impact on agricultural land, it is largely poorer quality land and in accordance with Government guidance in the PPG brings ecological benefits.

A significant benefit – in line with policies at a National and local level, is the supply of energy from a renewable resource.

The Inspector concluded that *"focusing on the Framework balance required, I conclude that the harms identified would not significantly and demonstrably outweigh the benefits of energy generation which would arise from this scheme."*

In short whilst there will be some limited localised impacts from the development, most of the issues identified in the report on for example traffic during the construction phase or on the PROW can be addressed through conditions, and the benefits that renewable energy bring in terms of combating climate change and helping meet Net Zero carbon emissions clearly weigh

in favour of approving this application. The revised NPPF (at Para 168) states that Local planning authorities should give significant weight to the benefits associated with renewable and low-carbon energy generation. As such the application is recommended for approval subject to conditions.

12 RECOMMENDATION

Approve subject to conditions:

- 1. Standard 3 year start date**
- 2. Approved plans**
- 3. Detailed landscaping to be approved**
- 4. Submission of a landscape management plan**
- 5. Approval of visibility splays**
- 6. Survey of highway before and after development to be agreed**
- 7. CEMP – Highways re parking, loading/unloading, HGV routing/timing etc**
- 8. Construction compound site reinstatement after construction complete**
- 9. Habitat Management and Monitoring Plan (30 years)**
- 10. Construction Environmental Management Plan (CEMP: Biodiversity)**
- 11. Update Badger Survey**
- 12. Ecological Enhancement Plan**
- 13. Breeding birds**
- 14. Sensitive Lighting Plan**
- 15. Public Rights of Way scheme of management**
- 16. Archaeological mitigation programme**
- 17. Decommission of site after 40 years**

Informatives:

- NPPF**
- Biodiversity Gain Informative**
- Environmental Health Informatives**
- PROW Informatives**
- Highways informative re TTRO to reduce the speed limit on Crewe Rd either side of Hunterson Rd**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

