

# Strategic Planning Board

## Supplementary Agenda

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**Date:** Wednesday, 23rd September, 2015  
**Time:** 10.30 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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10. **Urgent Item - 15/2779N - Land to the North of Dairy House Farm, Main Road, Worleston, Cheshire CW5 6DN: Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras, substations, composting toilet and fence for SPV195 Lightsource Renewable Energy Ltd (Pages 1 - 20)**

To consider the above application.

*The Chairman has agreed to this item being added to the agenda as an urgent item of business.*

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Application No: 15/2779N

Location: Land to the North of, Dairy House Farm, Main Road, Worleston, Cheshire, CW5 6DN

Proposal: Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras, substations, composting toilet and fence.

Applicant: SPV195 Lightsource Renewable Energy Ltd

Expiry Date: 18-Sep-2015

**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 1,100 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 dimensions 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 environmental harm having regard to the impact on open countryside and agricultural land.

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

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

Subject to further information relating to ecology the proposal is acceptable in these terms.

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

**RECOMMENDATION:**

Delegate to the Chairman of Strategic Planning Board and the Head of Planning (Regulation) to approve subject to Natural England Comments, conditions and the submission of a Unilateral Undertaking.

### **URGENT ITEM**

This report is before Committee as an urgent item as the applicants have made the Council aware that in order to be eligible for Feed in Tariff (FIT) pre-accreditation, they need to be have planning permission in place before the deadline of 30<sup>th</sup> September 2015. This could have a serious impact on the viability of the scheme. Whilst it is not a material planning consideration, if the application is not heard at this committee there may well be a lost opportunity to consider the proposal and the associated benefits in terms of contributing towards renewable energy targets and benefits to the local community. As the application is supported by officers, and no objections to the proposal have been received, it is considered appropriate to bring the application forward as an urgent item for members' consideration.

### **PROPOSAL**

The development proposal is for a 3.4MW solar farm laid out across approximately 6.8 hectares of agricultural land within the existing field boundaries.

The panels would be freestanding units and would be approximately 1.959m x 0.995m x 0.05m. They would be a maximum of 2.5m in height at the highest point and 800mm above ground at the lowest point. The panels would be mounted on frames tilted at an angle of between 15 to 25 degrees and the panels would be coated in order to maximise daylight absorption which would also minimise glare. The panel frames are secured into position through piles driven into the ground, meaning there is no requirement for excavation or concrete laying.

There would be inverters which would convert Direct Current (DC) electricity to Alternating Current (AC). These would be housed within cabin like structures, mounted on a concrete base. They would be 2.92m in height, 4.2m long and 1.52m wide and painted green.

A transformer to transform the electrical energy from one circuit to another, allowing for the electricity generated being to be fed into the local grid network, would form part of the development. The transformer would be housed either in a cabinet similar to the inverters or surrounded by a fence and accompanied by a switchgear cabinet. Two substations are proposed that would be contained within a brick built building and a cabinet. A communications building would also be erected to monitor performance of the panels and security issues on the site.

There would be a 2m high, agricultural timber and wire fence surrounding the solar farm, to deter theft and vandalism and prevent unauthorised access. In addition security cameras would be sited in various positions on the perimeter of the site.

Finally, a composting toilet would be constructed for the use of operational and maintenance staff and for tours of the site by community groups, schools or other interested parties.

### **SITE DESCRIPTION:**

The site is approximately 500m to the north east of the village of Worleston and the nearest road, (B5074) is approximately 180m to the west. It is within the Open Countryside as designated in the adopted local plan and is relatively flat with good screening. To the north

there is a large sewage works and the Crewe to Chester railway runs along the southern boundary. The nearest dwelling to the site is a property called Hilderstone, which is approximately 120m to the south west.

The land has been assessed as being 63% Grade 3b, with 37% being classed as 3a agricultural land.

### **RELEVANT HISTORY:**

An Environmental Impact Assessment screening opinion was requested relating to this site. (15/1675S) This concluded that the development would not constitute EIA development.

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

Of particular relevance are paragraphs 14 and 98.

#### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within Open Countryside.

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- BE.14 – Development Affecting Historic Parks and Gardens
- BE.16 – Development and Archaeology
- BE.21 – Hazardous Installations
- NE.2 – Open Countryside
- 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.11 – River and Canal Corridors
- NE.12 – Agricultural Land Quality
- NE.17 – Pollution Control
- NE.19 – Renewable Energy
- NE.20 – Flood Prevention

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
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

### **Other Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Circular 02/99: Environmental Impact Assessment  
Town and Country Planning (Environmental Impact Assessment) Regulations 2011

### **CONSULTATIONS:**

#### **Highways:**

None received at the time of report writing.

#### **Environmental Health:**

Recommend an informative relating to hours of construction.

#### **Natural England:**

This application is 5km south-west of Sandbach Flashes Site of Special Scientific Interest (SSSI). The application, as submitted, does not contain sufficient information to conclude that the development is not likely to damage or destroy the interest features for which Sandbach Flashes SSSI has been notified. Our concerns are set out below.

Several of the flashes, including those units closest to the proposed application site, are important for breeding birds and also support large numbers of wildfowl and waders as migrants and winter residents. Wigeon *Anas penelope*, teal *Anas crecca*, lapwing *Vanellus vanellus*, snipe *Gallinago gallinago* and curlew *Nemeius arquata* are regularly recorded.

The birds for which Sandbach Flashes SSSI are in part designated may also rely on areas outside of the SSSI boundary. These supporting habitats may be used by SSSI populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SSSI bird populations, and proposals affecting them may therefore have the potential to affect the SSSI. It is, therefore, advised that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on Sandbach Flashes SSSI.

Survey information is required for the site and adjacent fields to determine suitability for, and level of use by the SSSI birds. This could in the first instance consist of a desk-based study, and the results of this will determine whether further survey work will be necessary and in turn provide sufficient information on the level of mitigation required (as applicable).

### **Worleston and District Parish Council:**

No objection subject to the development not interfering with broadband reception, additional landscaping, further development and conditions relating to the construction period.

### **REPRESENTATIONS:**

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

At the time of report writing three comments have been received relating to this application, all expressing support for the proposed development subject to there being no adverse impact on communications (broadband) in the area.

### **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**

The proposed development should be considered against the National Planning Policy Framework (NPPF). This document identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including economic, social and environmental.

The National Planning Policy includes the core planning principles of encouraging *‘the use of renewable resources (for example, by the development of renewable energy)’* and *‘recognising the intrinsic character and beauty of the countryside’*.

Paragraph 98 of the NPPF then goes on to state that local planning authorities should approve applications for energy development unless material considerations indicate otherwise if its impacts are or can be made acceptable.

There is further guidance within the Planning Practice Guidance which states as follows:

*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in 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. Particular factors a local planning authority will need to consider include:*

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable 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 proposal's visual impact, the effect on landscape of glint and glare 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.*

### Local Plan Policy



The relevant policies relating to the principle of development, as contained within the Borough of Crewe and Nantwich Replacement Local Plan, are Policies NE.2 (Open Countryside) and NE.19 (Renewable Energy).

Policy NE.2 identifies that the open countryside should be protected for its own sake and that development should be kept to a minimum in order to protect its character and amenity. The policy states that:

*‘within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted’*

The proposed development would be clearly contrary to Policy NE.2.

Policy NE.19 is considered to be consistent with the NPPF in that it is intended to ensure that such proposals cause minimum harm to the countryside, ensuring a quality environment for all residents of the Borough. Amongst other things policy NE.19 states that development will only be permitted where:

- *The development would cause no significant harm to the character and appearance of the surrounding area;*
- *The proposal includes effective measures to safeguard features or areas of particular landscape or nature conservation interest*

### Emerging Policy

The most relevant policy of the Cheshire East Local Plan Strategy Submission version 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 98 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. However within this assessment there is no detail of alternative sites that have been considered.

### Conclusion

In this case the principle of the proposed development would be contrary to the Policy NE.2 contained within the Borough of Crewe and Nantwich Replacement Local Plan. However, there is significant support within the NPPF and through the emerging policy for sustainable energy developments. As a result it is necessary to consider whether the proposal represents sustainable development and assess and if any other material considerations indicate if the development is acceptable.

### **Sustainability**

There are three dimensions to sustainable development as highlighted within the NPPF - economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### **ENVIRONMENTAL ROLE**

#### **Renewable Energy Production**

The development would comprise 13,332 modules, that would produce 3.4MW of electricity, which would be capable of powering approximately 1,100 typical households. This would

generate power and reduce carbon and the applicants have highlighted that this would equate to removing 420 cars from the road each year.

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 dimensions of sustainable development.

### **Landscape**

The site is located just north of Worleston village and comprises 6.8 hectares of pastureland that slopes gently eastward down towards the river Weaver. The Crewe to Chester railway line runs along the southern site boundary on an embankment and the United Utilities sewage works is located just to the north. There are trees and scrubby vegetation along the northern site boundary much of which lies within the sewage works site behind unattractive metal palisade fencing. The site lies in Open Countryside but is not within an ASCV (Area of Special County Value)/Local Landscape Designation Area. In the Cheshire Landscape Character Assessment the site lies mainly within the River Valleys - Upper Weaver character area but the north-western tip is within the East Lowland Plain - Cholmonston character area.

The landscape proposals include additional tree and hedgerow planting on the north western boundary and a new hedgerow along the eastern boundary. The site would be sown with wildflower grass seed mixes which would enhance its wildlife value. The grassland would be managed by sheep grazing for part of the year so the land would retain some agricultural use. The operational phase of the development would last for between 30 to 35 years after which time the solar panels and infrastructure could be removed and the land returned to agricultural use.

The application is supported by a landscape and Visual Impact Appraisal which concludes the following:

*The development will have limited, indirect no change on local landscape character areas. It will have no change on any landscape designations while having only a minor adverse effect on the site.*

*The development's visual effects will be localised with the greatest changes to existing views being experienced by a limited number of local rural residents and local walkers along the immediate surrounding minor roads. The development will have a minor adverse affect on both receptor groups. The development will have no change/minor adverse effects on vehicular road users. There will be no change/minor adverse effects on railway users and no change on cyclists on dedicated cycle routes.*

These conclusions have been assessed by the Council's Landscape Architect who generally agrees with these conclusions.

The development would obviously have an adverse effect on the character of the site itself but due to limited inter-visibility it would not adversely affect the character of the Upper Weaver and Cholmonston character areas.

The nearest dwelling is Hilderstone, 120 metres south west of the site. Views from this house would be well screened by trees and hedgerows within the garden. Views from other properties in Worleston village and from the Royal Oak beer garden would generally be screened by intervening vegetation, the railway embankment, and the Dairy House farm buildings. There may possibly be oblique and fairly long-distance views from some first floor windows. The visual impact on residents is likely to be minor.

There may possibly be a distant glimpsed view of the western part of the site through intervening vegetation from Ash Paddocks located 450 metres to the north. The visual impact on the residents is likely to be negligible and the proposed tree and hedge planting on the north-western site boundary would eventually screen any views.

The only public footpath in the vicinity is Worleston FP2 to the west of Main Road (the B5074) and the site is not visible from this footpath.

From the B5074 to the north west of the site there are likely to be glimpsed views of the development, particularly during the winter through the roadside hedgerow, another intervening hedgerow and the site boundary vegetation. There are no pavements along this stretch of the road but any pedestrians would experience similar glimpsed views, particularly when crossing the bridge over the railway line. The visual impact on motorists and any pedestrians is likely to be minor and the proposed tree and hedge planting on the north-western site boundary would eventually screen most views.

From the A530 approximately one kilometre to the east, the site is not currently visible. There may be glimpsed views of the site during the winter but the visual impact of the development on road users and other receptors is likely to be negligible.

The site would be visible from passing trains but views would be fleeting due to the speed and the visual impact on passengers is likely to be minor.

Having regard to the issues set out above, it is considered that the proposed development would not have any significant adverse landscape or visual impacts.

The application includes a landscape and scheme and a biodiversity management plan but it is considered that conditions should be imposed that would allow for additional screening in the north-western area of the site, and so further details can be added to the management plan.

### **Trees and Hedgerows**

The application is supported by a Tree Survey, Tree Protection Plan, and Tree Constraints Plan all of which accord to the requirements of current best practice BS5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations.

The report identifies the loss of two individual Oak trees T1 and T2 the removal of which is considered acceptable. T1 presents a fungal bracket with T2 exhibiting signs of reduced vigour and vitality; in effect the tree is in terminal decline. Their present environment does not necessitate the need for removal but should development precede any branch failure could

be costly in terms of adjacent equipment. The trees are not considered to be worthy of formal protection.

The majority of the remaining tree cover is located on the southern boundary of the site immediately adjacent to the railway line. Whilst there may be some direct conflict in terms of the trees and light attenuation to the solar panels, the formal protection of trees located immediately adjacent to a railway line is ill advised with network rail treated as a statutory undertaker who does not need to obtain the consent of a LPA to carry out works. The trees to the north of the site are not considered to be a factor with solar panels facing south.

The application detail contains a suitable tree protection scheme which accords with the requirements of current best practice. This is combined with an additional security fence which also acts as a form of tree protection once implementation has been completed should the application proceed. Issues of compaction should not be a factor with the land's present usage requiring the passage of heavy machinery and historic ploughing which would probably lead to the demise of T2.

A condition should be imposed requiring development to be carried out in accordance with the arboricultural documentation submitted with the application.

### **Ecology**

The application site falls within Natural England's Impact Risk Zone for solar parks. It is noted that Natural England have requested additional information to be submitted to allow a more confident assessment to be made of the potential impacts of the proposed development upon Sandbach Flashes SSSI. This has been submitted and a response is awaited from Natural England.

Based upon the submitted information it is considered unlikely that the proposed development would have an impact upon any other designated site.

Great Crested Newts have been recorded from a number of ponds in close proximity to the proposed development. It is considered that the proposed development has the potential to have an adverse impact upon this species, however overall the impacts appear relatively low due to poor quality of the habitat affected by the proposals. There will be a loss of a small pond not used by Great Crested Newts. The applicant has suggested that this loss could be compensated for through the provision of a suitable replacement pond. It is recommended that if planning consent is granted, the submission of details of a replacement pond should be made the subject of a condition.

In terms of mitigation, the submitted report suggests two potential strategies to mitigate the risk posed to Great Crested Newts. The first strategy, is that due to the lack of any significant opportunities for newts to shelter or hibernate within the application site, works should be undertaken during the winter in order to void the risk of an offence in respect of Great Crested Newts.

The alternative to this, if the works are undertaken during the season when newts are active, is that an offence would be more likely to occur and a license from Natural

England would be required and a mitigation strategy would need to be put in place through the planning process.

It is considered that if works were undertaken during the winter the proposed works would not be reasonably likely to result in an offence under the Habitat Regulations in respect of Great Crested Newts and consequently it would not be necessary for the Council to have regard to the habitat regulations during the determination of the application.

If planning consent is granted it is considered that a condition should be attached requiring the construction phase to be limited to the period October – February.

Evidence of protected species activity was recorded during the initial submitted survey, however there was no evidence of current activity recorded during the follow up survey.

It is considered that if planning consent is granted a condition should be attached requiring a further badger survey and mitigation proposals to be submitted to the LPA prior to the commencement of development.

A number of trees have been identified on site that have potential to support roosting bats. The majority of these trees would be retained as part of the proposed development, however two would be lost. The two trees to be lost have been subject to a bat survey and no evidence of roosting bats was recorded. Whilst these trees have not been identified as supporting protected species the layout has been amended to allow for the retention of these trees.

It is considered that Otters, Voles and Crayfish are unlikely to be significantly affected by the proposed development.

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 gaps in the security fence to allow hedgehogs to cross the site.

If planning consent is granted standard conditions would be required to safeguard nesting birds.

Solar parks provide an opportunity to deliver enhancements for nature conservation. In order realise these opportunities the application includes a Biodiversity Management Plan.

The submitted management plan includes a number of beneficial proposals for enhancing the sites ecological value; however the management plan lacks detail at present, particularly in respect of what measures would be undertaken to ensure that suitable ground conditions area created for the establishment of diverse grassland habitats.

It is therefore recommended that if planning consent is granted a condition should be attached requiring the submission of a more detailed habitat management plan. The plan should be for the duration of the operational life of the solar park.

### Flood Risk

The application site lies entirely within Flood Zone 1 and the Flood Risk Assessment (FRA) concludes that there will be no change to restrictions to overland flow passing through the site as compared to the current land use and surface water run-off from the site will not be increased significantly.

The Council's Flood Risk Manager has assessed the proposals and has no objection subject to a condition requiring compliance with the details contained within the FRA.

### Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

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 Planning Practice Guidance states that Local Planning Authorities should consider *'where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be **necessary** and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*

The guidance references a Ministerial speech of April 2013 by the Rt Hon Gregory Barker MP which includes the *statements "Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more. But not at any cost... not in any place...."* And *"Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation...."*

The Statement submitted in support of the application states that the development would utilise the following areas of land;

- Grade 3a –37% of total site area
- Grade 3b –63% of total site area

Therefore the proposed development would result in the temporary loss of a limited

amount of of good and moderate quality agricultural land agricultural land for the 25 year lifetime of the proposed development.

A previous application at Land South of Wood Lane, Bradwall was before Strategic Planning Board in July 2015 (15/1541C). Members resolved to approve the application subject to a Section 106 Agreement relating to the restoration of the land. In the case of this application the applicants have been requested to submit a Unilateral Undertaking that makes the same provisions as required by the s106 Agreement for the Bradwall application. Members will be updated on this at the Committee meeting.

### **ECONOMIC ROLE**

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

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

“support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings”

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

The NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

### **SOCIAL ROLE**

#### **Highways Implications**

The Strategic Highways Manager (SHM) has not responded at the time of report writing; however on previous applications of this nature, it was concluded that the construction phase of the development is the only element of the proposal that would generate traffic to any significant degree.

Should consent be granted, a Construction Management Plan should be secured by condition, in order to control vehicle movements and parking of construction/delivery vehicles.

#### **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 or adjacent to it and as such there would be no impact as a result of the proposed development.

### **Impact upon the setting of the Local Heritage Assets**

The nearest listed building is the Grade II Brayne Hall which is located to the north of the site beyond the sewage works.

Although the zone of theoretical visibility includes a few Grade I and Grade II\* listed buildings and the Grade II site of The Battle of Nantwich they are located between 2km and 5km away, Historic England have advised that there will be minimal impact on their setting.

Whilst there are a few Grade II listed buildings within 2km their distance is such that despite the flat landscape the impact of the solar park on their setting should be minimal but could be mitigated sufficiently through the assistance of tree and hedgerow planting to form a screen on the edges of the proposed site.

The nearest Grade II listed building (Brayne Hall) is located beyond the existing sewage works which itself to some degree presents a physical barrier between the listed building and the proposed solar park site. To mitigate the visual impact of the proposed solar park further however; substantial planting along the northern boundary of the site should be secured by condition.

Given the issues set out above it is not considered that there would be any substantial harm to heritage assets. The proposal therefore is in compliance with paragraphs 132 and 133 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. The report considers information held in the Cheshire Historic Environment Record, including reports on the results of other assessments and field investigations carried out in the vicinity of the application. It also describes the results of an examination of aerial photographs, historic mapping, and other readily-available secondary sources.

It concludes that the archaeological potential of the application site is low. Historic England has recommended archaeological mitigation measures; however the Development Control Archaeologist from Cheshire Shared Services, who has more detailed knowledge of the local area sees no justification for this.

## Response to Representations

The Parish Council and a member of the public have expressed concerns about interference with broadband in the area. The applicant has submitted the following information in response to this.

*“Our Technical Director advises that that any electrical equipment installed at our site will meet the EMC directive (2014/30/EU) and be CE marked. Additionally the inverters are built to the following standards which will ensure they are compatible with electromagnetic transmissions.*

- IEC 61000-6-4:2007 + A1:2011 - Electromagnetic Interference*
- IEC 61000-6-2:2005 - Immunity to Interference*

*The electromagnetic radiation that may be emitted from this equipment would therefore fall well below the thresholds expected to interfere with radio transmissions.*

*Lower frequencies are used by rural broadband to assist in maintaining a reliable radio signal. The greatest influence on direct line of sight radio signal are physical obstacles between the transmitting and receiving antenna. The strength of the radio signals can therefore be affected by trees, vegetation, trains and fog. Solar farm infrastructure is low in height, with the majority of the infrastructure under 2.5m in height (a few of the ancillary buildings are higher than this, the tallest being the DNO switchgear building at 4.4m high). Given the significant existing boundary tree vegetation, and the elevated nature of the railway embankment to the south of the development site, we would expect the line of sight radio transmission over the application field to transmit above the highest point of the proposed solar farm. This will ensure there will be no interference to the rural broadband.*

*We have over 160 solar farms, many within rural locations, and have not to date been contacted by any community reporting broadband or line of sight interference.”*

## Other Matters

The application submissions put forward a 30 year lifetime for the development after which it would be de-commissioned. However the Council consider that the lifetime of the development should be limited to 25 years. This would be in line with other solar farms that have been granted permission in Cheshire East.

## Planning Balance

The proposal is contrary to development plan policies NE.2 (Open Countryside) and NE.12 (Agricultural Land) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration is the NPPF which states at paragraph 98, that:

When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- 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 also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

In this case, the benefits of the provision of a renewable energy source are considered to outweigh the limited impacts on landscape, ecology and highway safety which, it is considered will not be severe and can be mitigated by the use of conditions

Balanced against the identified benefits must be the loss of an area agricultural land. Given the nature of recent appeal decisions, it is considered that it would be difficult to defend a reason for refusal relating to the loss of agricultural land, especially as the majority of the site consists of low to moderate quality agricultural land.

Having regard to sustainability, including environmental, economic and social sustainability, the benefits of the scheme by virtue of the provision of a source of renewable, low carbon energy, are not outweighed by the limited harm to the landscape character of the area.

On the basis of the above, it is considered that the application should be delegated to the Chairman of Strategic Planning Board and the Head of Planning (Regulation) to approve subject to the additional comments from Natural England, the conditions set out in this report and a Unilateral Undertaking to secure the restoration of the site.

### **RECOMMENDATION**

**Delegate to the Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman of Strategic Planning Board, to approve subject to the response from Natural England, the submission of a Unilateral Undertaking to secure a bond for the clearance and restoration of the land to agricultural use after 25 years and the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. Submission of landscaping scheme, including habitat creation**
- 4. Implementation and maintenance of landscaping scheme**
- 5. Submission and implementation of a Landscape Management Plan**
- 6. Submission and implementation of Construction Environment Management Plan**
- 7. Tree protection**
- 8. Tree retention**
- 9. Tree pruning specification**
- 10. Submission and implementation of an arboricultural method statement**
- 11. Submission and implementation of levels survey**
- 12. Submission and implementation of full service/drainage layout**
- 13. Submission and implementation of method statement for groundworks (archaeology)**
- 14. Submission of and implementation of full details of solar arrays, fencing and equipment including colour and finish**

- 15. Submission and implementation of details of facing and roofing materials for sub station, inverters and transformer housing**
- 16. Development completed between October and February in any year unless a mitigation statement to avoid Great Crested Newts has been submitted and approved**
- 17. Submission of an updated protected species survey and mitigation measures prior to the commencement of development**
- 18. Details of the provision of gaps in the security fencing to allow access for hedgehogs**
- 19. Details for the provision of a replacement pond**
- 20. Protection for breeding birds**

**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 (Regulation) 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.**



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