

Application No: 14/4500N

Location: Land adjacent to Bank Farm, Cholmondeley Road, Wrenbury, Nantwich, CW5 8HJ

Proposal: Erection of a solar park substation and Distribution Network Operator (DNO) substation in connection with the proposed solar park at land associated to Hurst Hall Farm, Marbury, SY13 4LU. (to accompany application 14/4380N)

Applicant: Markus Wierenga, Green Switch Developments Ltd

Expiry Date: 18-Nov-2014

#### **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.

In terms of sustainability, the benefits of the provision the means of distribution 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 facilitating the distribution of energy from a renewable, low carbon source.

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

Given that the solar park to which this proposal is linked, is recommended for refusal the buildings are not necessary in this open countryside location and are therefore contrary to Policy NE.2 of the adopted local plan and Policy PG5 of the emerging local plan.

The scheme therefore represents an unsustainable form of development and the planning balance weighs against of supporting the development.

#### **RECOMMENDATION:**

**Refuse due to the building being contrary to Policy NE.2 of the adopted local plan and Policy PG 5 of the emerging local plan and there are no other material considerations that make it acceptable.**

#### **PROPOSAL:**

The application proposal is for the erection of a solar park substation and Distribution Network Operator (DNO) substation in connection with the proposed solar park at land associated to Hurst Hall Farm, Marbury, SY13 4LU. (14/4380N)

The proposal comprises two buildings; one constructed of glass reinforced plastic (GRP) and one of a brick and tile construction. They would house the equipment required to allow connection into the National Grid. The site would be accessed from an existing field access off Cholmondeley Road, which would be upgraded as part of the proposal.

#### **SITE DESCRIPTION:**

The application site comprises an area of pasture land adjacent to Bank Farm, Cholmondeley Road, Wrenbury. It is served by an existing field access and is adjacent to a public footpath. A new entrance gate is proposed, which would allow pedestrian access. The new buildings would be sited in close proximity to the existing agricultural buildings at Bank Farm.

The site is designated as being within Open Countryside in the adopted local plan.

#### **RELEVANT HISTORY:**

14/4380N      Current application for solar park at Hurst Hall

#### **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.21 – Hazardous Installations
- NE.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats
- NE.12 – Agricultural Land Quality
- NE.17 – Pollution Control
- NE.19 – Renewable Energy

NE.20 – Flood Prevention  
RT.9 – Footpaths and Bridleways

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  
SE6 – Infrastructure  
SE8 – Renewable and Low Carbon energy  
SE9 – Energy Efficient Development  
IN1 – Infrastructure

### **CONSULTATIONS:**

#### **Highways:**

None received at the time of report writing.

#### **Environmental Health:**

Recommend conditions/informatives relating to noise generation and external lighting.

#### **Marbury and District Parish Council:**

The Parish Council wish to object to the proposed Solar Park and the extended sub station.

The development would appear to be against both Local and National Planning Objectives for use of agricultural land. It would also be an intrusion into the open countryside in an area well used by walkers and canal users.

The development is of an industrial scale and character and would be totally alien to the appearance and character of its rural landscape setting. The change to the outlook of various properties that overlook the site would have a detrimental effect and be of a negative nature.

The potential for noise pollution and disturbance during the construction of the Solar Park and its joining to the sub station/national grid is very high. There is also a concern about probable light pollution during the construction and afterwards from security lights.

Reference has been made earlier to intrusion into Open Countryside and the possible loss of habitat etc. The Council's Principal Planning Officer, Emma Williamson, in a letter to Greenswitch Solutions, dated 11th April 2014, stated ".that the proposal is likely to have significant effects..." and also in the same letter "The development could be easily viewed from Frith Lane and from a number of Public Footpaths, particularly the footpath on the

southern site boundary. While the site would benefit from an element of natural screening provided by existing trees and vegetation the potential for long distance views of the scheme is great given the scale of the scheme proposed and conditions of the site and surroundings."

The comments above are based on statements made by Parish Councillors at a meeting of Marbury and District Parish Council on Monday, 20th October 2014. Statements were based on consultations with a substantial number of residents by the Parish Councillors and noted by the Clerk.

Comments were also made that the suggestion that the Solar Park has a "life" of 25 years is possibly misleading in that it could be much longer! Many participants were not impressed by the timing or the format of the "Consultation Event" and the changes in the application during its development.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice posted.

Members of the public have largely made joint comments on this application and the one for the solar park, these are addressed below.

At the time of report writing approximately 172 comments have been received relating to the application. 144 objections and 28 in support of the application. These are summarised below and the full documents can be accessed through the Council's website.

The objections express the following concerns:

- Adverse impact on the landscape
- Visual intrusion
- Visibility from many viewpoints
- Loss of agricultural land for food production
- Scale of the development
- Impact on public rights of way
- Impact on the setting of the Conservation Area
- Does not fulfil the definition of sustainable development in the NPPF
- Contrary to local and national policy
- Industrial development in the countryside
- Brownfield land should be used for this form of development
- Vandalism of the countryside
- No amount of screening will disguise it
- Adverse impact on ecology
- The site is miles from the National Grid and disruption during connection
- The Secretary of State for Environment says these '*large scale solar parks are a blight on the countryside*'
- Cumulative impact of these types of development
- Alternative sites not properly considered
- Impact on local tourism
- Highway safety
- Extensive disruption during development period

- Loss of outlook
- Light and noise pollution
- Aircraft could be adversely impacted
- Impact on local parachute club
- Inconsistencies in the application documentation
- Levels of subsidy are too generous
- Technology already outdated
- Questions about what will happen after 25 years
- Flood risk
- Property prices

The objectors also have the support of the local MP. In addition photomontages have been submitted depicting how the site may look when completed, these can also be viewed on the Council's website.

The comments in support include a petition with 67 signatories and make the following points:

- Valuable production of renewable energy
- Reduction in local energy bills
- Will help to prevent catastrophic climate change
- No significant or intrinsically negative impact on landscape character
- Will have little impact once completed
- Green energy should be supported
- Important for farmers to be able to diversify and access other income streams
- Good for local business
- Increase in biodiversity
- The land can still be used for grazing
- This is only a temporary use that will be beneficial
- The country needs a more diverse energy balance.

## **APPRAISAL:**

The key issues to be considered in the determination of this application are set out below. In summary they comprise the principle of this development in Open Countryside, highway safety, amenity and design.

### **Principle of Development**

The proposed development should be considered against the 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 consideration indicate otherwise if its impacts are or can be made acceptable.

### 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'*

Having regard to this application, there is a direct link to the application for the solar Park at Hurst Hall. This application appears on this agenda and is recommended for refusal due to significant adverse impact on the landscape character of the area. Therefore the sub-station facility is not necessary to serve a renewable energy, low carbon facility. As it is not *'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,'* it is contrary to the requirements of Policy NE.2.

### 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 environment, 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'.*

Policy PG5 relates to Open Countryside and largely echoes the requirements of Policy NE.2 of the adopted local plan. Therefore as explained above the proposal is also contrary to this policy.

## **Sustainability**

The three dimensions to sustainable development 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**

The site is a greenfield site and therefore not the first priority for development hence the potential conflict with countryside policies. The proposal is however in connection with a renewable energy scheme that would help the move towards a low carbon economy.

## **Economic Role**

Government policy is committed to supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The substation would be of limited value in itself but would assist in facilitating the associated solar park.

## **Social Role**

The proposal would contribute to the distribution of renewable energy which would be of benefit to the population by virtue of contributing to energy security.

## **Highways Implications**

The Strategic Highways Manager (SHM) has not commented on this application. However the proposal is for buildings to house an electricity sub-station, which would not result in any

significant increase in vehicle movements to this existing field access. It is therefore considered that the proposal is acceptable in highway safety grounds.

### **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.

### **Design**

The buildings would have a utilitarian appearance appropriate to their proposed use. The substation would be constructed of glass reinforced plastic (GRP) and finished in green and the DNO substation would be constructed of brick and tile. Should the development be approved, the design and materials are considered to be acceptable in this location.

### **Landscape**

The proposal comprises a small amount of development in open countryside, in close proximity to existing agricultural buildings. As such it is not considered that there would be any significant adverse impact on the character of the surrounding landscape.

### **Public Rights of Way**

The proposal has the potential to affect Public Footpath Wrenbury cum Frith No.19. The obstruction of a public footpath would not be acceptable and as such the applicant would have to apply to divert it. At the time of report writing, no diversion has been applied for.

### **Agricultural Land**

The application is for a small amount of development on this agricultural field. An agricultural land classification has not been submitted with the application; however it is not considered that the loss to agriculture, of this small piece of land would cause any significant adverse impact.

### **Response to Objections**

The representations of the members of the public are primarily related to the overall solar park development rather than the substation. However, such matters have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report – particularly those of impact on the landscape and open countryside.

### **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 accompanying application for a solar park is recommended for refusal, as such the proposal is not considered necessary to serve that facility and is therefore contrary to Policy NE.2 of the adopted local plan and Policy PG 5 of the emerging local plan.

On the basis of the above, it is considered that the application should be refused due to the lack of a need for the buildings in this open countryside location.

## **RECOMMENDATION**

**Refuse for the following reason:**

- 1. The development of the proposed solar park substation and distribution network operator substation is within Open Countryside and is contrary to the requirements of Policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy PG 5 of the Cheshire East Development Strategy – Submission Version. This is by virtue of the introduction of buildings into the open countryside that are not required for the purposes of agriculture , forestry or outdoor recreation.**

**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 Principal Planning Manager 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.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

