

Application No: 14/4296N

Location: AGRICULTURAL LAND AT, HATHERTON LODGE FARM,  
HUNTERSON ROAD, HATHERTON, NANTWICH, CW5 7RA

Proposal: Installation of a solar park with an output of approximately 8.28 MW on  
land associated with Hatherton Lodge Farm.

Applicant: Mr Markus Wierenga, Green Switch Developments Ltd

Expiry Date: 11-Dec-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 of a source of renewable energy, for which there is a recognised need, outweighs any harm having regard to the impact on open countryside and loss of best and most versatile 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 have an impact on the landscape of the area but not sufficiently harmful in the overall balance. It is acceptable in terms, amenity, flood risk, highway safety and ecology.

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

### **RECOMMENDATION:**

Approve subject to conditions.

### **PROPOSAL**

The development proposal is for a circa 8.25MWp Solar Park laid out across approximately 16 hectares of agricultural land within the existing field boundaries.

The panels would be freestanding units constructed of toughened glass set in aluminium frames. They would be mounted close to the ground (approx 2.33m high with a tilt angle of 25 degrees), and fixed in position through piles driven into the ground, meaning that no concrete foundations are required. There would be approximately 28,160 panels. The panels would be

arranged in rows on an east to west alignment, facing south to maximise exposure to sunlight. Security fencing would be erected around the boundary to restrict access to the site.

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 housed in weather proof fibre glass enclosures and a small control building/substation within the site.

Access during the construction period, for maintenance and subsequent decommissioning, would be via a track which leads from Hunterston Road to the north and through Hatherton Lodge Farm.

The operational life of the solar park would be 25 years.

### **SITE DESCRIPTION:**

The site is located southeast of Nantwich close to the villages of Hatherton and Hunsterson on land at Hatherton Lodge Farm. It consists of four fields with an overall area of 15.98 hectares. The site is located in a shallow basin and is generally flat. There are mature but gappy hedgerows and trees around the site perimeter and on the boundaries between the four fields and a low ridge along the north eastern site boundary. The topography of the surrounding area is broadly undulating.

The land has been assessed as being 82% Grade 4, 4% Grade 3b and 14% Grade 3a.

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

### **RELEVANT HISTORY:**

An Environmental Impact Assessment screening opinion was requested relating to this site. (13/5090S) 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.3 – Areas of Special County Value  
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  
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  
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:**

No objection.

### **Environmental Health:**

None received at the time of report writing, however on previous applications of this nature there has been no objection subject to an informative relating to noise generative works.

### **Flood Risk Manager:**

No objection in principle, subject to conditions.

### **Natural England:**

No objection.

### **Archaeology:**

No objection subject to a condition relating to a method statement for new groundworks.

### **Public Rights of Way:**

No objection subject to an informative making the developer aware of their responsibilities having regard to the public footpaths.

### **Civil Aviation Authority:**

Have responded saying that they do not need to be consulted on applications such as this.

### **Manchester Airport:**

No objection.

### **Hatherton and Walgherton Parish Council:**

Object to the proposal on several grounds including agricultural land classification, impact on landscape, contrary to Government guidance, omissions in the information submitted with the application, flood risk, glint and glare, traffic disruption and impact on wildlife.

### **Doddington and District Parish Council:**

Object to the proposal on several grounds including visual impact, insufficient ecological assessment, agricultural land classification, poor drainage and traffic disruption during development

## **REPRESENTATIONS:**

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

At the time of report writing approximately 36 comments have been received relating to this application, expressing the following concerns:

The objections express the following concerns:

- The site is miles from the National Grid and disruption during connection
- Negative impact on the character of the landscape
- Visual impact from neighbouring properties
- Industrial style development
- Loss of agricultural land
- The agricultural land is not of a poor grade
- Impact on views from the South Cheshire Way
- Security fence will be an alien feature
- Impact on wildlife
- Heavy construction traffic
- Will not supply local need but just feed into the grid
- Panels should be sited on the roofs of new and existing buildings
- Scale of the solar park is too large
- Contrary to Policies NE.2 and NE.19
- Will be “an appalling blot on the Cheshire landscape similar to a concentration camp”
- Security issues – solar panels will attract thieves
- Planning Officers are under a professional and moral duty to safeguard our heritage for both the present and future generations
- The use of the countryside for heavily subsidised renewable energy cannot be considered to be ‘green’
- Will set a precedent for further degradation of the countryside
- The site may not be correctly maintained and become insecure and dangerous
- Electricity output will not be cost effective
- May interfere with internet and mobile phone coverage
- Loss of flora may impact on bees
- Several Government Ministers have spoken against solar developments in rural areas
- Contrary to Planning Policy Guidance
- This will be the “thin end of a very large wedge”
- The 10 metre buffer strips are a “half hearted” attempt to rationalize the damage that would be caused
- Inadequate consultation by the developer
- Property devaluation
- Is the northern climate suitable for solar farms?
- No evidence of alternative sites being considered
- Errors in the Transport Statement
- No evidence on the cumulative impact of solar park development

The objectors also have the support of the local MP who has submitted an objection to the application, as has the Ward Councillor.

One of the objectors has submitted a letter that he received from the Department for Food and Rural Affairs, which he received following his request for clarification of the Department’s views on solar power on agricultural land. The letter states the following:

*“As set out in our Solar Strategy, we want to focus on opening up the solar market for the UK’s estimated 250,000 hectares of south facing commercial rooftops. Solar increasingly offers efficient and cost effective onsite generation opportunities to both businesses and domestic consumers, and our strategy makes a step change in our ambition for both as a means to generate renewable energy.*

*Widespread solar will ensure a better deal for hard pressed consumers and help move towards a greener, more local energy sector. Farm subsidies are, however, designed to support agricultural activities and should therefore be allocated to people who primarily use the land for agriculture.*

*We want farmers to prioritise making the best use of their land for food and crops. We therefore do not want to provide subsidies for land where farming is just a secondary activity. CAP money should be focussed on farmers who are committed to agriculture.*

*Farmers will continue to get an income from energy generation. We do want farmers to look for ways of increasing the diversity of their business, and solar installations can be part of that. What we are saying is that farmers should be focussed on using prime agricultural land for crops and food. Solar panels can help if they are installed on farm buildings, for example.”*

## **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 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'*.

### 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 application makes clear that the applicant is aware of the promotion of brownfield sites. However they maintain that brownfield sites and rooftops are difficult due to issues with



contaminated land and fears of building owners that panels would damage the fabric of their buildings.

Having regard to the appeal site, the applicant considers that it is 'best suited' due to the avoidance of visual impact on local residents and the fact the it does not use any significant amount of best and most versatile agricultural land.

### 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 development represents sustainable development and assess if any other material considerations indicate if the development is acceptable.

### **Relevant Recent Appeal Decisions**

This is one of a number of applications that may be forthcoming to Cheshire East with EIA Screening requests for 17 sites within the Southern part of the Borough. Two applications have been determined by the Council one approved at Land North East of Combermere Abbey (14/2247N) where it was considered that the impacts would not be unacceptable and one refused at Hurst Hall, Marbury (14/4380N) due to severe adverse impact on landscape.

Each application should be determined on its own merits but in this it is prudent to draw Members attention to the following appeal decisions which have been issued since the publication of the Planning Practice Guidance;

- *Suffolk Coastal District Council – Hacheston (Appeal reference 2193911) – 22nd May 2014 – Application for a solar panel farm on 51 hectares of land within the open countryside. As part of this decision which was recovered and dismissed by the SoS it was concluded that; 'there would be a major/moderate adverse impact on the landscape as perceived from the north side of the development and a similar visual impact for local recreational walkers' and 'there is significant doubt that maintenance and retention of the mitigation planting could be ensured for the 25 years of the scheme on the basis that the Unilateral Undertaking and associated agreements carry little weight. This is a critical consideration because of the site's location in an area of countryside that is of special quality. The Secretary of State places significant weight on the harmful visual impacts' and 'the loss of a substantial area of productive agricultural land for at least 25 years is another negative factor'*
- *Babergh District Council (Appeal Reference 2204846) – Wherstead – 2nd June 2014 – Application for a solar panel farm on 38.4 hectares of land within the open countryside. As part of this decision which was dismissed the Inspector concluded that; 'the proposal would result in a significant, localised, adverse impact on the landscape in the short term, and whilst this impact would gradually reduce over time, it would nonetheless remain a considerable detraction from the rural character of the area. Therefore, the development does not respect the landscape' and 'it has not been demonstrated that the development of the agricultural land comprising the site is*

*necessary. Nor has it been demonstrated that no suitable brownfield sites or sites of lower agricultural quality are available. Consequently, the Appellant has not complied with the sequential test set out in the PPG and, therefore, the proposal is not in accordance with Government guidance in this respect and is contrary to paragraph 112 of the Framework'*

- *Swale Borough Council – Littles Farm, Kent (Appeal reference 2212592) – 13th June 2014 –As part of this decision which was dismissed the Inspector concluded that; 'in view of the Planning Practice Guidance I have referred to, I conclude that the site's use of BMV land, and its loss to most crops which rely (or crop most heavily) on such land, would significantly and demonstrably outweigh the renewable energy, biodiversity, employment, farm diversification and other benefits of the scheme and its accordance with certain elements of national and local policy. I therefore conclude that the scheme is not the sustainable development for which the Framework indicates there is a presumption in favour'. In terms of the landscape impact the inspector found that the landscaping would take 5-7 years to take affect and would cause harm to the landscape during this period. It was found this added weight to the appeal decision but in view of the relatively limited period during which the harm would be likely to be experienced, it was not a determining factor in the decision.*
- *Cornwall Council – Land at Burthy Farm, Summercourt, Newquay (Appeal Reference 221234) – 30th September 2014 – As part of this decision that was allowed the Inspector concluded that: "The appeal site would not go wholly out of agricultural use if, as contended by the appellant, sheep grazed the grass that would grow between the arrays. Though there is no certainty that this would occur and no mechanism to ensure that it would. Nevertheless, even if this did not occur, the appeal proposal would not lead to any permanent loss of agricultural land irrespective of quality. The appeal proposal is for a period of 25 years and can be conditioned accordingly. Thereafter it would revert to agricultural use. While not necessarily a short period in human terms, it would not amount to a permanent loss."*
- *Cornwall Council – Land at Kellygreen Farm, St Tudy (Appeal Reference 2212325) – 23rd June 2014 – As part of this decision that was allowed the Inspector concluded that: "It follows that there would be a loss of productive agricultural land for 25 years, but not a great deal of land that is 'best and most versatile'. Moreover the appellant has put forward positive proposals for limited grazing and other uses for the land around and between the panels that would have ecological benefits. I conclude on this issue that the proposal would cause only limited conflict with the aims of paragraph 112 of the NPPF and very limited harm to agricultural production; and that this needs to be put in the overall balance. In terms of landscape impact, the Inspector concluded that there would be moderate adverse impact and the benefits would significantly outweigh the disadvantages.*

As can be seen from these decisions, Inspectors are taking differing conclusions in terms of the permanent loss of the 'best and most versatile' agricultural land.

## **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 *'be a solar photovoltaic (PV) power plant of approximately 7.46 Mega Watt peak (MWp).'* This would generate power and reduce carbon.

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 southeast of Nantwich close to the villages of Hatherton and Hunsterson on land at Hatherton Lodge Farm. It consists of four fields with an overall area of 15.98 hectares. The site is located in a shallow basin and is generally flat varying between 63 and 68 metres AOD. There are mature but gappy hedgerows and trees around the site perimeter and on the boundaries between the four fields and a low ridge along the north eastern site boundary. The topography of the surrounding area is broadly undulating.

The application includes a Landscape and Visual Impact Assessment (LVIA) in accordance with the current Guidelines for Landscape and Visual Impact Assessment. The landscape and visual impacts are considered separately:

#### *Landscape Impacts*

The site lies within National Character Area 61 – the Shropshire, Cheshire and Staffordshire Plain. In the Cheshire Landscape Character Assessment 2008 the site is within the Lower

Farms and Woods character type and the Audlem Character Area. Using these assessments the LVIA has summarised the character of the area as - a broadly undulating landscape with steeper wooded slopes along watercourses. A low density of settlements combined with country roads creates a rural character. Views across the landscape are restricted by hedgerow trees and woodland blocks and a lack of vantage points. However, the removal of hedges in some areas has created a more open landscape, allowing extensive views.

The value of the site and surrounding area is assessed as medium as there are no national or local landscape designations. The sensitivity of the site to the proposed development is also assessed as medium. The assessment concludes that during both the construction and the operational phase the impact on the character of the site would be Substantial Adverse due to the introduction of new elements that would be prominent and uncharacteristic of the landscape. However, these impacts would be limited to the site and the immediate surrounding area due to the screening provided by strong hedgerow trees and woodland blocks and local changes in topography. For the wider landscape, impacts would be Nil-Negligible Adverse due to limited inter-visibility with the site.

These impacts would be long-term but reversible following the removal of the facility after an anticipated 25 year operational period. Residual impacts would be negligible.

#### *Visual Impacts*

The visual impact assessment considers views from residential properties, public footpaths, regional cycle route 70 and highways in the vicinity.

Views of the development would be available from the following properties: Bearcat Fields, Hatherton Lodge Farm, The Laurels, Hunsterson Four Lane End and Manor Farms, Holly Farm and properties in Birchall Moss.

Bearcat Fields is the closest property and is located 50 metres south of the site. Ground and upper floor views from this property would be partially screened by vegetation on the site boundary. The visual impact is assessed as Substantial Adverse during construction and Moderate Adverse during the operational phase.

Hatherton Lodge Farm is located 90 metres north of the site and the visual impact on this property is assessed as Moderate Adverse for both the construction and operational phases. However this is the site landowner's property.

All other properties are more distant and any views would generally be from upper floor windows and the visual impacts are assessed as ranging from Slight Adverse to Nil-Negligible Adverse.

Highways and Regional Cycle Route 70 The only highway from which the site is visible is a short section of the B5071 Crewe Road located 450 metres to the north-west. This is also the only point on Regional Cycle Route 70 where the site is visible. From this point only a small part of the site is visible and the visual impact is assessed as Negligible Adverse during construction reducing to Nil-Negligible adverse during the operational phase for cyclists and for other highway users.

#### *Public Footpaths*

The South Cheshire Way (SCW) is located 31 metres from the site at its closest point at the south eastern corner of the site.. The visual impact on the sections of the path located to the south of the site and on the adjacent ridge, the visual impact would be Very Substantial Adverse during both the construction and operational phases as there would be open views of the development. Further south near to Bearcat Fields the impact on the SCW would reduce to Substantial Adverse during construction and Moderate Adverse during the operational phase (refer to photo viewpoint 1). To the north of the site the visual impact on the SCW would reduce to Nil as views would be screened by topography.

Hatherton FP 9 extends eastward from the South Cheshire Way. In close proximity to the site the impact would be Very Substantial Adverse. The impact would reduce to Nil further away from the site due to screening by vegetation and topography.

Hatherton FP 8 runs from Hatherton to Hunsterson Road and is located 60 metres to the north of the site at its closest point. Views from most of this footpath are screened by vegetation and topography but the development would be visible from a section near to Hatherton Lodge Farm and the visual impacts would be Substantial Adverse for both the construction and operational phases.

Views from Hatherton FP10 to the south west of the site would generally be screened by vegetation and topography.

The Council's Landscape Architect has visited the site and concludes that the LVIA is fair and reasonable and generally agrees with predicted landscape and visual impacts.

The development would have a Substantial Adverse impact on the landscape character of the site itself but due to limited inter-visibility it would not adversely affect the wider Audlem landscape character area.

Very Substantial to Moderate Adverse visual impacts would be limited to those receptors in close proximity to the site. These are the residents of Bearcat Fields and Hatherton Lodge Farm (the site owners) and people walking the South Cheshire Way and public footpaths Hatherton 8 & 9. All other receptors are located some distance from the site and the visual impacts would be Slight to Negligible Adverse due to distance and partial screening by vegetation and landform.

The proposed landscape scheme includes new hedgerow planting around the site perimeter. When mature, in between 5 to 10 years, these hedges would provide some screening and would to some extent mitigate the visual impacts on Bearcat Fields, Footpath 8 in the vicinity of Hatherton Lodge Farm and the South Cheshire Way (SCW) to the south east of the site. The visual impacts on the short section of the SCW on the ridge near the south eastern corner of the site could not however be mitigated.

The adverse landscape and visual impacts would be long-term but would be reversible. Following the removal of the facility and restoration of the site to agricultural use, the new boundary hedgerows would slightly enhance the area.

The application does not include details for grassland management within the site. On a similar approved development at Combermere Abbey, sheep grazing is proposed. There is also scope to improve biodiversity by establishing some wildflower grassland.

On balance, it is considered that the landscape impact when considered as a whole would not be so severe as to warrant refusal of the application on these grounds subject to conditions to secure adequate landscaping works.

### **Trees and Hedgerows**

There are trees and hedgerows within and on the boundaries of the site and whilst the layout of the solar panels means that these will remain in situ, it will be necessary to have comprehensive conditions for tree and hedgerow protection, tree retention, a pruning/felling specification, an arboricultural method statement, a levels survey and a service/drainage layout.

### **Ecology**

A number of badger surveys have been recorded around site. The submitted ecological assessment recommends that no works take place within close proximity of setts. The submitted layout plan has been revised to ensure a 20m buffer around the setts and a 200mm gap at the base of the security fence to allow the free movement of Badgers around the site

Only a limited Great Crested Newt survey has been undertaken as the survey was significantly constrained by lack of permission to access the majority of the ponds around the application site. The application site is however currently intensively grazed pasture and so is of limited value for Great Crested Newts. Similarly reptiles hedgehogs and polecat activity is likely to be associated more with the site's boundary features.

The application site has the potential to support a number of species of breeding birds including those considered a priority for conservation. The installation of the proposed panels is not likely to have an adverse impact upon nesting birds and the proposed additional hedgerows are likely to be beneficial once they mature.

A number of trees on site have been identified as having potential to support roosting bats. Based upon the submit layout plan it appears feasible for all the existing trees on site to be retained as part of the proposed development and the applicant has confirmed that this is the case.

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

### **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 assessed the application and concluded that the construction phase of the development is the only element of the proposal that would generate traffic to any significant degree. It would involve a construction period of 3 to 4 months.

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 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 development would be adjacent to Public Footpaths 9 and 12 Hatherton and 2 Hunterson. The development would be unlikely to affect these Public Rights of Way and as such is satisfactory in these terms.

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

There are no designated heritage assets within the site; however there are two Listed Buildings within a 1km radius, the nearest being approximately 0.9km and the other 1km away.

Given the distances involved it is not considered that there would be any substantial harm to the heritage assets. The proposal therefore is in compliance with paragraphs 132 and 133 of the NPPF.

## **Archaeology**

This application is supported by an archaeological desk-based 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 there is some potential for archaeological deposits to be present across the site and particularly draws attention to the possible medieval deer park and the medieval fish pond.

The archaeological potential of the site is not sufficient to sustain an archaeological objection to the development or to justify further pre-determination archaeological work. The report correctly concludes that, in general, the development would potentially have only a slight adverse impact on any archaeological remains present. In this instance, the only area where the impact may be greater is at the location of the fishpond's dam, which is in an area of proposed hedgerow planting and security fencing. Therefore, it is considered that the proposed boundaries are redesigned to avoid ground disturbance on this part of the site. In the event that planning permission is granted, this could be secured by a condition securing a method statement for all new groundworks.

It is expected that this will be a straightforward process, being restricted to the area of concern, and limited to the submission revised details outlining the mitigation to minimise the ground disturbance on this area of the site.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2012), published by the Department for Communities and Local Government and the still current PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

## **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. These issues are summarised in the representations and include impacts on landscape, open countryside, agricultural land, scale, appearance, public rights of way, highway safety, amenity, ecology, tourism and pollution.



## **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 identified 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 of 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 poor 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 approved subject to the conditions set out in this report.

## **RECOMMENDATION**

**Approve subject to 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 Construction Environment Management Plan**
- 6. Tree protection**
- 7. Tree retention**
- 8. Tree pruning specification**

- 9. Submission and implementation of an arboricultural method statement**
- 10. Submission and implementation of levels survey**
- 11. Submission and implementation of full service/drainage layout**
- 12. Submission and implementation of method statement for groundworks (archaeology)**
- 13. Submission of and implementation of full details of solar arrays, fencing and equipment including colour and finish**
- 14. Submission and implementation of details of facing and roofing materials for sub station, inverters and transformer housing**
- 15. Development completed between 1<sup>st</sup> November and 28<sup>th</sup> February in any year unless a mitigation statement to avoid Great Crested Newts has been submitted and approved**

**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.**

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