

Application No: 15/2126N

Location: LAND AT, MOSS FARM, MOSS LANE, WARMINGHAM, CW1 4PW

Proposal: Solar farm and associated development

Applicant: TGC Renewables Ltd

Expiry Date: 07-Aug-2015

SUMMARY

The proposed development would provide a source of renewable energy to power 1445 homes. 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.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

There would be no tree losses associated with this application and on balance it is not considered that a reason for refusal on landscape grounds could be sustained.

The development would not have a detrimental impact upon the local highway network or the use of the PROW which crosses the site.

The development would not impact upon the built heritage within the vicinity of the site.

The development would only impact upon Grade 4 (poor quality) agricultural land.

It is considered that the benefits would outweigh the harm of the scheme and as such the development is recommended for approval.

RECOMMENDATION

Approve with conditions

PROPOSAL

The development proposal is for a circa 5.72MWp Solar Park laid out across approximately 11.7 hectares of agricultural land at Moss Lane, Warmingham. This would provide the annual power needs of approximately 1,445 households.

The photovoltaic panels would be mounted on a ground-based racking system. The panels would be laid out in arrays (rows) running east to west across the field enclosures. The maximum height of the arrays will respond to topography and will be capped at approximately 3m above ground level. The arrays would be supported by posts which are driven into the ground.

A total of 5 Inverter cabinets are required.

The inverter cabinets would measure 9.7m in length, 3.1m in width and 3.2m high.

The development would include perimeter fencing and CCTV equipment mounted on CCTV poles.

The development would have an operational lifespan of around 25 years.

SITE DESCRIPTION

The application site extends to 11.7 hectares and is located to the west of Moss Lane within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site is a railway line. The nearest residential property is at Moss Farm to the north-east of the site.

The application site is relatively flat and is in agricultural use and is split into 6 small fields which are largely divided by hedgerows.

A PROW (Warmingham FP16) and a line of pylons cross this site.

RELEVANT HISTORY

14/1134S – EIA Screening Letter – EIA Not Required

14/1135S – EIA Screening Letter – EIA Not Required

POLICIES

National Planning Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development

17 – Core planning principles

93-108 – Climate change

109-125 – Natural environment

Local Plan policy

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.16 – Development and Archaeology
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.6 – Sites of International Importance for Nature Conservation
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.19 – Renewable Energy
NE.20 – Flood Prevention
RT.9 – Footpaths and Bridleways

Cheshire East Local Plan Strategy – Submission Version

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:

Cheshire Brine Subsidence Compensation Board: The application site is outside of the Board's consultation area, and as such the Board would not normally make any comments. However please be aware that there may be stability considerations relating to natural dissolution

which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

Environment Agency: No objection in principle and no comments to make.

Natural England: No objection.

For advice on protected species refer to the Councils standing advice.

CEC Head of Strategic Infrastructure: No objection.

Environmental Health: Informative suggested in relation to contaminated land.

Network Rail: No objection.

Archaeology: No mitigation is required.

CEC Flood Risk Manager: No comments to make. Condition suggested.

Civil Aviation Authority: No comments received.

Manchester Airport: No objection.

CEC PROW: An informative is suggested in relation to the PROW.

Open Spaces Society: No comments received.

Mid-Cheshire Footpaths Society: No comments received.

VIEWS OF THE PARISH COUNCIL

Warmingham Parish Council: Wish to make the following comments:

1. Traffic consideration - to ensure that the traffic does not pass through the village and uses Moss Lane and not Drury Lane only for construction access to the farm.
2. The Parish council have concerns over future solar developments within the village which may lead to overdevelopment, spoiling open countryside.

Minshull Vernon Parish Council: No comments received.

Crewe Town Council: No comments received.

REPRESENTATIONS

No representations received.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety

Principle of Development

National Planning Policy

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:

- *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*
- *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.*

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 indicates 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.

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. As a result it is necessary to consider whether other material considerations indicate if the development is acceptable.

Renewable Energy Production

The application identifies that the development would have the potential to generate up to 5.72 MWp of power (the equivalent to the annual energy consumption of about 1445 households).

This would contribute to tackling the challenges of climate change, lessening dependence on fossil fuels and benefiting energy security. These benefits would accord with the Framework's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development.

Highway Implications

Policy issues

The test contained within the NPPF is that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

Once constructed, aside from occasional maintenance vehicle visits, there will be no traffic generation associated with the site.

The construction phase of the development proposals is expected to last for up to 14 weeks during which time there will be a number of vehicle movements associated with construction workers arriving and departing and the delivery of construction materials.

The applicant has submitted a construction Traffic Management Plan (TMP) which indicates that, during the peak of construction activity, (week one) there is likely to be around 32 total two-way trips per day to and from the site; around half of which will be associated with construction staff and half associated with the delivery of construction materials. After the peak of construction activity (week one), traffic movements associated with the daily delivery of construction materials is likely reduce by around 50%.

It is likely that the majority of traffic associated with construction workers will arrive between 0700 – 0800 hours and depart between 1800 – 1900 hours; and that traffic associated with the delivery of construction materials would arrive and depart between 0800 – 1800 hours.

As set out above this is Phase 2 of the development of the Solar Farm, the TMP indicates that if both proposals are consented then the two phases, which are of a similar scale, would be constructed simultaneously.

It is the view of the Head of Strategic Infrastructure (HSI) that even in the event of simultaneous construction the level of anticipated commuter peak hour and daily traffic generation associated with the development proposals would not be expected to have a material impact on the operation of the adjacent or wider highway network. Furthermore, the simultaneous construction of both phases would reduce the overall construction period from up to 28 weeks to around 14 weeks.

The TMP indicates that the following route from Junction 17 of the M6 will be used for the delivery of construction materials to the site:

- Exit the M6 at Junction 17;
- Head south-west on the A534 for approximately 8km;
- At the roundabout take the fourth exit, heading north on Sydney Road;
- Turn right onto Groby Road after 2.2km;
- Turn right onto Warmingham Road after 1.8km;
- Use the broad access to turn left onto Moss Lane after 0.5km; and
- Follow Moss Lane to Moss Farm and enter the Site to the north of the farm.

In this case the Councils Head of Strategic Infrastructure has considered the application and raised no objection to this development.

Amenity

Given the isolated rural nature of the site, the scale of development and the retention of the existing hedgerows and trees it is not considered that the proposed development would raise any issues such as noise and disturbance.

Landscape

A key issue in the determination of this application is the landscape impact of this large scale development upon the open countryside and landscape character. This is a core principle of the NPPF and also identified within the Planning Practice Guidance and Local Plan Policies.

The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5).

The landscape appraisal identifies that the sensitivity of the landscape is low to medium, that the magnitude of landscape effect would be medium and that the Overall level of effect would be Slight-moderate adverse, that the proposed development would result in some localised landscape effects. The visual appraisal identifies the visual effects on the main settlements within the Zone of Theoretical Visibility (ZTV), as well as impacts on individual properties. The appraisal also identifies effects on the transport network and recreational receptors, including Footpath 16 Warmingham, which traverses the southern part of the application site.

The Councils Landscape Architect would broadly agree with the landscape appraisal, that the screening afforded by vegetation around the site and in the wider area, along with the relatively flat topography would result in some localised landscape effects and that these would be moderate adverse for the site itself, reducing within the wider area. There would however be some more adverse visual effects, notably on Moss Farm, Spring Farm and Footpath 16 Warmingham. Mitigation and additional planting could reduce these over time.

Trees and Hedgerows

The Landscape and Visual Impact appraisal identifies that apart from a small section of hedgerow being removed to accommodate the proposed access track the remaining linear lengths will largely remain unaffected, this is the same for mature hedgerow trees. There is also an indication that these areas would be reinforced as necessary.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

The proposed development is located 1.2km from Sandbach Flashes SSSI. Following the receipt of additional information Natural England have confirmed that they have no objection to this application in terms of the impact upon the SSSI.

Grassland habitats

Based upon the submitted detailed botanical survey the Councils Ecologist advises that the grassland habitats on site are not of significant nature conservation value.

Great Crested Newts

A number of ponds are located within 250m of the proposed development and great crested newts are known to occur in this broad locality. The latest site survey has identified a number of ponds as being dry.

The application site offers habitat for great crested newts in the form of the dry ponds, hedgerows and areas of less intensively management grassland. The proposed development would be likely to result in the loss of only short sections of hedgerow to facilitate the access point and a minor loss of grassland habitats.

The Councils Ecologist advises that considering the scale of the proposed works, the status of the nearby ponds and the distance between the application site and the surrounding ponds and the habitats affected, that the potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'.

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

A condition will be attached to secure the Great Crested Newt reasonable avoidance measures.

Barn owl

Limited evidence of Barn Owl activity was recorded associated with the buildings at Moss Farm. The proposed development could however result in the loss of foraging habitat for barn owls. However the extent of this would depend upon the treatment of the grassland habitats retained between the solar panels. This should be subject to a condition to secure a habitat management plan.

Bats

Mature trees have been identified on this site that have the potential to support roosting bats. If any of these trees are lost as a result of the proposed development a detailed bat survey would be required to establish the presence/absence of roosting bats. The revised plans propose the retention of the mature trees around the boundary of the site.

There is however two trees just to the north of the existing pond in an area of proposed new landscaping. It is unclear whether these trees would be retained. A condition will be attached to secure the retention of these trees.

Hedgerows

Hedgerows are a priority habitat and material consideration. Based upon the submitted layout plans it appears that the existing hedgerows would for the most part be retained as part of the proposed development. However it appears there would be some minor losses to facilitate the site access roads.

In this case the Councils Ecologist recommends that if planning consent be granted it must be ensured that any losses of hedgerow are compensated for through the enhancement of the retained defunct hedgerows. This matter may be dealt with by means of a condition.

Water Vole and Ditches

A number of ditches on site have been identified onsite which have the potential to support Water Voles. To avoid any adverse impacts on the ditches and any Water Vole population present the submitted ecological report recommends that a 5m undeveloped buffer be provided along each one of the ditches. This approach is acceptable. The applicant has stated that the layout plans have been amended to include these buffers.

If planning consent is granted the Councils Ecologist recommends that a condition be attached to ensure that no development including the storing of material, movement of vehicles or ground works are undertaken within 5m of the on site ditches.

Brown Hare

This priority species was recorded on site during the submitted surveys. To enable Hares to have free movement around the site following the installation of the solar panels the Councils Ecologist recommend that the proposed security fence incorporates a 200mm gap at its base. This could be secured through the imposition of a planning condition.

Flood Risk/Drainage

In this case part of the area to be developed site is located within Flood Zones 2 and 3, as identified by the Environment Agency Flood Maps.

The submitted Flood Risk Assessment concludes that

It is clear there are a number of potential flood risks at the site. However, if appropriate mitigation measures are considered/implemented during the detailed design stage of the project based on the flood depths and development proposals, it is anticipated that the flood risks can be suitably mitigated. The SuDS scheme would ensure that flood risk is not increased to downstream properties by providing enough storage for any increased runoff and compensatory floodplain storage, whilst appropriate design should ensure that the site infrastructure is made suitably flood resilient.

The Environment Agency and the Councils Strategic Flood Risk Manager have considered the Flood Risk Assessment and has raised no objection subject to the imposition of a planning condition.

Archaeology

This is supported by an archaeological desk-based assessment which has been prepared by Archaeology Wales.

This document contains the results of an examination of information held in the Cheshire Historic Environment Record, historic mapping, aerial photographs, and place name evidence. It concludes that there is no archaeological objection to the development and no justification for further pre-determination assessment. It does suggest that there may be a case for a watching brief during cable laying and any other significant intrusive ground works in order to sample any surviving peat deposits. However it should be noted that previous work, has shown that deep peat deposits do not survive in this area and as a result the Councils Archaeologist states that this is unlikely to be worthwhile. There are no other significant archaeological implications with regard to this development and consequently no further mitigation is advised.

Agricultural Land Quality

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...."

In this case the submitted Agricultural land Classification identifies that the land on this site is Grade 4 (poor quality).

Aircraft Safety

Although no consultation response has been received from the Civil Aviation Authority a response has been received from Manchester Airport who have raised no objection to this development.

Railway Safety

This application was originally subject to a holding objection from Network Rail due to concerns about the impact of glare to train drivers. However following the submission of additional information Network Rail have removed their objection to this development.

Impact upon the Public Right of Way (PROW)

Public Right of Way (Warmingham FP16) runs across the access to this site. The proposed development would not encroach onto the PROW or obstruct any users of the PROW. No objection has been raised on these grounds from the Councils PROW Officer subject to the imposition of an informative.

In this case the main impact would be the visual impact for users of the PROW which is considered within the landscape section above.

CONCLUSIONS

The proposed development would provide a source of renewable energy to power 1445 homes. 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.

Subject to appropriate mitigation and the imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

There would be no tree losses associated with this application and on balance it is not considered that a reason for refusal on landscape grounds could be sustained.

The development would not have a detrimental impact upon the local highway network or the use of the PROW which crosses the site.

The development would not impact upon the built heritage within the vicinity of the site.

The development would only impact upon Grade 4 (poor quality) agricultural land.

It is considered that the benefits would outweigh the harm of the scheme and as such the development is recommended for approval.

RECOMMENDATIONS

Approve subject to the following conditions:

- 1. Time**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping – Submission of a scheme**
- 5. Landscaping – Implementation**

- 6. Provision of an undeveloped 5m buffer between the proposed development and the on site ditches**
- 7. Prior submission of security fence details - including 200m gap at base**
- 8. Habitat Management Plan**
- 9. Tree protection**
- 10. Flood Risk Assessment – Implementation**
- 11. Compliance with submitted Traffic Management Plan**
- 12. Development to be removed at end of 25 year period**
- 13. Great Crested Newt reasonable avoidance measures**
- 14. Retention of two trees just to the north of the existing pond in an area of proposed new landscaping**

Informatives:

- 1. PROW**
- 2. Contaminated Land**

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

