

YnNi Newydd
c/o Susan Bell
Mabbett House
11 Sandyford Place
Glasgow
G3 7NB

Development Management

Planning Service
Cheshire West And Chester Council
4 Civic Way Ellesmere Port CH65 0BE
Tel: 0300 123 7027
Email: planning@cheshirewestandchester.gov.uk
Web: www.cheshirewestandchester.gov.uk

our reference:
20/04254/SCO

your reference:

please ask for:

Mrs Hazel Honeysett
01244 977733
hazel.honeysett@cheshirewestandchester.gov.uk

date:

21st January 2021

Dear Ms Bell,

Application Number: 20/04254/SCO

EIA scoping opinion for a 14 MW solar farm with associated infrastructure (part of larger scheme which includes an element in Wales, total capacity circa 30 MW) at land at Bretton Hall Farm, Chester Road, Flintshire, CH4 0DF

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Regulation 15: Scoping Opinion

I refer to your request of 10th November for an EIA Scoping Opinion under Regulation 15 and submitted Scoping Report to issue a Scoping Opinion for the above described development. In accordance with the above Regulations I can provide you with the following.

This Scoping Opinion is based on the Scoping Report document entitled 'Environmental Impact Assessment Scoping Report for Bretton Hall Solar Farm, dated November 2020 (reference: P305757.001) submitted by Mabbett. As part of the Scoping process, views have been sought from statutory consultees.

The adoption of this Scoping Opinion does not preclude the Council as Local Planning Authority from subsequent requesting further information from the applicant that may be required to determine the planning application under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) or any replacement regulations.

In forming this Scoping Opinion, the Local Authority has taken into account:



- The specific characteristics of the particular development;
- The specific characteristics of development of the type concerned; and
- The environmental features likely to be significantly affected by the development.

In accordance with the EIA Regulations, whilst there is no statutory provision as to the form of an Environmental Statement (ES), it must contain all the information specified in Schedule 4 of the Regulations; and such relevant information as is reasonably required to assess the environmental effects of the project and which the applicant can, having regards to current knowledge and methods of assessment, reasonably be required to compile. This includes consideration of reasonable alternatives site and detail, as set out in Schedule 4 (2) of the Regulations along with any significant effects on population and human health, and transboundary effects.

The content and scope of the Environmental Statement is set out in the submitted Scoping Report and includes existing baseline conditions, assessment of effects, mitigation measures, cumulative effects and environmental aspects of the proposal to be scoped in and out of an Environmental Statement, as a consequence of the Screening Opinion provided by the Council (Application Number: 20/01492/SCR). Advice has been sought on the scope of the EIA and proposed methodologies, which is set out below.

The topic areas to be scoped out the ES are to be set out in documents that sit outside the ES. This approach is generally accepted. For those topics to be scoped into the ES it is recommended that consideration is given to a standalone document that contains mitigation schemes / measures suggested as part of the ES. Other information as set out in consultee responses (see below and attached) should be included.

Regarding the cumulative effects it is considered that the 5km study area is acceptable in principle for solar farms. However, the proposed development could potentially be viewed in conjunction with other large development sites (e.g. Broughton Shopping Park, Airbus complex and outskirts of Chester). Therefore, it is considered that the cumulation with other existing / and or approved development in the area should go beyond other solar farm projects in the area.

Subject to the comments below it is considered that the topics, as set out in the Scoping Report should be scoped into the ES, Landscape and Visual and Historic Environment. However, given the issues outlined within the Biodiversity Officers response below, it is recommended that Biodiversity be scoped back into the ES. The applicant should liaise directly with the Biodiversity Officer with respect to specific detail.

It is noted that a response from the Environmental Protection Officer is still awaited. A response will be forwarded in due course. However, it is noted that within the Welsh Planning Inspectorate Scoping Direction that Construction Noise is to be scoped into the ES.

However, it is noted that, although the purposes of Environmental Impact Assessment the scheme must be considered as a whole, and our assessment has been made on that

basis, please note that the Scoping Opinion relates only to the part of the site within Cheshire West and Chester's jurisdiction (encompassing some 14MW of the 30MW proposed). In conjunction with this consideration also needs to be given to cross border procedures regarding an application, particularly with respect to the application boundary.

Consultee responses:

External Consultees:

Flintshire County Council: Miss H Parish

Response 16.12.2020 attached to letter: Attached also is a response from Airbus Operations Limited who were also consulted by Flintshire County Council.

A later response was received from Colin Simpson, Flintshire County Council Highways Officer on the 21st December which stated the following;

My only question regarding this project would be potential implication for any Chester Western Bypass scheme or future junction scheme onto the A55. Although this has been discussed for some time, I have no details of any proposal. There are no other highway concerns related to the proposal and I agree with their suggested methodologies.

Lead Local Flood Authority: Esther Goodship

The proposal is that the flood risk and surface water impacts of the proposed development during both the construction and operational phase have been scoped out of the EIA as there are unlikely to be significant effects. A standalone Flood Risk Assessment and Flood Consequences Assessment along with a Surface Water Drainage Strategy will be provided to support the development proposals. We are in agreement with the proposed scoping out of water from the Environmental Statement.

Notes:

The proposed development is largely situated within Flood Zone 3 with Balderton Brook and a number of ordinary watercourses and drainage systems within the development area. Where development is proposed within Flood Zone 3 mitigation measures should be provided in accordance with National Planning Policy Framework (NPPF) and Environment Agency standing advice. No ground raising should be provided within the proposed development site.

The proposed development is generally within an area at low to medium risk of surface water flooding, but the site layout needs to ensure any overland flow routes are retained.

A Flood Risk Assessment and a Drainage Strategy in accordance with NPPF should be provided to support a planning application.



As rainfall falling onto the solar panels is likely to lead to runoff into the ground into a concentrated area this can lead to compaction of the soils leading to higher runoff and overland flows. The drainage of the site needs to carefully consider the proposed footprint of the solar panel bases as well as the change in runoff characteristics with the panels in place.

The Government has strengthened planning policy on the provision of sustainable drainage systems (SuDS) for 'major' planning applications which was introduced on 6 April 2015 (Paragraph 103 of NPPF and Ministerial Statement on SuDS). As per the guidance issued by the Department of Communities and Local Government (DCLG), all 'major' planning applications being determined from 6 April 2015, must consider sustainable drainage systems.

Surface water management for the site needs to follow the drainage hierarchy:

- Infiltration into ground
- Connection to the watercourse
- Connection to discharge water sewer and as a last resort;
- Connection to the combined sewer.

SuDS should be designed to control surface water as close to its source as possible. The use of SuDS should also help achieve the sustainability objectives of the NPPF.

The suitability of sustainable drainage systems should be assessed in accordance with paragraphs 051, 079 and 080 of the revised NPPF Planning Practice Guidance for Flood Risk and Coastal Change (<https://www.gov.uk/guidance/flood-risk-and-coastal-change>).

Sustainable drainage systems should be designed in line with national Non-Statutory Technical Standards for SuDS (<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>) and local policies ENV1, DM40, DM41, DM42 and DM43 of the Core Strategy.

Surface water attenuation requirements should be assessed that offer a reduction in surface water runoff rate in line with the Policy DM 41 (i.e. at least 30% betterment on brownfield flows and greenfield runoff for existing greenfield sites). Please note that all new connections to the watercourses shall comply with reduction of flows to greenfield runoff rates.

Surface water should be managed to ensure there is no increased surface water from the proposed development and runoff from extreme events should be retained within the site such that the adjacent third party land is not affected.

Historic England: Andrew Davison

Response 4.12.2020 attached to letter



Environment Agency: Dawn Hewitt

Response 5.1.2021 attached to letter

Natural England: Corben Hastings

Response 19.11.2020 attached to letter.

On re-consultation with Natural England, considering the Authority's Biodiversity Officers response below, the following was received;

Janet Beguley: Lead Advisor Greater Manchester & Merseyside

Thank you for giving us the opportunity to revisit our response on this one, I can confirm that Natural England holds no specific evidence to suggest that this application would have an impact on any designated sites in England, hence the reason for our 'no comment' response. However, in light of the submitted ecological survey that has identified the presence of Teal, a designated species of Dee Estuary SPA/Ramsar, we advise that it would be prudent to carry out a HRA including additional non-breeding bird surveys undertaken during the period Oct–March inclusive to determine if the site supports significant numbers of the SPA bird features and therefore provides important habitat functionally linked to the Dee Estuary SPA/Ramsar.

Natural England would wish to be consulted on the HRA when it is available.

Airbus Operations: Warren Brown

Response received 26.11.2020 attached to letter.

Highways England: Benjamin Laverick

Highways England welcome the fact that a glint and glare assessment of the site is to be undertaken, and this must consider the impact to users travelling along the A55 in both directions.

When screening of the site is considered, the applicant should not consider roadside verges and hedgerows within the Highway boundary as contributing to screening of the site. These may well be outside of the applicants control and will not necessarily be in place for the lifetime of the site. Any screening should be on land within the applicant's control.

As the site does not propose a direct access onto the Strategic Road Network, or to generate significant traffic, Highways England have no comment to make on the Transport Statement



Internal Consultees

Built Environment (Conservation and Design): Lauren Butterworth

Paragraph 2.6 of the Scoping Report confirms that the EIA will contain a chapter that considers Cultural Heritage and Archaeology. The scope and structure of this chapter are outlined in Sections 7 of the Scoping Report stating that the significance of each asset will be considered, and an impact assessment undertaken.

Paragraph 6.4.3 of the Scoping report confirms that visual representations of the proposal will be provided from various points around the site to support the LVIA findings. These will also be key in assessing the impact on the setting of the various heritage assets that have the potential to be affected by the proposals.

The methodologies set out in the Scoping Report is appropriate and the team will be able to advise further and recommend any appropriate mitigation and conditions relevant to the part of the scheme that falls within Cheshire West on submission of the full application and EIA.

Archaeology: Mark Leah

Paragraph 2.6 of the Scoping Report confirms that the EIA will contain a chapter that considers Cultural Heritage and Archaeology, following receipt of comments from relevant third parties in response to an earlier Screening Opinion consultation. The scope and structure of this chapter are outlined in Sections 7 and 9 of the Scoping Report.

This represents an appropriate approach and I will be able to advise on the need, if any, for further mitigation with regard to those aspects of the scheme which are in Cheshire and are relevant to archaeology on submission of the planning application and the accompanying EIA.

Biodiversity: Laura Hughes

In summary, due to the issues outlined below, and new information that has come to light, in particular regarding breeding birds, the sub-optimal ecological survey and land conditions, I would suggest that it should be considered whether Biodiversity should be scoped back into the EIA.

Protected sites:

Dee Estuary:

It is noted that the advice from NRW and NE differs in terms of the Dee Estuary RAMSAR, SPA, SCA and SSSI, which is 10km from the main body of the development. NRW advise that although the development is unlikely to have a significant impact on the



site, "We advise that any planning application should assess whether the proposed site is used (e.g. for roosting or feeding) by birds that form part of the Dee Estuary Special Protection Area (SPA) i.e. assess whether the site is functionally linked to an SPA." NE do not advise this.

Although it could be considered that due to the distance of the site from the Estuary, that the land is unlikely to be functionally linked and there are no likely impacts, it is noted in the ecological survey report that Teal, a qualifier species for the Dee Estuary SPA and an assemblage species for the RAMSAR, has been noted on site by forestry workers. A Habitat Regulations Assessment is required for the proposal.

River Dee:

The River Dee SAC and SSSI is approx. 1km from the main body of the development, designated for its river habitats and species. There are drainage systems linking the site to the River. Cabling infrastructure is proposed approx. 200m from the River. It should be ascertained if there is any potential pathway that would result in potential harmful impacts on the River.

Lache Eyes Local Wildlife Site:

Lache Eyes LWS: The Lache Eyes Local Wildlife Site is adjacent to the eastern boundary of the site and is designated for its fens, swamps, bogs reedbeds and vascular plants. There are water courses within and adjacent to the site, so there is a potential for direct impacts. An assessment of this should be carried out.

Protected species:

An Ecological survey was carried out in November 2019, a sub-optimal time of year for surveys, especially problematic for this site, which floods in the Winter. A repeat survey should be carried out in Spring/Summer.

The survey highlighted improved fields, ditches, hedgerow and woodland as the main habitats on site that were not flooded.

Data search:

It seems as though COFNOD have been asked for data for Flintshire, but not rECOrd for Cheshire. A record search with rECOrd should be carried out to inform assessment.

Bats:

If any trees are to be removed, Bat tree roost surveys are required to be carried out and any subsequent aerial inspections or dawn/dusk surveys required. If any lighting is required, Bat transect surveys may be required.

Great Crested Newts:

There is no assessment or survey of GCN presence within the ecological report, but a subsequent HSI report was carried out in September 2020 and rated the three ponds as

having Excellent and Good suitability for GCN. A Great Crested Newt report is listed as being submitted with the full application, and this should include full GCN surveys.

Badgers:

A Badger survey was completed, however an assessment of the fields for foraging was not undertaken. The fields in the Winter are flooded, as shown by this survey and therefore full assessment could not be made. A survey should be repeated in Spring/Summer, in terms of sett presence for direct impact and foraging evidence for indirect impact.

Breeding birds:

The site has not been surveyed for ground-nesting birds in the summer nor wader/overwintering birds in the winter. The report mentions Lapwings frequent the area, and Curlew and Lapwing have been recorded by an RSPB survey in 2010, and the site is suitable for Lapwing, but gives no recommendation for further surveys. The bird species mentioned from anecdotal evidence include Greylag geese, Pink-footed geese and Teal. Teal is a qualifier species for the Dee Estuary SPA and an assemblage species for the RAMSAR. A suite of breeding, passage and Overwintering bird surveys are required.

All surveys are required to be carried out by a suitably qualified ecologist, prior to determination of the application. Mitigation and compensation measures are required if evidence of species is found.

Net Gain:

In line with Cheshire West and Chester Local Plan (part 2) policy DM 44, a biodiversity metric calculation should be carried out to demonstrate a net gain from the proposals. To ensure a standardised approach across Cheshire West and Chester, the Defra Biodiversity Metric 2.0, published by Natural England, must be used to calculate biodiversity net gain. A Biodiversity Net Gain Assessment document which details an assessment of the quality of habitats on site as well as outlining measures to ensure proposed habitats reach target condition must be provided alongside the Defra Biodiversity Metric 2.0 document containing the Biodiversity Net Gain calculation.

Environmental Protection: Martin Doyle: Awaited: will be forward once received.

Landscape: John Seiler

I have read the Scoping Report and Section 6 in regard to the Landscape and Visual Impact Assessment (LVIA) and in principle do not have any objections to the descriptions and proposed methodology.

However, please ask the applicant to address the following comments below when preparing the Landscape and Visual Impact Assessment.

- Viewpoints - Please ask the landscape consultant to contact me directly to agree the viewpoints in advance of developing the LVIA. The viewpoints should include views from public Rights of Way john.seiler@cheshirewestandchester.gov.uk
- Design and Mitigation - The LVIA should not be a paper exercise. It should clearly demonstrate an interactive design process whereby potential impacts are considered at an early stage so as to avoid any adverse negative impacts. Please include details within the LVIA.
- Design and Specification. There is reference to 4.6m high panels which seems extremely high. Please confirm if this is correct and if so, please provide a justification. Please also provide information with regards to the duration of the development - 40 years would not be considered a temporary duration. Please provide a supporting landscape strategy; to include planting plans, specifications, boundary treatment and future management. Please also include section drawings.
- Glint and Glare / reflection -Please provide details to study. This should be incorporated into the LVIA.
- Landscape Character Study and Planning reference -CWAC Landscape Strategy 2016 and Landscape Sensitivity Study & Guidance on Wind and Solar Voltaic Developments 2016 (attached)

<https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/total-environment/landscape-character-assessment.aspx>
- Previous Landscape Comments - Please also refer to the Screening report Landscape comments which are relevant to the LVIA Scoping report (attached).

Public Rights of Way: Adele Mayer

I am satisfied that of the rights of way within the site area in England, there will only be the one footpath affected by the application.

I had a few points to be raised where the site may have an effect on the public footpath (Marlston-cum-lache FP3/Dodleston FP6).

- 1) Visual/enjoyment of footpath and any mitigation
- 2) Hydrology/drainage as the public footpath runs between deep ditches.

1: I am anticipating that there will be security fencing around the solar site. A ditch runs between the fields and the public footpath, (I will request fencing is open mesh fencing to retain some feel of space along the route). I would like the visual/landscape report to



include aspects that incorporate fencing if that is to be proposed. Parts of the footpath have an existing hedgerow/tree and shrub line which will mitigate the view. Most of the view of the site from the footpath walking from the A55 bridge at Balderton is obscured by existing tree and shrubs. I would also like to see the footpath mitigation measures taken into account by geometric design of the array of solar panels

This is an apparently remote footpath, however it is also an important link for residents across the Welsh border at Saltney as it is the only footpath crossing open space. A few years ago, the ward councillor had hoped to increase promotion of this site to link the welsh community with the recreational opportunity across the border. Work was carried out to improve the junction.

2: I didn't quite understand if the EIA had considered the effect of any likely increased water table on the level at which the footpath runs (hydrology). I'd like to raise the need to assess the impact on the footpath. I have read the likely impact of the construction and increased hard surfaces will likely have an effect on potential flooding. In the assessment I would like confirmation that the impact of increased water table/flooding on the footpath will be considered. At the moment I can see that the deep ditches are choked, but that the water levels are below the surface for the footpath. The footpath is badly draining and is muddy/puddling at the moment after usual winter weather.

Highways: Paul Parry

The scoping document sets out that a Transport Statement will be produced as part of any application that will look at construction traffic impacts as well as the ongoing, daily, operational traffic.

It is considered at this stage that the likely highway impacts will be mainly during the construction and decommissioning phases and that the typical day to day operational traffic will be modest. However, this would need to be fully assessed once the applications and any associated Transport Statement was submitted.

Planning Policy and Green Belt

Further to your request for a Scoping Direction I have set out the planning policy position with respect to your ground mounted solar installations and the Green Belt.

There is general support for renewable energy projects under CWCLP1 Policy ENV7 and CWCLP2 Policy DM52 provides detailed criteria for ground mounted installations. The explanation to Policy DM52 highlights the importance of the landscape character considerations and that generally schemes of a small-scale area (less than six hectares) have the greatest potential in the borough, in areas of lesser landscape sensitivity. To be supported, such proposals would need to be in scale with the landscape, in particular field patterns of hedgerows, trees and other human-scale landscape features. Policy DM52 has been informed by the Cheshire West and Chester Landscape Sensitivity



Study (2016) which provides an assessment of the sensitivity of the borough's landscape to accommodate solar energy development. It has identified area, based on Landscape Character Areas, which would be sensitive to this type of development to varying degrees. Given Policy DM52 is a key policy with criteria attached, it is worth commenting with reference to those criteria:

1. *proposals must be sited on previously developed land wherever possible. Proposals for solar farm developments on existing industrial or derelict land which directly supply electricity users will be supported.*

Evidence needs to be provided with respect to considering other sites, this includes considering previously developed land. The submission should provide details of the overall assessment process to show why sites have been discounted and why this site should come forward.

2. *where it is clearly demonstrated that there are no suitable sites on previously developed land and development is proposed on agricultural land, the best and most versatile land must be avoided in favour of lesser quality land. Disturbance to agricultural land must be minimised, and proposals must demonstrate how the site can be reinstated to its previous use and condition once the operational lifespan of the development has been reached. Wherever possible, land around the structure should be continued to be used for livestock grazing or other agricultural use.*

Final confirmation of the Agricultural land classification should form part of an application. The lifespan of the installation would be reversible after 40 years. With this in mind the proposal should not result in the permanent loss of the best and most versatile land, but proposals should ensure that the soil condition is maintained/managed, again this should be included in a submission.

Clarification and justification over the 40 year lifespan should be included in the submission; along with a framework proposal for decommissioning/reinstatement of the land. It is likely there will be ecological / landscape mitigation works that will be retained permanently (and preferably some further enhancement works on reinstatement) and this would be useful to include / address.

3. *Proposals must be of a scale and type where landscape sensitivity has been identified as being low/moderate or moderate and the impacts on key landscape characteristics are considered to be acceptable, having regard to the Landscape Sensitivity Study. Proposals in areas which have been assessed as having high sensitivity to the scale of development proposals will not be permitted;*

The proposal would need to be in scale with the landscape, in particular field patterns of hedgerows, trees and other human-scale landscape features as much of the borough is sensitive to large or very large solar farms. Where a proposal would cause significant adverse effects to key landscape characteristics, applicants will be expected to

demonstrate how any such impacts can be reduced, avoided or mitigated. In order to minimise the impact of development on the landscape, proposals for solar energy should follow the general design principles for ground mounted solar development contained in the Cheshire West and Chester Sensitivity Study.

4. *applications must be supported by a landscape appraisal or, in the case of development requiring Environmental Impact Assessment, a Landscape and Visual Assessment, the scope of which should be agreed at the outset with the Council. Any cumulative impacts or renewable schemes must be carefully considered as part of this assessment.*

The Landscape and Visual Assessment is set out in the Scoping Report which has been reviewed by the Landscape Officer and Public Rights of Way Officer (as set out above in the Consultees section). I would encourage dialogue with both to confirm site specifics and information to be submitted as part of a submission.

5. *Applicants must demonstrate how any adverse impacts on the landscape would be mitigated through layout, siting and design. Wherever possible, hedgerows, trees, field patterns and strong boundary features should be used to mitigate the visual; impact of solar energy developments;*

See comments as above, but it would also be useful to demonstrate how the options for the solar installation have developed from the initial project inception. Consideration should also be given to biodiversity enhancements and appearance from PROW.

6. *Associated development such as access roads, security fencing, lighting and any buildings must be designed so as to minimise its visual impact, whilst ensuring that the development causes no risk to public safety;*

Buildings such as switch room/control room or structures, should be sited to minimise visual impact.

7. *There would be no unacceptable harm to the historic environment, heritage assets and their setting.*

The Cultural Heritage & Archaeology Assessment is set out in the Scoping Opinion Report which has been reviewed by the Built Environment Officer (Conservation and Design) and Archaeology Officer (as set out above within the Consultees section).

It is important to note that other policies in the Development Plan contain additional criteria covering such matters as biodiversity, noise, flooding and drainage etc.

Green Belt and very special circumstances



The development site is within the North Cheshire Green Belt. In terms of Development Plan policy STRAT9 of the Local Plan (Part One) follows guidance in the NPPF in terms of Green Belt.

Policy STRAT9 contains countryside policy as well as reference to Green Belt Policy. STRAT9 essentially defers to national Green Belt policy on the Green Belt aspects. However, the countryside element of STRAT 9 also needs consideration. This starts with the principle that the intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements.

Policy STRAT 9 lists a range of types of development that will be permitted in the countryside, most of which are not applicable to this situation. The criteria that may require some more detailed consideration relates to whether the development has an operational need for a countryside location. However, at the moment, it appears that this criterion does not quite fit these circumstances, but evidence may be come forward in support of your case for very special circumstances.

Under Policy STRAT9 development must be of an appropriate scale and design to not harm the character of the countryside. Further information (e.g. the LVIA) will help to assess this, although the solar arrays are clearly man-made structures that will have some adverse impact on the character.

Policy STRAT9 of the CWCLP1 lists a series of types of development that will be permitted. In terms of areas of countryside that are within the Green Belt, the Policy directs back to the Framework for additional restrictions.

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. The National Planning Policy Framework advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

The Framework (para 147) recognises renewable energy projects and states;

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

Whilst the Framework provides exceptions for types of development that have the potential to be appropriate within the Green Belt, the provision of renewable energy is not once of these and therefore the proposal would be inappropriate development within the



Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework makes clear that *'substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

The proposal would impact upon openness: it constitutes a significant man-made installation; and with a profile of maximum height of 4.6m, its spread across the fields would have a significant impact upon the openness of the Green Belt. This would represent significant encroachment into the countryside and a degree of sprawl in terms of perceived built up area; conflicting with two of the five purposes of the Green Belt.

The proposal would cause a loss of openness to the Green Belt in conflict with the one of fundamental characteristics and would harm at least two (encroachment into the countryside and urban sprawl) of the five purposes of the Green Belt. The harm to the Green Belt would attract substantial weight against the proposed development.

However, there are also benefits associated with the development; national and local policy accepts that such very special circumstances (VSC) may include the wider environmental benefits associated with increased production of energy from renewable sources. This set in the context of the Council's Climate Change Emergency declaration in May 2019 carry's weight in favour of the proposal. Other VSC may come forward as part of the proposal, which you will need to set out in your proposal, enough to outweigh the harm by inappropriateness of development in the Green Belt.

The final balancing exercise will have to be made once the application is submitted.

Policy ENV7 of the CWCLP1 supports renewable and low carbon energy proposals where there are no unacceptable impacts on landscape, visual or residential amenity, noise, air, water, highways or health, biodiversity, the natural or historic environment or radar, telecommunications or the safety or aircraft operations. Under Policy ENV7 proposal should be accompanied by appropriate arrangements for decommissioning and reinstatement of the site when its operational lifespan has ended. These details need to be included as part of a submission.

In addition to the Green Belt policy, I also draw your attention to some other relevant policies of the CWCLP which should be addresses along with those identified within the Scoping Report.

In terms of sustainable development and Policy STRAT1'Sustainable development', the proposal would result in the development of greenfield land.

Policy STRAT 11'Infrastructure' provides general support for infrastructure projects where this will meet wider sustainability objectives. Under STRAT 11 'Infrastructure' there



is support for the provision of appropriate new infrastructure where there is no significant adverse impact on environmental assets.

It is likely that there would be minimal operational traffic associated with the proposal. The main transport impact would appear to be during construction/decommissioning and a Construction Traffic Management Plan should be submitted.

CWCLP2 Policy DM44 and CWCLP Policy ENV4 seek to demonstrate that no adverse harm to the local biodiversity will result from the development, rather there ought to be a substantial biodiversity net gain. A net gain calculation is required, by DM44, to demonstrate how the proposal would achieve no net loss, and if possible, net gain. Mitigation and compensation plans to demonstrate this should be provided.

CWCLP2 Policies DM40-42 and CWCLP1 Policy ENV1 address flood risk and drainage. A Flood Risk Assessment and Drainage Strategy should be submitted.

CWCLP2 Policies DM47, DM50 and CWCLP1 Policy ENV5 address the historic environment and due consideration should be given to these policies.

CWCLP1 policies ENV2 and ENV3 relate to landscape and green infrastructure. Consideration should be given to the filtering of key views with additional planting or other form of mitigation / compensation.

Consideration needs to be given to the potential impacts and avoiding significant adverse impact on amenities of the occupiers of residential properties to satisfy Policies SOC5 and ENV7 of the CWCLP1 and associated policies. Please see the links below which support policies DM4: Sustainable Construction and DM29: Health impacts of new development, which are applicable.

<https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/apply-for-permission.aspx>

<https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/what-to-submit-with-your-planning-application.aspx>

CWCLP2 Policy DM11'safeguarding areas around aerodromes' and consideration into the impacts on aircraft operations is relevant in this location and needs to be considered in terms of local airports.

The application is likely to be one requiring determination by the Planning Committee, and consideration will need to be given to the requirements of the Town and Country Planning (Consultation) (England) Direction 2009, in the case of approval being recommended the application may require referral to the Secretary of state due to the significant impact upon the openness of the Green Belt.



Should you require any further information please contact me at the above number.

Yours sincerely

Mrs Hazel Honeysett
Planning Officer