

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **24TH FEBRUARY 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **INSTALLATION OF 400KW SOLAR ARRAY INCLUDING PANELS, SECURITY FENCING, CONTROL ROOM, CUSTOMER CABIN AND INVERTOR CABIN AT BROOKHILL LANDFILL SITE, BROOKHILL WAY, CATHERALLS INDUSTRIAL ESTATE, BUCKLEY**

APPLICATION NUMBER: **054631**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **LAND AT BROOKHILL LANDFILL SITE, BROOKHILL WAY, CATHERALLS INDUSTRIAL ESTATE, BUCKLEY, FLINTSHIRE**

APPLICATION VALID DATE: **26TH NOVEMBER 2015**

LOCAL MEMBERS: **COUNCILLOR MRS. C. A. ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY TOWN COUNCIL**

REASON FOR COMMITTEE: **AT THE REQUEST OF THE LOCAL MEMBER FOR THE SAKE OF TRANSPARENCY IN DECISION MAKING WITH REGARD TO THE COUNCIL'S OWN APPLICATIONS.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on agricultural land at Brookhill Landfill Site, Buckley. The site extends to approximately 1.17 hectares. The issues for consideration are the principle of development, impacts on the character and appearance of the landscape, impacts upon aerodrome safeguarding, highways and ecology.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 That conditional planning permission be granted subject to the following:

Conditions

1. Commencement of development within 2 years
2. Carried out in accordance with the submitted details
3. No generation of electricity hereby permitted shall take place after 25 years from the date on which electricity is first transmitted from the site, nor after electricity ceases to be generated for a continuous period of 6 months, whichever is the earlier.
4. No generation of electricity hereby permitted shall take place unless a monthly record is kept by the site operator of the amount of electricity generated that month; and that record shall be made available for inspection by the local planning authority
5. When electricity ceases as per the requirements of any of the circumstances in condition 3, within 12 months all plant/machinery/development to be removed and land restored to its pre-development condition in accordance with a scheme to be submitted to be agreed in writing with the Local Planning Authority prior to such works being undertaken.
6. No land drainage run-off into the public sewerage system
7. No surface water to connect to the public sewerage system
8. Foul and surface water drainage drained separately from site
9. No part of the solar panel or associated structure shall be higher than 2.41 metres above existing ground level
10. Full details of the insulation to substation (s) and other equipment cabinets to be submitted to and approved by the Local Planning Authority prior to commencement of development.
11. Full details of both hard and soft landscaping works to be submitted to and approved by the Local Planning Authority.
12. Prior to commencement of development, a scheme providing a detailed GCN method statement, which includes a scheme for reasonable avoidance measures for great crested newts, mitigation and compensation including a bio-security risk assessment and an ecological compliance audit. The agreed details shall also be used to support an application for a Regulation 53 ((1) e) derogation licence by NRW which demonstrates how the Great Crested Newt population will be protected and any impact properly mitigated, and implemented thereafter. All activities undertaken on site shall be strictly in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

3.00 CONSULTATIONS

3.01 Local Member

Councillor Mrs. C. A. Ellis

In view of the fact that the applicant is the Council, requests that the application is considered by Committee in order that the decision making process is transparent.

Buckley Town Council

No objections.

Highways DC

No objection.

Pollution Control Officer

No adverse comments.

National Air Traffic Services

No safeguarding objection to the proposals.

Airbus

No aerodrome safeguarding objection.

Dwr Cymru/Welsh Water

No responses at time of writing.

Natural Resources Wales

No objections subject to conditions to safeguard features of the SSSI and SAC.

Council for the protection of Rural Wales

Supports the proposal.

Wales & West Utilities

No objections.

SP Energy Networks

No adverse comments.

4.00 PUBLICITY

4.01 The application has been publicised by way of a press notice, site notice and neighbour notification letters. At the time of writing, no letters have been received in response to the above consultation.

5.00 SITE HISTORY

5.01 Various historical applications in relation to use as a landfill site but nothing relevant to this proposal.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
- Policy STR1 – New Development
 - Policy STR7 – Natural Environment
 - Policy STR10 – Resources
 - Policy GEN1 – General Requirements for Development Control
 - Policy GEN3 – Development in the open countryside
 - Policy D1 – Design Quality, Location and Layout
 - Policy D2 – Design
 - Policy D3 – Landscaping
 - Policy L1 – Landscape Character
 - Policy WB1 – Species Protection
 - Policy WB2 – Sites of International Importance
 - Policy WB3 – Statutory Sites of National Importance
 - Policy WB6 – Enchantment of Nature Conservation Interests
 - Policy AC2 – Pedestrian Provision and Public Rights of Way
 - Policy AC13 – Access and Traffic Impact
 - Policy EWP1 – Sustainable Energy Generation
 - Policy EWP5 – Other Forms of Renewable Energy Generation
 - Policy EWP11 – Development on or adjacent to Landfill Sites

Planning Policy Wales (2016);

Technical Advice Note 5: Nature Conservation & Planning (January 2009);

Technical Advice Note 8: Renewable Energy (July 2005)

7.00 PLANNING APPRAISAL

7.01 The Site and Surroundings

The site comprises an area of some 1.17 hectares of land on the site of the former Brookhill landfill site. The site has been capped and restored to grassland since its last use for landfill purposes. A number of large concrete rings in the region of 1m in height mark and protect gas wells within the site. The southern side of the site includes an area of hardstanding, leachate tanks, gas generator and other infrastructure associated with the ongoing requirements of managing a former landfill site. The site has a domed appearance in relation to its immediate surroundings. The site is bounded by hedgerows interspersed with trees of varying maturity. The belt to the north west being of the greatest maturity and screening value.

- 7.02 Residential properties along Pinfold Lane to the east are the closest to the site, with properties along Liverpool Rad having more distant views of the site from the west. Areas of open countryside lie to north (with the Ewloe Barn Industrial Estate and A494 beyond. Land to the south is occupied by Catheralls Industrial estate. The land to the east comprises an area specifically set aside for Great Crested Newt Breeding Ponds.

7.03 Access to the site is from the south via the existing entrance at Brookhill Way. The site also serves as a location for materials recycling.

7.04 The Proposals

The proposals seek permission for the installation of an 400Kw solar array to consist of solar panels, security fencing, a control room, customer cabin and inverter cabin.

7.05 The solar panels will be mounted posts which are proposed to be secured using a non-invasive concrete ballast foundation. The panels will be a maximum of 2.41m above ground level at their highest point (rear of the panel) and 0.83m at the front edge. Each panel will be 6m in depth from front to rear and will be arranged in rows of varying layouts between 12m to 96m in length. The panels are treated in a non-reflective coating and have a dark surface appearance. A fenced control compound of 16m x 22m is proposed within the site. This compound will contain the proposed control room, customer cabin, inverter cabin and the existing electricity sub-station which serves this site. Connections to the national grid are proposed via this sub-station. The whole complex is proposed to be enclosed by 2 metre security fencing. Access to the site will be derived via the existing access from the adjacent industrial estate.

7.06 The proposal seeks permission for the use to be temporary for a period of 25 years with the land reverting back to its current state after this period unless a further grant of permission is made.

7.07 The application is accompanied by the following information in support of the proposal:

- Planning Statement
- Energy Statement
- Ecological Appraisal (incorporating an extended Phase 1 survey)
- Landscape and Visual Impact Assessment
- Transport Statement
- Flood Consequence Assessment
- Historic Environment Assessment
- Phase 1 Geo-Environmental Assessment Report
- Solar Photovoltaic Glint and Glare study

7.08 The Main Issues

I consider the main issues for consideration in connection with this application are:

1. The principle of development having regard to national policy and local planning policy;
2. Ecological impacts;

3. Impacts upon the visual character and appearance of the landscape;
4. Impacts upon Aerodrome Safeguarding; and
5. Highway impacts;

7.09 The Principle of Development

National Policy and Guidance

The Welsh Government (WG) has clear priorities to reduce carbon emissions, with one of the important ways of delivering this being through the continued development of renewable energy generating projects. TAN8 included a target of 4 Twh per annum of renewable energy production by 2010 and 7 Twh by 2020.

7.10 PPW advises that the WG's aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimizing, environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production.

7.11 When considering planning applications for renewable energy schemes, WG advises that planning authorities should take into account:-

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy.
- The wider environmental, social and economic benefits and opportunities from renewable energy and low carbon development.
- The impact on the national heritage, the coast and the historic environment.
- The need to minimize impacts on local communities, to safeguard quality of life for existing and future generations.
- To avoid, mitigate or compensate identified adverse impacts”.

7.12 In addition to this there is a raft of further key documentation relevant to the proposal, for example, EU Energy Strategy 2020, Climate Change Strategy for Wales (2010), Energy Wales a Low Carbon Transition (2014), Planning implications of Renewable and Low Carbon Energy – Practice Guidance (Welsh Government, 2011) and Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (Welsh Government, 2015).

7.13 The above paragraphs therefore set out the national planning policy framework associated with renewable energy proposals.

7.14 The Planning and Compulsory Purchase Act 2004 stipulates at S.38 that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless

material considerations indicate otherwise'. Accordingly, the UDP is the starting point for the consideration of this application, unless National Planning Policy supersedes the provisions of those applicable policies.

7.15 **Local Planning Policy**

There are a number of strategic and general policies within the UDP which are applicable to this proposal and I consider each in turn below:

STR1 New Development - Advises that development should generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location. Whilst located outwith the settlement boundary of Buckley, the site constitutes brownfield land by virtue of its former function as landfill site. Accordingly I consider that the proposal satisfies criterion a. of STR1.

STR7 Natural Environment – One of the stated aims of this policy is to safeguard Flintshire's natural environment by protecting and enhancing the character, appearance and features of the open countryside. The site is within an area of open countryside but abuts the settlements and adjoins areas of industrial and commercial development.

STR10 Resources – Criterion a) requires that new development must make the best use of resources through utilizing suitable brownfield land wherever practicable in preference to greenfield land or land with ecological, environment or recreational value. The brownfield nature of the site satisfies this requirement. It should also be noted that whilst the site abuts the SSSI and SAC designations to the north, east and west, it is excluded from the designation. Provided the proposals do not adversely affect features of the SAC, then I am satisfied that the proposal is policy compliant. I am also satisfied that proposal accords with criterion e of STR10 in that it clearly utilizes clean, renewable and sustainable energy generation.

Policy GEN1 requires that proposed development should harmonise with the site and surroundings and, amongst other matters, the development should not have a significant adverse impact on recognised wildlife species and habitats. The appraisal below illustrates that the proposals accord with these general policy aims.

Policy GEN3 sets out those instances where development will be permitted in the open countryside and criterion j refers to other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere. I have stated earlier that I consider the site to constitute a brownfield site. Accordingly, whilst the proposals is not of

such a size where an open countryside location is essential, the site itself is unsuitable for most other forms of built development by virtue of it lastly being used as a landfill site and in principle, proposals of this form can be accommodated on brownfield sites.

Taking all of the above into account, I am comfortable that the proposals satisfy the requirements of national and local policy as a matter of principle.

7.16 Ecological impacts

The site abuts the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sties Special Area of Conservation (SAC). These sites support a nationally important population of great crested newts and, in the case of the SSSI, a variety of more widespread amphibian species and semi-natural grassland.

7.17 Under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, the Council must consider whether a development proposal in combination with other plans for projects is likely to have a significant effect on the Deeside and Buckley Newt SAC.

7.18 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated: "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development....would not impact adversely on any European protected species....."

7.19 The effect of the proximity of these designations and the above referenced legislation is such that the need to ensure no adverse impacts upon SAC and SSSI features arising from development proposals is a material planning consideration. Accordingly, it is essential that this matter is properly addressed in the consideration of this application.

7.20 The development would not lead to a direct loss of habitat within the SAC or SSSI. However, in this case it is considered that mitigation proposals are required to address indirect impacts on the SAC that may be caused by construction of the development proposal.

7.21 The applicant has submitted an extended Phase 1 Habitat Survey and, at the time of writing, a Method Statement which includes Reasonable Avoidance Measures to mitigate against the potential impacts upon the Deeside and Buckley SAC, is under preparation.

7.22 The proposals have been the subject of examination by both the County Ecologist as the Natural Resources Wales (NRW), both of whom consider them to be acceptable subject to the imposition of appropriate conditions. With regards to Great Crested Newts, NRW do

not consider that the loss of the restored landfill sites to solar arrays will not have a long term adverse effect providing:

- a) There are reasonable avoidance measures in place to prevent harm during construction,
- b) The land around the “concrete plinths” is restored to grassland to maintain the maximum area available as terrestrial habitat,
- c) The habitats within the SAC are managed to enhance the conservation features of the SAC in the short term and long term, and
- d) The long term management will be guaranteed by the delivery of a Management Plan agreed with NRW which covers both ecological and recreational issues. Long term equates to the duration of the proposal (25 years).

7.23 Consequently, the proposal represents a material mechanism for ensuring appropriate and additional management of GCN habitats over the next 25 years at minimum and in this way the favourable conservation status of the SAC can be maintained in the long term. The above would be implemented by mitigation and reasonable avoidance measures, pond creation and enhancement within 1km of each site and long term habitat and recreational management.

7.24 I propose to condition the above requirements to be satisfied prior to any site work commencing.

7.25 Impacts upon the visual character and appearance of the landscape
The proposals are accompanied by a Landscape and Visual Impact Assessment and a Historic Environment Assessment. These assessments have assessed both the visual impacts of the proposed development from various vantage points around the site and also the impact of the proposals upon any historic assets in the locality.

7.26 The vantage points from which the visual impact assessment (VIA) has been undertaken at points ranging between 300m to 1.4km from the site. Taking into account the existing infrastructure associated with the ongoing monitoring of the landfill site (concrete gas well rings, leachate tanks etc) the impact of the proposed arrays within the landscape, taking accounting of landform and orientation in a southerly direction of the panels, the VIA concludes that the impact from these viewpoint is negligible to slight.

7.27 Regard has also been had to receptors in the form of the occupants of nearby dwellings at Ewloe Heath, Ewloe Place, Rhuddlan Road, Liverpool Road, Pinfold Lane and more distant properties in Northop Hall. In each case, the effects are considered to be slight or negligible.

- 7.28 In terms of impacts upon Historic Assets, the reports illustrate that there are actually no assets of this type within the 500m assessment area and those which exist within the wider 5km assessment area have no direct visual relationship with the site and therefore there is no impact upon the setting of such assets.
- 7.29 Therefore it is considered, bearing in mind the above in regards to Policies GEN3 & L1 that the proposed development would comply with the policies i.e. in sequential terms the site is acceptable, being brownfield. Whilst it will have some degree of impact on open countryside it would not be to the extent that it is unacceptable given the temporary nature of development and that the landscape can be relatively simply returned to its original condition.
- 7.30 The UDP recognizes that the use of renewable energy, as opposed to conventional sources of power will help offset the use of finite resources and will assist in limiting the release of greenhouse gases into the atmosphere thereby contributing to addressing climate change. As such the Plan strongly encourages the generation of energy from renewable sources where its location and operation is environmentally acceptable. Policy EWP1 therefore presumes in favour of renewable energy schemes subject to them meeting the other relevant requirements of the Plan and more detailed criteria are contained in EWP5 – Other Forms of Renewable Energy. The proposed development is considered to accord with these policies.
- 7.31 Impacts upon Aerodrome Safeguarding
The site lies within 5km of Hawarden Airport. In recognisance of the importance of considering the impacts of solar reflection (Glint & Glare) from solar panels and their impact upon aircraft approaching, and leaving Hawarden and the control tower itself an assessment report accompanies the application.
- 7.32 The report has assessed risk having regard to:
1. The Air Traffic Control Tower (ACT) and its ability to see the site directly;
 2. Runway 04 and its' approach; and
 3. Runway 22 and its' approach.
- 7.33 Using both the Solar Glare Hazard Analysis Tool (SGHAT) and the Pager Power model, it was predicted that a very marginal glare might be expected towards the ATC tower. This glare would be predicted to have a low potential for creating a temporary 'after image'. However, the interpretation of the findings of this model, based upon a review of aerial photography and other photographic sources, it is considered that a controller within the ATC would not be able to see the site.
- 7.34 Both models were used to assess impact upon runway 04. Both predict a low potential glare towards the approach to runway 04 from

its threshold to a distance of 1.25 miles. However, this level is considered acceptable based upon FAA guidance and therefore no significant impact is expected.

7.35 The SGHAT model has a very marginal predicted glare from the solar panels towards runway 22 from its threshold to a distance of 0.25 miles. However, this level is considered acceptable based upon FAA guidance and therefore no significant impact is expected.

7.36 Both AIRBUS and National Air Traffic Services have been consulted upon these reports and their findings. Neither raise any objection from an aerodrome safeguarding perspective.

7.37 Highway Impacts

The application was accompanied by a Transport statement which has been the subject of consideration by the Local Highway Authority. The submitted Transport Statement indicates that the volume of traffic anticipated to be required during the construction stage is relatively low and will not impact upon the operation of the highway. The operation of the solar plant and the continued use of the site for materials recycling would, in combination, be unlikely to impact negatively upon the local highway network. Accordingly no objections are raised on highway grounds.

8.00 CONCLUSION

8.01 The proposed development is therefore considered acceptable in principle and detail subject to conditions of the form outlined in paragraphs 2.01 above.

8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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