

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 15 JUNE 2022**

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

SUBJECT: **BRETTON HALL SOLAR FARM DEVELOPMENT OF NATIONAL SIGNIFICANCE: LOCAL IMPACT REPORT – REQUEST FOR DELEGATED AUTHORITY TO RESPOND**

1.00 SUMMARY

- 1.01 The application for the Bretton Hall Solar Farm Development of National Significance (DNS) has been submitted to the Welsh Ministers for examination. The Government's Planning and Environment Decisions Wales (PEDW) has written to the County Council to confirm receipt of the application.
- 1.02 Once the application has been formally accepted by PEDW and registered as a valid DNS application, Flintshire County Council will be required to submit a Local Impact Report, and will be invited to make formal representations on the application within five weeks of the notification of the valid application.
- 1.03 This report seeks delegated authority from the Planning Committee to submit the Council's Local Impact Report, and provide representations at officer level on behalf of Flintshire County Council.
- 1.04 The request for delegated authority is required, so that the representations can be made at an Officer level, in consultation with the local Ward Members, in response to the DNS consultation by PEDW, in the timescales set out within the Regulations, and without the need to return to Planning Committee for a formal resolution to agree the content and representations of the Local Impact Report.

2.00 RECOMMENDATION

- 2.01 That the Council's Local Impact Report, and accompanying recommendations, and suggested conditions for the Bretton Hall Solar Farm Development of National Significance be delegated to officers in consultation with local members (Broughton North East and Saltney Ferry).

3.00 APPLICATION VALID DATE

3.01 The application was submitted to the Welsh Ministers on 27 May 2022 and PEDW have up to 42 days to validate the application. Should the application be considered a valid application, the Council will have 5 weeks to respond to the consultation by PEDW from the application valid date.

4.00 PURPOSE OF REPORT

4.01 The report seeks delegated authority to respond to the anticipated consultation by PEDW on the Bretton Hall Solar Farm Development of National Significance, at an Officer level. To provide the required Local Impact Report, and any necessary relevant representation, and suggested conditions and obligations that may be required.

4.02 Due to the limited timescales prescribed within the Development of National Significance (Wales) Regulations 2016 to make a response to the PEDW consultation, it is considered necessary to raise the matter at Committee to seek a resolution from Planning Committee to permit officers to respond to the consultation on behalf of the Council. Such responses are not considered to be a delegated function as stated within the Council's Scheme of Delegation.

5.00 THE PROPOSAL

5.01 The proposed development is described within the documents as a renewable energy source comprising a 30MW ground mounted solar farm and associated infrastructure on land at Bretton Hall located both in Flintshire and in Cheshire. Therefore this is a cross boundary development, and a separate planning application will be submitted to Cheshire West and Cheshire Council for their consideration for the elements of the development that lies within the jurisdiction of Cheshire West and Cheshire Council.

5.02 The development that lies on land within Wales is considered to be a Development of National Significance (DNS) as the generation capacity of the solar arrays would exceed 10MW. The proposed solar farm that would be situated within Wales would have a generation capacity of 16MW.

5.04 The Proposed Development (including development in Cheshire) comprises:

Solar Array

- On land extending to 50ha (approximately 25ha in Flintshire)
- Solar array comprising photo-voltaic panels covering 8 fields. (4 fields in Flintshire)

Supported by

- 10 x sub-stations for the PV Array and associated concrete bases
- 7 x Battery Storage units
- 2 x battery substations with capacity of c 5MW and 10MWh
- 2 x DSO Buildings and associated concrete base
- Customer Cabin
- Outdoor classroom
- Perimeter and stock fencing
- Maintenance tracks
- Culverts
- CCTV cameras
- Cabling on site and off site, cable ducts, cable ladders
- Supplementary and new vegetation
- Reuse and partial widening of an existing access
- Parking

6.00 THE SITE LOCATION

- 6.01 As stated above, the proposal lies within both Flintshire and Cheshire West and Chester and therefore two separate applications will be submitted to the respective decision making authorities. The total area of both application sites covers approximately 50 hectares of relatively flat, low lying agricultural land with an elevation of approximately 3-6m above ordnance datum (AOD).
- 6.02 The land within the Flintshire application site is divided into four fields of varying size (numbered as F1-4 on Image 2.1: Aerial Context Plan) covering an area of approximately 25 hectares. The Application Site boundary also contains the proposed grid connection cable route to the Saltney substation. The route follows the public highway from the north of Field 1 to the substation.
- 6.03 The Application Site lies within open countryside and within the Broughton - Hawarden Airport - Saltney - Cheshire Border Green Barrier, which is protected by Flintshire Unitary Development Plan Policies GEN3 and GEN4 respectively. The site is also designated as green barrier within the emerging Local Development Plan.
- 6.04 The fields are bound by a combination of hedgerows, trees and drainage ditches. The land within the Application Site boundary is currently used for agricultural purposes with the main use comprising improved pasture for livestock grazing. An Agricultural Land Classification (ALC) has been undertaken to determine the quality of the land within the Application Site, which is mainly limited to subgrade 3b due to a combination of soil wetness and flooding. An area to the north comprises permeable soils with lower flood risk and is of a subgrade 3a and grade 2 agricultural quality.

- 6.04 Several watercourses flow through the Application Site, the main watercourse being Balderton Brook which drains into the tidal section of the River Dee to the north of the Application Site. There are a number of watercourses which pass through or drain the Application Site, these watercourses all ultimately drain into the Balderton Brook.
- 6.05 A review of the Natural Resources Wales (NRW) Flood Zones indicates that the Application Site is located within Flood Zone 3 and therefore has a 'high probability' of fluvial/tidal flooding. A review of the Environment Agency (EA) Flood Zones indicates that the Application Site is located within Flood Zones 2 and 3 and therefore has a 'medium to high probability' of fluvial/tidal flooding.
- 6.06 There are no Public Rights of Way (PRoW) that cross the Application Site.

7.00 MATERIAL PLANNING CONSIDERATIONS

The Issues

- 7.01 The main issues associated with the proposal include:
- Development in the Open Countryside
 - Development in the Green Barrier
 - Flood risk
 - Best and Most Versatile Agricultural Land
 - Renewable Energy
 - Landscape and visual Impact
 - The Impact on Trees
 - Ecology and Nature Conservation
 - Cultural Heritage and Archaeology
 - Built Conservation
 - Contaminated Land
- 7.02 Further examination of these issues is outlined within the without prejudice Case Officer's response to the developer led pre-application consultation, where all these issues are considered in relation to the proposal (See Appendix 1). This response was made without prejudice on behalf of the Planning Authority following an internal consultation with our own internal specialist consultees.
- 7.03 At the time of writing the pre-application report, a response had not been received by the Built Conservation Officer. However, this has now been received and the Built Conservation Officer stated that the proposal is a good distance from the Grade II listed Well House Farm. As a result would not be considered to adversely affect its historic setting. The proposal could affect the setting of the Bretton Hall Moated Site, which is a Scheduled Ancient Monument. Cadw will be consulted directly by PEDW on this proposal.

- 7.04 The developer directly consulted statutory consultees outside of Flintshire County Council such as Natural Resources Wales (NRW). Appendix 2 provides NRW's response to the developer's pre-application consultation. It is noted that NRW have significant concerns with regards to flood risk and ground water protection, and have advised that the information to address their concerns should be provided within their application. Should the application be a valid application, PEDW will consult NRW and other statutory consultees directly as part of the DNS process.
- 7.05 The application submission includes an addendum to the Environmental Statement. The applicant's agent has advised that this document should address the areas of concern raised which are outlined within Appendix 1 and 2, and other areas of concerns raised during the pre-application consultation.

8.00 RECOMMENDATION

- 8.01 That the Council's Local Impact Report, and accompanying recommendations for the Bretton Hall Solar Farm Development of National Significance be delegated to officers in consultation with local members (Broughton North East and Saltney Ferry).

LIST OF BACKGROUND DOCUMENTS

Draft Planning Application & Supporting Documents found:-
<https://www.brettonhallsolar.co.uk/planning/>

National & Local Planning Policy

Guidance note on DNS applications:-
<https://gov.wales/developments-national-significance-dns-guidance>

Scoping Direction:- <https://www.brettonhallsolar.co.uk/wp-content/uploads/2021/05/2020-12-23-DNS-3251545-Scoping-Direction.pdf>

Appendix 1 – Pre-application Officer response to the Developer led pre-application consultation dated 08/04/2022

Appendix 2 – Consultation response from NRW to the developer led Pre-application consultation regarding flood risk dated 10/03/2022

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