

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4TH SEPTEMBER 2019**

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

SUBJECT: **FULL APPLICATION - INSTALLATION AND OPERATION OF A 2 MW GROUND MOUNTED SOLAR FARM AND THE ASSOCIATED INFRASTRUCTURE, INCLUDING: BATTERY STORAGE, SUBSTATION, INVERTER/TRANSFORMER UNITS, SECURITY MEASURES AND ACCESS TRACK AT FLINT LANDFILL SITE, CASTLE PARK, FLINT.**

APPLICATION NUMBER: **059862**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL**

SITE: **FLINT LANDFILL SITE, CASTLE PARK, FLINT**

APPLICATION VALID DATE: **29th APRIL 2019**

LOCAL MEMBERS: **CLLR D COX**
CLLR M PERFECT

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **SCHEME OF DELIGATION**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 The proposal is a full planning application for a photovoltaic solar farm and ancillary works on land at Flint Landfill Site, Castle Park, Flint. The site extends to approximately 1.68 hectares. The main issues for consideration are:

- The principle of development,
- Character and appearance of the landscape,
- Aerodrome safeguarding,

- Highways safety,
- Designated nature conservation sites
- Scheduled Ancient Monuments

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

- 2.01
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 40 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. Prior to commencement, the submission of a construction traffic management plan.
 7. Prior to commencement the submission of an assessment of the potential impact of the diversion/alteration of surface water/rain water upon the adjacent sites and mitigation measures should they be necessary.
 8. Prior to commencement the submission of a report outlining how and when any wells/boreholes have been decommissioned.
 9. If, during development, unsuspected contamination is found to be present then no further development shall be carried out until a scheme of remediation has been submitted and approved.
 10. No infiltration of surface water drainage into the ground is permitted other than with the consent of the LPA
 11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the consent of the LPA
 12. Submission and implementation of a Biosecurity Risk Assessment.
 13. The protective measures detailed within the Habitats Regulations Appraisal are adhered to unless otherwise agreed in writing with the LPA

3.00 CONSULTATIONS

3.01 Local Members

Cllr D Cox: No response has been received at the time of writing.

Cllr M Perfect: No response has been received at the time of writing.

Flint Town Council

No response has been received at the time of writing.

Highways Development Management

Raise no objection to the proposed development subject to a condition requiring a construction traffic management plan be submitted prior to commencement.

Public Protection

Raised no objection to the proposed development

Public Rights of Way

Considered the potential impacts upon Footpath 88 and 89 which abut the site and raise no objection to the proposed development

Sustrans

Considered the potential impacts upon the National Cycle Network and All Wales Coastal Path and raise no objection to the proposed development.

Ramblers Association

No response has been received at the time of writing

Network Rail

Raise no objection to the proposed development

Enterprise and Regeneration

Raise no objection to the proposed development

Natural Resources Wales

No Objection subject to conditions

Clwyd-Powys Archaeological Trust

Agrees with the conclusions of the submitted Heritage Impact assessments and raise no objection to the proposed development

Clwyd Badger Group

No response has been received at the time of writing.

CADW

Agrees with the conclusions of the submitted Heritage Impact assessments and raise no objection to the proposed development

North East Wales Wildlife

No response has been received at the time of writing.

North Wales Wildlife Trust

No response has been received at the time of writing.

Dee Wildflowers and Wetland Management Club

No response has been received at the time of writing.

RSPB Cymru

No response has been received at the time of writing

Dee Naturalist Society

No response has been received at the time of writing

North Wales Fire and Rescue

Raise no objection to the proposed development

North Wales Police

No response has been received at the time of writing

Airbus

Considered the potential impacts upon Hawarden Airport and raise no objection to the proposed development

John Lennon Airport

Considered the potential impacts upon John Lennon Airport and raise no objection to the proposed development

National Air Traffic Services

Considered the potential impacts upon in flight air traffic and raise no objection to the proposed development

4.00 PUBLICITY

- 4.01 The application has been publicised by way of a press notice, multiple site notice's and neighbour notification letters. There have been no written responses to public consultation exercise.

5.00 SITE HISTORY

- 5.01 059339 – Screening Opinion – EIA not required –15/01/2018

In addition, there are various historical applications in relation to use as a landfill site.

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
Policy HE6 – Scheduled Ancient Monuments and other Nationally Important Archaeological Sites

Flintshire County Council Supplementary Planning Guidance

SPGN No. 3 Landscaping

SPGN No. 6 Listed Buildings

SPGN No. 8 Nature Conservation & Development

National Policy and Technical Advice

Planning Policy Wales: Edition 10

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

Technical Advice Note 8: Renewable Energy (July 2005)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 24: The Historic Environment (2017)

7.00 PLANNING APPRAISAL

The Site and Surroundings

- 7.01 The site comprises an area of some 4.7 hectares of land on the site of the former Flint landfill site. The site has a domed appearance and is largely grassed in nature which some areas of established vegetation. The site is bounded by a belt of mature deciduous woodland planted onto a bund on all sides. Areas of open countryside lie to north west and south. The land to the east comprises Castle Park Industrial Estate which is adjacent to Flint Castle, a Scheduled Ancient Monument. The land to the north is characterised by the remaining area of landfill and the River Dee Estuary. The Dee Estuary

has been designated for its ecological importance, including as a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI). The site is encircled by Public Footpaths, with 77, 88 and 89 bounding the east, south and west boundaries, and the All Wales Coastal Path to the north boundary. Access to the site is from the south east via the existing entrance off Castle Park Industrial Estate.

The Proposals

7.02 The proposals seek permission the construction and operation of a circa 2MW solar farm development and the associated infrastructure at Flint Landfill, including:

- Solar PV modules mounted on to arrays with concrete plinths;
- 2 x Inverter/ Transformer units;
- 2 x battery storage containers;
- Access tracks;
- Onsite cabling;
- Fencing and security measures; and
- Substation

7.02 The solar panels will be mounted posts which are proposed to be secured using a non-invasive concrete ballast foundation. The t the arrays would have a clearance above ground level (agl) of approximately 1.0m and an upper height of no more than 3.0m agl, angled at 20 degrees to the horizontal. Each panel will be 4.2m in depth from front to rear and will be arranged in rows of varying lengths. The panels are treated in a non-reflective coating and have a dark surface appearance. The solar farm layout comprises five areas of solar panels, each of these areas would be fenced and secured, with no access to the general public. Each of the solar module areas would be enclosed by green wire mesh security fencing, measuring 3m in height. Inward facing CCTV cameras would be mounted on to the security fencing.

7.03 Two inverter/ transformer units are required to control the voltage of the electricity generated across the Proposal, prior to reaching the substation. The solar PV modules would be connected to inverter units to convert the direct current produced by the modules in to alternating current, which is compatible with the local electricity distribution network. The inverter/ transformer units would be raised off of the ground by 0.5m with an overall height of 3.4m, length of 12.2m and width of 2.5m.

7.04 An existing access track runs through the Application Site in a south to north direction from the main access point. This track would be utilised to gain access to each of the solar PV module areas. A new

section of access track is proposed to allow access to the most southern solar PV module area.

- 7.05 A substation along with two containerised battery storage units would be positioned adjacent to the site's access road. In addition two containerised battery storage units will be sited adjacent to the substation which will allow for the storage of electricity during times where demand on the local distribution network is low. The battery storage containers would measure 12.2m in length, 2.4m in width and 3.4m in height and be located adjacent to the substation.
- 7.06 The proposal seeks permission for the use to be temporary for a period of 40 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 and Policy Statement
 - Pre Application Consultation Report
 - Design and Access Statement
 - Ecological Appraisal
 - Landscape and Visual Impact Assessment
 - Heritage Impact Assessment
 - Transport Statement
 - Flood Consequence Assessment
 - Geo-Environmental Site Investigation Report
 - Solar Photovoltaic Glint and Glare study

The Main Issues

- 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 upon the SSSI, SAC, SPA and Wildlife Sites;
 3. Impacts upon Scheduled Ancient Monument, Flint Castle;
 4. Impacts upon the visual character and appearance of the landscape;
 5. Impacts upon Aerodrome Safeguarding; and
 6. Highway safety.

National Planning Policy

- 7.09 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).

Local Planning Policy

7.13 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:

7.14 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 outside the settlement boundary of Flint, the site constitutes brownfield land by virtue of its former function as landfill site.

7.15 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

- 7.16 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 designated wildlife sites to the north, it is excluded from the designation. Provided the proposals do not adversely affect features of these wildlife sites, 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
- 7.17 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.
- 7.18 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.
- 7.19 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.

Ecological Impact

- 7.20 Policy WB1 outlines that development should not have significant adverse effect on important species or their habitats unless appropriate measures are taken to secure their long term protection and viability. In addition, Policies WB2, WB3, and WB4 state that development will not be permitted unless it is demonstrated that development will not have a significant adverse impact upon site of international importance, statutory sites of national importance or local wildlife sites.
- 7.21 A Preliminary Ecological Appraisal has been submitted in support of the application which included a phase 1 habitat survey. The phase 1 habitat survey covered a larger area than the proposed Application

Site boundary. The habitats identified onsite included a series of semi-improved grassland areas, with scattered small and mature trees and broadleaved woodland, scattered and dense scrub and some bare ground with short perennial vegetation.

- 7.22 The appraisal considered the proposals impact upon protected species, including birds, bats, badgers, and reptiles, and found that the proposal is unlikely to have a significant adverse effect upon these species. The submitted reports suggest that a further reptile survey should be undertaken prior to commencement to which will inform suitable mitigation measures.
- 7.23 The site is adjacent to the Dee Estuary is designated for its ecological importance, including as a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI, along with the Flint Marsh Wildlife Site which lies adjacent to the western site boundary
- 7.24 The Preliminary Ecological Appraisal has not identified any significant effects upon any of the international, national or local designations located within close proximity to the Application Site

Impact Upon Scheduled Ancient Monument

- 7.25 The site is within 500m of Flint Castle, a Scheduled Ancient Monument. Policy HE6 states that development which would remove, damage or obscure a Scheduled Ancient Monument or other nationally important archaeological site, or its setting will not be permitted.
- 7.26 A Heritage Impact Statement prepared by a Heritage Archaeology has been prepared in support of the proposed development. The assessment has concluded that due to the intervening buildings and vegetation there are no views between Flint Castle and the proposed solar farm and therefore concluded that the proposed development will have no impact on the setting of the scheduled monument. Cadw, CPAT, and the Councils Conservation Department have been consulted and raise no objection to the proposal

Landscape Impact and Appearance

- 7.27 The application is accompanied by both a Landscape and Visual Appraisal, and Glint and Glare study, both of which assess the proposals visual impact locally and from the AONB. The site is within a relatively flat landscape set between agricultural land and the Castle Industrial Estate. The site is a restored landfill which benefits from significant and established boundary treatments ordinary designed to screen the site from the settlement of Flint. The development will therefore be screened from rail user, road users and the majority of

- 7.28 residential properties within Flint. The site will be visible from the north facing properties Castle Heights which is 0.5km from the site. However given these properties have panoramic view of the estuary, the proposals impact upon this will be minor when viewed next to the existing Castle Park Industrial Estate.
- 7.29 The site is bounded on all sides by public rights of way, with the Wales Coastal Path to the North of the site. Views from the Coastal path and surrounding public footpaths are limited with existing established screening providing a natural buffer between the development and users of the footpath. There is a signposted viewing point with a sculpture located above the Coastal Path and immediately adjacent to the development site. Screening has been planted in this area, in the form of a hedge, and once established will screen the development from view. The viewing point allows for panoramic views of the estuary, away from the proposed development.
- 7.30 The impact upon the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, which is some 11km away, has also been considered. The submitted Glint and Glare Study has considered the proposed impact on a number of locations within the AONB with both the nearest point and the viewing platform on Moel Famau being considered. The report concludes that solar reflection would not be geometrically possible towards these reference points. The submitted Landscape Appraisal also concludes that the development would have a very limited impact upon the outlook from the AONB. Given the distance to the development, the impact upon the overall outlook would be very minor and will be viewed against the settlement of Flint.

Aerodrome Safeguarding

- 7.31 AIRBUS, John Lennon Airport and National Air Traffic Services have been consulted upon the application which includes a Glint and Glare report. None have raised any objection from an aerodrome safeguarding perspective.

Highways Safety

- 7.32 The site is accessed via Castle Park which forms part of the highway network. The application was accompanied by a Transport statement which has been the subject of consideration by the Local Highway Authority. The highways officer raises no objection to the proposal subject to a condition requiring a construction traffic management plan to be submitted prior to commencement.

8.00 CONCLUSION

The proposed development is therefore considered acceptable in both principle and detailed matters subject to conditions outlined in paragraphs 2.01 above.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.