

Item 31	14/01132/FULMAJ
Case Officer	Helen Lowe
Ward	Insert Ward
Proposal	Construction of a (up to 4.99MW) Solar Photovoltaic (PV) Farm and associated works
Location	Land Bounded By Black Brook, Chapel Lane And Tithe Barn Lane Heapey
Applicant	Cassidy & Ashton Group Ltd
Consultation expiry:	4th December 2014
Decision due by:	13th February 2014
Recommendation	Refuse
Executive Summary	<p>The proposal would be inappropriate development within the Green Belt. The size, scale and nature of the proposal is such that it is considered to cause significant harm to the countryside through encroachment of development into the countryside eroding the openness of the Green Belt and that the harm arising is not outweighed by any potential benefits.</p> <p>Whilst the proposal may be materially different to the recent appeal decision on the same site, it is not considered that the changes to the proposal are sufficient to overcome the Inspector's reasons for refusal.</p>

Representations

<p>Anglerzarke Parish Council Object on the grounds of: improper use of the Green Belt, unacceptable visual impact locally and from the West Pennine Moors; a reduction in safety of the surrounding lanes and loss of heritage landscape,</p>
<p>Heapey Parish Council Object on the grounds of: the site is located within the Green Belt and fails to meet any criteria in policy DC1; the proposal fails to meet policy EP23 in that by due to its size and scale it detracts from the amenity of the surrounding area; the scale of the development involves such adverse visual impact there can be no means of acceptable mitigation; the very special circumstances put forward within the application fall far short of justifying a development of this scale within the Green Belt and the small reduction in scale is insufficient to impact on the findings of both the planning authority and the Inspector in relation to the previous application.</p>
<p>Lindsay Hoyle MP The area in question of the gateway to the West Pennine Moors Country Park. The development will have a significant and visually unavoidable impact on an otherwise beautiful area of the countryside. This is an inappropriate use of agricultural land. All views and concerns of residents should be given due regard when this application is considered.</p>
<p>Cllr Kim Snape The site is on Green Belt and does not exert special circumstance for it to be passed. Potential harm to the Green Belt cannot be outweighed on this site. The public concern, together with its distance from the West Pennine Moors and White Coppice Conservation Area means there are no grounds for a solar farm in this area.</p>
<p>Cllr Margaret France The scale and appearance of this development is completely inappropriate in such a beautiful rural location. It would have a very detrimental impact on the character of the area, as enjoyed by many walkers and horse riders and have an impact on many surrounding properties. It is hard to believe it would be restored to its previous state after 20 years, by then it would probably be given brownfield status and be subject to yet more development.</p>
<p>Cllr Gordon France This is a rural green belt area with no industry and is seen by many as the gateway to the West Pennine Moors. Whilst we have no solar farms in Chorley it would seem wrong to start with one on a green belt site in a very high and visible position. From the centre of this site which is frequently used by walkers you can see for miles across the green fields to the Pennine fells.</p>
<p>Blackburn Road and Great Knowley Residents Association The site is in Green Belt, in open countryside and good agricultural land. Such sites should only be used when the supply of alternative brownfield sites has been exhausted.</p>

A total of 255 representations have been received which are summarised below

Objections Total No. received: 247 – note that some objections are from more than one individual, which if counted separately, would total approximately 386.

Consultation/Application information

- The applicant has not carried out any form of consultation;
- The images submitted with the application are misleading;
- There is no indication of prior consultation with Chorley Council in respect of EIA requirements;
- No study of land erosion due to water runoff was submitted, what impact will it have on the area;
- The boundaries drawn in red submitted by the applicant delineate an area far greater than that initially proposed for development. Is this an attempt to obtain permission for what appears to be a moderate development, whilst establishing the planning precedent on a much greater area, which, if the permission was granted, would then later be exploited to obtain permission for a substantial extension of the proposed development?
- There still does not appear to have been any solar assessment completed to back up claims regarding the actual output of the panels.
- Without having the necessary site surveys it is simply still not possible to reach a sound conclusion on the harm to newts - which are a protected species.

Principle of Development

- The proposal is not in keeping with the local environment;
- This is a Green Belt area of great natural beauty in the foothills of the Pennines, where this proposed 'monstrosity' will be highly visible – retracting in every sense from what 'Green Belt' areas are about;
- This is valuable farmland;
- The development is inappropriate for Green Belt Land and should be sited elsewhere. There are no special circumstances to warrant overriding approval for development on Green Belt;
- The need to protect the Green Belt has been recognised by the Government by the proposed change to the NPPF worsening. Exceptional circumstances are now required. It is clear that this proposal fails to meet this requirement;
- This would set a worrying precedent for any other similar development on Green Belt;
- The development does not fit in with the National Planning Policy Framework;
- Green Belt land should be nurtured and cherished for future generation;
- The development would take valuable Green Belt Land, something we have not got much of here in the North West;
- Very special circumstances do not exist as the development could be sited elsewhere
- The scale of the arrays, associated inverter buildings and extent of the area would not preserve the openness of the Green Belt;

Visual impact

- The proposal could be a permanent eyesore and visually intrusive;
- The visual impact of a sea of black panels, inverters and substation will be detrimental to the whole area;
- The application is completely out of character to the area of outstanding beauty;
- The screening currently suggested is mainly deciduous and would significantly reduce or be totally absent for a large proportion of the year;
- It would take many years of negative visual impact before the site is sufficiently screened;
- The scale of the panels is simply too large;
- There would be a loss of views from White Coppice, Heapey and the moors;
- It will be clearly visible from access and vantage points near and far;
- Will it be reflective?
- It would resemble a prison and a blot on the landscape;
- The proposal would have a significant adverse effect on visual amenity and appearance of the countryside;
- Solar panels would be an alien and incongruous feature;
- At the site entrance on Chapel Lane there is no significant screening for a distance of over 200 yards in order to allow adequate visibility for commercial vehicles leaving the site, this serves to emphasise the large industrial scale of the development and its contrast with narrow twisting country lanes that border the site;

General impacts

- The effect on local property prices would be catastrophic;
- The impact on the environment has not been sufficiently addressed; this should be carried out by formal EIA
- The application in no way is of any benefit to the local character and /or community;
- The reduction in size in no way mitigates the intrusive nature of the development;
- Nothing has changed since the first application;
- Reduction in farmland and grazing for cattle;
- The benefits could be obtained by development on other sites not in the Green Belt;
- Employment and financial benefits to the local community would only be minimal and transient during the time of the initial installation;
- There would be increased noise and lighting;
- Extensive screening as outlined in the plan would render the lanes dark, inhospitable and unsafe;

Highway impacts

- The roads surrounding the development do not support any increase in traffic, specifically HGVs;
- No off road parking is being allocated therefore vans and lorry's servicing the site will cause problems on the country lanes;
- The proposed hedges would be ridiculous in terms of visibility, for pedestrians and road safety around the lanes;

Heritage and Conservation

- This is a place of wildlife significant and heritage and should be preserved;
- The objections voiced in the Lancashire ecologists' final report are still valid;
- It would have a detrimental effect on local wildlife;
- The habitats of all this wildlife would be damaged and destroyed;
- The development is only a few hundred yards from the Listed Building of Wogdens Farm;
- Ancient landmarks would be destroyed;
- the proposed fencing will prevent access to the area and through the area for Deer, Hare and Badgers
- Many other bird species, not listed in the ecological report use the area for breeding and are likely to be affected by disturbance or loss of feeding areas;
- If hedgerows are removed then the homes of the resident wildlife will be destroyed;
- The fences will block light to the roads, causing them to be icy;

Decommissioning and after use

- If the subsidy received for the electricity were to fail or advancing technology were to render the solar farm unviable there can be no guarantee that the solar farm would be dismantled or the condition of the land restored when the consortium behind the proposal does not even own it;
- If the venture is successful the applicants would simply apply for permission for a further period, granting of which would be virtually automatic. If the venture is no successful there is not guarantee the applicant will have the financial wherewithal to restore the site.

Details of the Development

- The land is not suited to home a solar development;
- The development is on too large a scale for the rural character of the area;

Miscellaneous

- Brownfield sites should be used as an alternative
- The proposal would decrease the enjoyment of many visitors from Chorley and surrounding areas;
- It would have an impact on healthy living due to the environs no longer encouraging activities such as running, orienteering, horse riding, walking and cycling;
- It would have a detrimental impact economically as visitors would not spend money locally;
- Loss of farming land;
- This new application is simply a desperate attempt to get the development up and running before the feed in tariffs change in March 2015;
- During the World War Heapey was used for munitions storage due to its natural landscape and cloud cover which hid the munitions from enemy air craft;
- The proposal would seriously affect livery businesses in the area (the panels and increased traffic would affect the horses);
- If the proposal is agreed does the land then become a brownfield site on which houses can be built in future;
- There should be a public inquiry;
- Noise pollution, light pollution, and electrical magnetic field are a risk to the public and animals health in the area;
- The benefits supplied by the smaller proposal are commensurately smaller (approximately 60% of the original), with little meaningful reduction in the harm described;
- The reduction in scale of the proposed development does little or nothing to alter the grounds for the Inspector's conclusion on the recent appeal;
- It would be harmful to tourism in the area;
- scientific basis for a solar farm based anywhere in the north of the England is flawed and there is already a net flow of energy in the UK from the north to the south;
- The overwhelmingly negative response generated by the public consultation process represents a local consensus that a solar farm should not be built on this site before all other more suitable sites have been used, both nationally and in the Chorley area. This opinion of the community must surely be taken into account when making a decision;
- The proposal would be uneconomic without the subsidy;
- Will depreciate property values;

Support

Total No. received: 8

- Use for generating clean energy would be beneficial nationally and help towards regional targets for renewable energy;
- There will be no noise and it is less visually intrusive than alternatives;
- The land is agricultural grade 3, unsuitable for intensive agriculture;
- As seen from the east it would be a distant feature in the landscape;
- Solar panels are not an eyesore;
- It will help reduce our carbon footprint;
- Other developments in the area have nothing to do with this;
- It is a short sighted policy to consider that we are protecting our beautiful countryside by opposing solar panels being placed in them if we are then endangering the area from pollution and climate change which will affect us even if the electricity is generated out of our sight;
- It will not smell, make noise, pollute or contribute to climate change;
- We cannot continue in the way we are going, there will be little left to conserve and our children and grandchildren;
- It will provide employment;
- Energy prices are rising and as a country we do not have enough power stations

Consultees

Consultee	Summary of Comments received
National Grid	Place a holding objection to the above proposal which will cross a High Pressure Gas Pipeline and set out a number of conditions that must be satisfied should any works take place over or within the easement associated with the pipeline.
Lancashire County Council Highways	Previous comments are still valid and hold for the current proposal.
Chorley Council's Conservation Officer	The site itself does not include any heritage assets, whether designated or otherwise. The nearest listed building, Wogden's Farm is approximately 160 metres from the site. All other heritage assets are located at greater distances than this from the site. Views of these designated heritage assets would not be affected by the proposed development and as such their significance would be sustained.
Environment Agency	No objections in principle. Access roads should be constructed from permeable paving. A clear, unobstructed buffer between the edge of Black Brook and the proposed development should be retained.
Greater Manchester Ecology Unit	No overall objections to this application on nature conservation grounds but conditions are recommended to protect wildlife interests.
Natural England	The application is in close proximity to the White Coppice Flush Site of Special Scientific Interest (SSSI). They are satisfied that the proposed development , being carried out in strict accordance with the details of the application, as submitted , will not damage or destroy the interest feature for which the site has been notified. The SSSI therefore does not represent a constraint in determining this application.
Ministry of Defence	Confirms that they have no safeguarding objections to this proposal.
Chorley Ramblers	Object: <ul style="list-style-type: none"> • this is a Green Belt site and there are no special circumstances to allow such a development; • the development cannot be viewed as temporary; • the impact on the amenity value of the immediate area would be devastating; and would be a blight on the surrounding landscape; • the area has a network of interconnected footpaths. The development will have a considerable effect on the amenity value of these footpaths and the character of the local area.

Chorley Council's Parks and Open Spaces Officer	<ul style="list-style-type: none"> • The Landscape and Visual Impact Assessment has been prepared in accordance with up to date guidance and uses an appropriate methodology; • The Landscape and Visual Impact Assessment gives a realistic picture of the likely impacts of the development and generally agree within its findings and do not consider that the effects have been particularly under or over stated; • It is important to note that mitigation planting takes several years to establish and residual to long term effects are generally considered 15 years after the construction of a development to allow sufficient time for mitigation planting to mature. This is standard practise, however it must be considered alongside the premise that the proposed development will only operate for 25 years. • In this context, it could be reasonably be assumed that the mitigation planting will not have its full impact until the site has been operating for 10 -12 years or half its operational lifetime and the 'notable' adverse effects on Footpath 31, Footpath 19, and Garstang Farm are likely to continue over this period. • The mitigation planting proposed comprises 45-60cm bare root planting, which is the smallest form of bare root planting available. This planting will take several years to mature enough to influence local views. Given that the proposed development is only intended to operate for 25 years some additional mitigation measures proposed to speed up the establishment of a visual screen should be considered by the applicant; • 'notable' visual effects will persist for users of Footpath 31 in the long term due to the complete change in the nature of the view which the proposed planting cannot mitigate. Whilst this can be considered as a 'localised notable landscape and visual effect' as set out in the report it is still a permanent visual effect to an important and sensitive group of visual receptors.
Chorley & District Natural History Society	Loss of these fields would be detrimental to wildlife in the area.
Lancashire County Council Public Rights of Way	Objects to the proposals. The proposed planting scheme would reduce light and air to the ground and cause the footpath surface conditions to deteriorate. Users of the path may find an enclosed path to be intimidating and be discouraged from using the path. The effect of the plating will remove any views of the surrounding countryside and reduce the amenity value of the footpath.
CPRE	Object to the proposals. The proposal would still have a significant adverse impact on the visual amenity of the rural landscape on both near and long range views. The development would be contrary to the purpose of Green Belt designation. There would be an adverse impact to the local amenity of the site and its surrounding countryside.
HSE	Advise that their comments remain the same as previously as nothing has material changed at the site to comment on
RSPB	No comments received
Wildfowl & Wetlands Trust	No comments received

Assessment

The Proposal

1. This application proposes a solar farm comprising the installation of approximately 20,340 solar panels, arranged in arrays of 20 panels, each measuring approximately 10m in width. The arrays would be angled so that they would be a maximum of 2.1m above the ground, however due to the ground topography, the height of some arrays would vary up to a maximum height of 2.7m.
2. In addition to the proposed panels, the proposal requires the installation of five inverters distributed throughout the site, a substation building and access tracks. The inverters would be distributed through the area covered by the arrays, each measuring 8.2m by 2.5m by 3m high. The substation would be located in the southern part of the site, approximately 50m north of the junction of Tithe Barn Lane and Higher House Lane. The substation building would measure 8.3m by 5.2m by 3.9m high. It is proposed to erect 2.1m high deer fencing around the panels and alongside the public footpath crossing the site, and within the site effectively dividing the site into two separate parcels. The fence would be either side of the footpath, with a gap of approximately 16m for the path. During the construction period, a site compound would also be set up on the south parcel of land with welfare facilities and site offices.
3. The proposed solar farm would provide up to 4.99 MW of energy which would provide electricity sufficient to power 1515 dwellings, saving 2.145 tonnes of carbon dioxide emissions a year.
4. The site comprises agricultural land located to the east of the settlement of Chorley and the M61, within the parish of Heapey. The southernmost tip of the site is adjacent to the settlement of Little Knowley/Kittiwake estate. The site is bounded to the west by Black Brook and to the north by Chapel Lane. The site is bounded by Tithe Barn Lane to the east. The site covers an area of 18.4ha, although panels would not cover all of this area.

Background

5. This application site was the subject of previous application ref. 13/00811/FULMAJ for a solar farm up to 8MW. The previous application was refused, and the appeal dismissed. The boundary of the current application is the same as the previous application. The principal differences between the current application and the previous application are:
 - The current application would generate up to 4.99 MW, which would provide electricity for up to approximately 1500 homes. The previous application was for 8MW, which would provide electricity for 2500 homes;
 - Solar panels would only cover the four northern fields of the total 18.4 ha site (those north of Tithebarn Lane);
 - A sequential test has been submitted with the application setting out how the site was selected;
 - The construction management plan has been revised;
 - The arrays of panels have been moved away from the eastern boundary of the site and it is proposed to have additional wildflower planting in this area;
 - There would be an increased width between the proposed fencing either side of the public footpath that crosses the site (from 6-10m to approximately 16m);
 - The proposed fencing was previously 2.4m high steel palisade fencing to 2.1m high deer fencing;
 - No additional ecological survey work has been carried out, but the Great Crested Newt Risk Assessment and Works Method Statement have been revised as there revised layout means that there are no ponds within the area where the solar panels would be placed under the new application.

The appeal

6. The Inspector found that the previous proposal was inappropriate development within the Green Belt. The Inspector found that main issues for consideration in assessing the appeal proposal were (i) whether the proposed solar farm would cause any harm other than by reason of inappropriateness; (ii) other considerations to be weighed in the planning balance; (iii) and whether the harm caused is clearly outweighed by other considerations.
7. The Inspector concluded that the proposed solar farm would result in:

- a significant loss of openness of the Green Belt;
 - significant encroachment in to the countryside, therefore undermining one of the purposes of including land within the Green Belt;
 - a minor adverse effect on the character of the landscape;
 - , a significant adverse effect on the visual amenity for the area;and
 - an adverse effect on the visual amenities of residents of Tithebarn Farm
8. Other considerations were considered to be the contribution of the proposal to energy security, reduction of greenhouse emissions and enhancement of biodiversity in the area.
9. The Inspector concluded that the harm caused by reason of inappropriateness, by a significant loss of openness of the Green Belt, and by significant encroachment into the countryside; in addition to the harm that would be caused to the character of the landscape, to the visual amenity of the countryside and to the visual amenities of residents of Tithebarn Farm, were not outweighed by the environmental and biodiversity benefits of the proposed renewable energy scheme. The proposal was therefore not sustainable development and the appeal was dismissed.

Principle of the Development

National Policies

10. The National Planning Policy Framework (The Framework) sets out central government policies in relation to renewable energy developments. One of the core planning principles of The Framework is to support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy). Paragraph 94 advises that Local Planning authorities 'should adopt proactive strategies to mitigate and adapt to climate change, in line with the objectives and provisions of the Climate Change Act 2008'. The Climate Change Act 2008 commits the UK to an 80% reduction in greenhouse gases by 2050 and a 34% reduction by 2020, based on 1990 levels.
11. The application site boundary covers the same extent as the previous application, however the area that the panels for the current application cover a smaller area. The proposed panels would be wholly located within the Green Belt. Only the proposed substation would be located outside of the Green Belt, in land to the south identified as an area of other open countryside in the emerging Local Plan.
12. The Framework advises that many renewable energy projects will comprise inappropriate development and that developers 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. Applicants are not to be required to demonstrate the overall need for renewable energy however.
13. The Planning Practice Guidance Suite *Renewable and Low Carbon Energy* was published in April 2014 and forms part of a suite of planning guidance issued by Central Government. The Guidance identifies planning considerations for a range of renewable sources, including solar farms. It states that the particular factors that a local planning authority will need to consider include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;

- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.
14. There are a number of other documents, produced by Central Government and other Agencies, that set out the Central Government's strategy for solar PV and other forms of renewable energy and best practice more widely in the industry. These comprise:
- UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (October 2013)
 - BRE Planning Guidance for the Development of large Scale Ground Mounted Solar PV Systems (October 2013)
 - UK Solar PV Strategy Part 2: Delivering a Brighter Future (April 2014)
 - BRE National Solar Centre Biodiversity Guidance for Solar Developments (April 2014)
15. Both of the UK Solar PV Strategy documents set out the Government's vision for the strategic direction for Solar PV in the UK. Part 1 of the strategy, published in 2013 sets out four guiding principles for the vision:
- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals;
 - Support for solar PV should deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy from final consumption by 2020;
 - Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them;
 - Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives.
16. Part 2 of the strategy continues to support the expansion of solar PV sector, however there is a clear thrust towards promoting the expansion of mid-sized, commercial and industrial on-site generation through the widespread use of space on top of factories, supermarkets, warehouse, car parks and other commercial and industrial buildings. In respect of large scale ground mounted solar PV, the strategy notes that they can have a negative impact on the rural environment if not well planned and well screened. There can also be problems where local communities see no benefit but consider they bear amenity issues. It also states that these types of development need to be sympathetic to the countryside and that, while well managed solar farms could be beneficial for wildlife, however in certain locations they can be damaging for biodiversity and ecosystems.
17. Part 2 of the strategy also refers to recent planning guidance that has been published by the Government, emphasising that visual impact is a particular factor for consideration and that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
18. The BRE documents set out planning considerations and requirements for the development of large scale ground mounted solar PV systems and how biodiversity can be supported on solar farms.
19. It is also considered noteworthy that the Department of Energy and Climate Change in October 2014 announced that, following consultation, the financial support (through the Renewables

Objective) for new solar PV generating stations above 5MW in scale would be closed from 1 April 2015. It was also decided that scale building mounted solar PV is to be promoted. Also in October 2014, The Secretary for the Environment announced that farmers would lose the right to claim subsidies from the Common Agricultural Policy for fields covered with solar panels from January 2015.

20. It is important to note that whilst these documents are material considerations in the planning process they do not form national planning policy.

Local Policies

Central Lancashire Core Strategy, Adopted 2012

21. The following policies are considered relevant:
- 13 Rural Economy
 - 16 Heritage Assets
 - 21 Landscape Character Areas
 - 22 Biodiversity and Geodiversity
 - 28 Renewable and Low Carbon Energy Schemes
 - 31 Agricultural Land

22. Policy 28 which specifically deals with proposals for renewable and low carbon energy schemes, is considered to be particularly relevant. This states that proposals for renewable and low carbon energy schemes will be supported and planning permission granted where the following criteria are met:
- a) The proposal would not have an unacceptable impact on landscape character and visual appearance of the local area including the urban environment;
 - b) The reason for the designation of a site with statutory protection would not be compromised by the development;
 - c) Any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
 - d) Any significant adverse effects of the proposal are considered against wider environmental, social and economic benefits, including scope for appropriate mitigation, adaptation and/or compensatory provision.

Chorley Borough Local Plan Review, adopted 2003

23. In September 2007 a direction was issued under Schedule 8 to the Planning and Compulsory Purchase Act 2004 saving a number of policies for on-going use. The following Local Plan policies were considered relevant:

DC1	Development in the Green Belt
DC2	Development in Area of Other Open Countryside
EP4	Species Protection
EP6	Agricultural Land
EP18	Surface Water Runoff
EP23	Energy from Renewable Sources
TR4	Highway Development Control Criteria

Chorley Local Plan 2012-2026

24. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the assessment of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
25. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."

26. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the Policies can be afforded significant weight subject to the main modifications.
27. The following policies in the Emerging Local Plan are considered relevant:
- | | |
|-------|-------------------------------------|
| BNE1 | Design Criteria for New Development |
| BNE10 | Trees |
| ST3 | Road schemes and development access |
28. The Council's Supplementary Planning Document (SPD), Renewable and Low Carbon Energy adopted in July 2014 provides further guidance on Core Strategy Policies 27: Sustainable Resources and New Development and 28: Renewable Low Carbon Energy Schemes.
29. The proposal is assessed against these national and local policies below.

Green Belt

30. The majority of the application site is located within the Green Belt, the southernmost part of the site to the south of the disused railway line lies within an area of other open countryside. All of the solar arrays including the associated inverter buildings are to be located within the Green Belt, while the substation is to be located within open countryside.
31. The proposal is considered to be inappropriate development within the Green Belt, as defined in The Framework. The Framework advises that in such cases developers will need to demonstrate very special circumstances if such projects are to proceed. Such very special circumstances may include the wider environmental benefits of associated with increased production of energy from renewable.
32. More recently produced Government Guidance and ministerial statements have emphasised the importance of focusing on using previously developed sites and the need to take into account local environmental considerations such as landscape and local amenity.
33. In respect of the issue of very special circumstances the applicant highlights that paragraph 91 of the Framework specifically refers to renewable energy projects and explains how such very special circumstances may include the wider environmental benefits associated with increased energy production of energy from renewable sources. The applicant considers that this is of particular significance because nowhere else in The Framework or historically has there ever been an example of very special circumstances referred to. They conclude that: *'this is therefore clearly a matter of some importance and indicates that in circumstances where a renewable energy scheme generates a substantial amount of clean , green electricity, very special circumstances can potentially be considered to apply and [planning permission be granted]'*.
34. The applicant also goes on to state that there are a number of other very special circumstances that should be considered. These include: the presumption in favour of sustainable development; the overriding presumption in favour of renewable energy; the temporary nature of the works; the ecological benefits; the potential for farm diversification and the lack of significant harm that will result
35. In addition to the impacts that the arrays themselves would have on the openness and character of the Green Belt, the proposal also comprises a number of other incongruous elements such as the fencing, access tracks, inverter housing and substation building. The proposed substation is considered to be substantial in size. As there are a number of inverters (five) within the site and the fencing not only surrounds the site, but subdivides it; the cumulative impact of all these elements is considered to magnify the impact of the proposals on the Green Belt.
36. The appeal inspector found that the previous proposals would result in a significant loss of openness of the Green belt, due to the extent and height of the panels and the nature of the proposed fencing. He stated that *'solar panels are engineered products that have an industrial appearance. They are not, inherently products that fit into the countryside environment. On the scale proposed the solar panels, if installed on the site and together with the industrial type fence*

that would surround them, would result in significant encroachment into the countryside' Although a number of changes have been made to the proposals, such as reducing the extent of the panels, the maximum height of the panels and a different type of fencing, it is considered that the panels are inherently industrial in character and that the extent of the site is still significant and would result in a considerable encroachment into the countryside.

37. Although the Framework does indeed state that very special circumstances 'may' include wider environmental benefits associated with increased production of energy from renewable resources, the use of the word "*may*" indicates both that other very special circumstances can also be applicable; and it is not the case that the existence of these benefits on their own renders such an application acceptable in the Green Belt.
38. It is also suggested that the proposal would allow the potential for farm diversification. No information has been submitted with either the proposal or the appeal to show that the 'farm holding' will benefit from the proposal. Indeed it is unclear what the farm holding referred to constitutes. The appellant is not the land owner, nor have they given any indication that they farm the land or how the proposed solar farm would support the existing farming activity. It is accepted that grazing can continue while the solar farm is operational, but it is considered that no further conclusions can be drawn based on the evidence provided.
39. The Greater Manchester Ecology Unit advises that provided the landscaping proposal comprises locally appropriate native species, and this can be secured by condition. The Ecologist also advises that subject to this being achieved the proposals may result in a minor increase in biodiversity value within the application site. This is not considered to be sufficient benefit to outweigh harm to the Green Belt.
40. It is accepted that the proposed development would give rise to some environmental benefits, such as reduced carbon dioxide emissions and the potential for some minor increase in biodiversity value, however, on balance, it is not considered that these provide sufficient very special circumstances to outweigh the harm that will be caused to the character and openness of the Green Belt by reason of the inappropriate nature of the development. The appeal Inspector found that the reduction in greenhouse emissions was not sufficient to overcome the harm that would arise to the Green Belt and the GMEU advises that the proposal '*may* result in a *minor* increase in biodiversity value within the application site'
41. The proposal would result in a significant loss of openness of the Green Belt and a significant encroachment into the countryside. The proposal is therefore clearly contrary to the purposes of the Green Belt as set out in the Framework

Impact on the neighbours

42. A key finding of Inspector in the appeal decision for the previous application was that the proposed development would have an adverse effect on the visual amenities of the residents of Tithebarn Farm. The layout of the arrays within the current proposal is such that there would be a minimum distance of approximately 52m between the boundary of Tithebarn farm and the proposed boundary fencing of the solar farm to the west. This represents an increase from approximately 3m in the previous application. The closest panels would be approximately 75m from the driveway, compared to 20 in the previous application.
43. The appeal inspector found that for the residents of Tithe Barn Farm the solar panels would be visually intrusive from within the property and the current open outlook across the site would be obscured. Planting could screen the panels would similarly obscure the open outlook from the property to the west. . The proposed development would have an adverse effect on the visual amenities of residents of Tithebarn Farm, although this would not result in the property becoming an unattractive or unpleasant place to live.
44. The revised proposal would result in the proposed panels being further from Tithebarn Farm than in the previous application, however they would still be visible and additional screening planting is still proposed.

45. Views of the site would also be afforded from Higher Garstang Farm, particularly at first floor level. The eastern boundary of the site already has a relatively mature hedge, with mature trees, however, given the height of the proposed panels, it is considered that they would be visible when viewed from the property, particularly prior to the enhanced planting becoming established. This is illustrated by the photomontage provided by the applicant, and the weight that can be attached to this information is considered below.
46. With respect to the properties to the South East (Firdell Barn, Philipsons Barn and Philipsons Barn, views of the panels will be screened by existing mature trees located to the north of these properties, along the disused railway line. Wogdens Farm and Rosehips Barn to the South are themselves located over 85m from the boundary of the site, although the entrance to these properties on Tithe Barn Lane lies directly opposite the site boundary. The hedge in this location is rather gappy and would require enhancement to effectively screen the proposals.
47. The Landscape and Visual Impact Assessment (further discussed below) that has been submitted by the applicants finds that at Higher Garstang Farm, Wogdens Farm and Tithe Barn Farm, in the long term, the effect on visual amenity of the proposals would be not be notable.
48. As stated by Chorley Council's Parks and Open Spaces Officer it is important to note that the that mitigation planting takes several years to establish and residual to long term effects are generally considered 15 years after the construction of a development to allow sufficient time for mitigation planting to mature. This is standard practise, however it must be considered alongside the premise that the proposed development will only operate for 25 years.
49. Taking into account the comments made by the appeal inspector , the changes made to the application and the findings of the Landscape and Visual Impact Assessment it is considered that the proposal would have a negative impact upon the visual amenities of neighbouring residents contrary to Policy 28 of the Core Strategy.
50. With respect to the levels of noise and disturbance arising as a result of the proposals it is accepted that there would be a level of disruption arising during the construction period. As this would be for a very limited period of time only, it is not considered that this would be so detrimental to amenity as to warrant refusal of the proposals. The panels would be fixed and the inverters would be sound proofed. It is considered that once operational the proposed development would cause minimal disturbance to local residents. The applicant states that once operational traffic to the site would comprise small security van on an occasional basis and a service vehicle for the solar panels on a sporadic basis as required. It is therefore also not considered that the level of activity on the site once operational would be of such a level as to cause disturbance to local residents.

Landscape and visual impact

51. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This provides an analysis of the likely landscape and visual effects arising from the proposed development, including an assessment of the level of any effects arising, based on their nature, magnitude and sensitivity of the receiving environment. Landscape character is the physical make up and condition of the landscape itself. It arises from a distinct, recognisable and consistent pattern of physical and social elements, aesthetic factors and perceptual aspects. Visual amenity is the way in which the site is seen and appreciated; views to and from the site and, their direction, character and sensitivity to change.
52. The LVIA finds that visibility of the site is restricted to close range views from public footpath number 31 that passes through the site and intermittent views from the minor roads of Chapel Lane to the north and Tithe Barn Lane to the south. There are other receptors in the locality and further afield, including public footpaths and open access land, however it considers that close to medium range views are typically well screened and/or filtered by interlying vegetation.
53. The LVIA identifies 'notable' adverse landscape effects on landscape character at the site level and some adjoining fields at Year 1 but notes that the magnitude of effect would decrease over time as mitigation planting matures.

54. 'Notable' effects on the visual receptors at Year 1 are identified for users of Public footpath 31, users of Public Footpath 19 and residents of Higher Garstang Farmhouse. The report states that the long term effects on users of Footpath 19 and residents at Higher Garstang Farm will improve in the long term as mitigation planting matures.
55. The LVIA concludes that the effects of the development are 'not considered to be a significant constraint to development' and that the 'landscape in the vicinity of the site and surrounding area has the capacity to accommodate the scale of development proposed with only very localised Notable landscape and visual effects that would reduce with the establishment of mitigation planting'.
56. The application site falls within two landscape character areas identified in the Lancashire County Council Landscape Character Assessment for the county: Area 6: Industrial Foothills and Valleys and Area 6b: West Pennine Foothills.
57. Policy 21 of the Core Strategy requires that new development be well integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is situated and contribute positively to its conservation, enhancement or restoration or the creation of appropriate new features. The issue of landscape impact of renewable energy projects is also attached considerable importance in central government guidance.
58. It is clear that some significant effects on the landscape and visual amenity, as a result of the proposed solar farm, are inevitable. The judgement to be made is whether or not the significant effects identified are adverse, and if so, whether or not they are acceptable.
59. The Council's Parks and Open Spaces Officer has commented that the LVIA gives a realistic picture of the likely impacts of the development and that they generally agree with the findings and do not consider that the effects have been particularly under or overstated.
60. Mitigation planting takes several years to establish and residual or long term effects are generally considered 15 years after the construction of a development, to allow sufficient time for mitigation planting to mature. This is standard practise, however it must be considered alongside the premise that the proposed development will only operate for 25 years. In this context, it could be reasonably be assumed that the mitigation planting will not have its full impact until the site has been operating for 10 -12 years or half its operational lifetime and the 'notable' adverse effects on Footpath 31, Footpath 19, and Garstang Farm are likely to continue over this period.
61. The mitigation planting proposed comprises 45-60cm bare root planting, which is the smallest form of bare root planting available. This planting will take several years to mature enough to influence local views. Given that the proposed development is only intended to operate for 25 years some additional mitigation measures proposed to speed up the establishment of a visual screen should be considered by the applicant. This could be achieved by specifying larger stock to give a more immediate impact or by supplementing the hedgerow planting with standard hedgerow trees at intervals to add additional height.
62. It is the view of the Council's Landscape Officer that 'notable' visual effects will persist for users of Footpath 31 in the long term due to the complete change in the nature of the view which the proposed planting cannot mitigate. Whilst this can be considered as a 'localised notable landscape and visual effect' as set out in the report it is still a permanent visual effect to an important and sensitive group of visual receptors.
63. The proposal not only comprises the installation of arrays however, and the proposal also introduces a number of other, incongruous, elements into the rural environment – such as the inverters, access tracks, substation and fencing. It is considered that these will have a particularly detrimental visual impact when viewed locally. The proposed planting would mitigate the visual harm to a degree, but as discussed above this would not be achieved for some time. Conditions could be imposed to secure the quality of landscaping provided (such as the size of the stock, species and spacing).

64. The appeal inspector found that the previous proposal would have a minor adverse effect on the character of the landscape, but would have a significant adverse effect on the visual amenity and appearance of the countryside, particularly for those using the footpaths through the site and in the vicinity. He concluded that whilst the harm to landscape character would not be unacceptable, the harm that would be caused to the visual amenity of the area would be unacceptable.
65. It is clear that both the proposed development and the measures to help to mitigate the proposals will have a significant impact on the character and appearance of both the local and wider area. Taking into consideration the comments of the Council's Parks and Open Spaces Officer it is not considered that the revised proposal would overcome the Inspectors reasons for refusal. Due to the size, scale, and nature of the proposed development it would have a significant impact on the visual amenity of the area.

Ecology

66. An ecological survey and assessment have been submitted. Great Crested Newt Risk Assessment and Works Method Statement have been submitted with the application. The ecological survey consisted of a desk study, data search and walkover survey. The report found that there are ecological considerations in relation to the proposals, with standard requirements for consideration of breeding birds and protection of tree roots, plus a degree of mitigation required in relation to Great Crested Newts. It concludes that the proposal is feasible, provided that mitigation and compensation measures are applied. It is important to note that comprehensive surveys for Great Crested Newts have not been undertaken.
67. Proposals have been put forward which it is suggested would avoid any possible harm to amphibians in the 'Great Crested Newt Risk Assessment and Works Method Statement' prepared by Simply Ecology in October 2014; and in the 'Construction Method Statement' prepared by Cassidy and Ashton. The main method by which avoidance of harm will be avoided is by carrying out construction works during the winter months when newts are inactive. Since it is claimed that harm to great crested newts is capable of being avoided it is the applicant's view that comprehensive surveys and a European Protected Species Licence will not be required prior to implementing any approved scheme.
68. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Core planning principles in The Framework state that planning decisions should contribute to conserving and enhancing the natural environment.
69. The Framework goes on to state that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks. Planning decisions should address the integration of new development into the natural environment and opportunities to incorporate biodiversity in and around developments should be encouraged.
70. Circular 06/2005 provides guidance on the application of law relating to planning and nature conservation as applies in England. It is clear in Circular 06/2005 that if protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted.
71. Following the Supreme Court ruling (*Morge vs Hampshire County Council* – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
72. Having regard to the standing advice and guidance provided by Natural England it is considered appropriate to rely on the advice provided by the Greater Manchester Ecology Unit. Natural

England will only provide bespoke advice for priority habitats and priority species which occur outside of designated sites in exceptional circumstances. The application site does not include any European designated sites or SSSIs.

73. Under the Conservation of Habitats and Species Regulations 2010 which enacts the EU Habitats Directive into the UK, a licence will be required from Natural England to derogate the terms of this legislation before any work can commence with the potential to cause harm to protected species. Before a licence can be granted three tests must be satisfied. These are:
- i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;
 - ii) That there is “no satisfactory alternative”;
 - iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions. All three tests must be satisfied before planning permission is granted on a site and Natural England will seek evidence from the LPA that the three tests were considered during the grant of any planning permission before agreeing to issue a license

74. The Ecologist at Greater Manchester Ecology Unit (GMEU) previously advised that the approach set out in the Great Crested Newt Risk Assessment and Works Method Statement is flawed. However, the appeal inspector took the appellants view that providing the mitigation as described was implemented, harm would not be caused and a license would not be required. The Ecologist therefore recommends that should the application be approved a condition be added to ensure that the reasonable avoidance measures proposed are adhered to.
75. With respect to other species the GMEU Ecologist advises that the habitat features of most value to bats will not be harmed by the development proposal. Features suitable to be used by bats (hedgerows & trees) will be maintained and enhanced as part of these proposals, and it therefore is unlikely that the proposals would result in significant impacts on bats or their habitats. With regard to nesting birds it is recommended that no vegetation or ground clearance works take place during the optimum period for bird nesting from March to August inclusive, unless nesting birds have been shown to be absent by a suitably qualified person.
76. It is also recommended that detailed Landscaping and Habitat creation and enhancement plans should be required and that these should comprise suitable native species and habitats appropriate to the locality.
77. According to the Design and Access statement submitted as part of the application the site will be surrounded by galvanised steel deer fencing. Fencing has the potential to result in significant impacts on wildlife through the severance of commuting routes and could potentially result in breaches of legislation (e.g. by preventing the movement of great crested newts). It is therefore recommended that some gaps under/through the fencing suitable for use by small mammals and amphibians be provided in the fencing.
78. Therefore, although Circular 06/2005 clearly states that if protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted regards must be had to the Inspectors decision. In light of the comments of the Inspector it is considered that on balance, matters of ecology could be adequately addressed through the imposition of conditions.

Flood risk/drainage

79. A flood risk assessment has been submitted with the application. It finds that the site is not at risk from fluvial flooding and there are no public sewers that could affect the site. The assessment also states that there is a slight potential to flood from a water main that runs through the site if it

bursts. Runoff from the panels would drain away locally and the development would not increase flood risk to others.

80. The Environment Agency has not raised any concerns with the application and it not considered that there is any reason to doubt the findings of the submitted flood risk assessment.

Traffic and Transport

81. A construction method statement, site access plans and a construction traffic management plan have been submitted with the application.
82. It is estimated by the applicant that construction and installation of the panels would take approximately 16 weeks. All traffic will use the A674 Blackburn Road and C218 Chapel Lane to access the site. The construction of the solar farm will result in a total of 186 HGV traffic movements (93 arrivals and 93 departures) equating to an average of less than 2 HGV movements (1 arrival and 1 departure) per day. This would however vary during the construction process, with for example during week 8 of construction, 17 HGVs would be required to access the site, resulting in 34 vehicle movements. During the construction period it is expected that between 40 and 70 staff would on be site depending on the phases of the construction schedule. It is recommended in the Construction Traffic Management Plan that all solar panels and equipment should be transported to the site by a single tractor and trailer from a site on the A674 approximately 1 km from the site
83. The proposed installation of solar panels will take place in each field, individually, with plant and construction materials moved once construction of that field has been completed. Once the development is operational the applicant states that only occasional visits for the maintenance of the solar farm and to maintain site security will be necessary, although no figures have been given.
84. The LCC Highways Engineer has advised that they consider their previous comments to still be relevant. They stated that there were no objections to the proposed development, subject to the imposition of conditions relating to: provision of site access plans, highway condition survey, narrowing of site accesses one the solar farm has become operation and provision of passing places. There should also be implementation of a construction management pan, traffic management plan and a deliveries management plan for the duration of construction.
85. Taking into consideration the previous comments from the LCC Highways Engineer; and subject to the imposition of suitable conditions to secure a highway condition survey and to ensure adherence to the Construction and Traffic Management Plans it is considered that it would not be reasonable to refuse the application on the grounds of adverse impact on highway safety.

Public Right of Way

86. Public footpath 31 crosses the site leading from Heys Farm to the west to Tithe Barn Lane, then northwards from Tithe Barn Lane to Chapel Lane. It is not proposed to divert, or alter the route of this footpath. It is proposed that there would be native hedge planting along both sides of the footpath where none currently exists, as there is some existing hedge along part of the western side of the footpath. Beyond the hedge there would be security fencing, either side, comprising a 2.1m high galvanized steel deer fencing, which is fixed to wooden posts. The intervening grass would be planted as wildflower meadow mix.

The width between the proposed security fencing has increased from the previous application from between 6-10m to approximately 16m. The proposed landscape mitigation plan shows mitigative hedge planting on either side of the footpath, inside of the proposed fencing. The LCC PROW Officer has raised objections to the proposals. In particular that the proposed planting scheme would reduce light and air to the ground and cause the footpath surface conditions to deteriorate. It would be necessary to surface the path. They are also concerned that the effect of the planting will remove any views of the surrounding countryside and reduce the amenity value of the footpath and that some users of the path may find an enclosed path to be intimidating and be discouraged from using the path.

87. When assessing the previous appeal, the Inspector found that the visual experience for users of this footpath would be wholly unsatisfactory. Rather than passing through a field with attractive views all round, walkers would enter an industrial tunnel with only forward views to the countryside beyond the site. He found that the appeal proposal would have a significant adverse effect on the visual amenity of the area which could not be adequately mitigated.
88. With regard to the current application Chorley Council's Parks and Open Spaces Officer advises that 'notable' visual effects will persist for users of Footpath 31 in the long term due to the complete change in the nature of the view which the proposed planting cannot mitigate. Whilst this can be considered as a 'localised notable landscape and visual effect' as set out in the Landscape and Visual Impact Assessment it is still a permanent visual effect to an important and sensitive group of visual receptors. Further discussion on the visual impacts of the proposed development is contained above.
89. Therefore, whilst the existing footpaths would remain during the lifetime of the proposed solar farm, it is considered that both the application proposals (solar panels, inverter buildings, substation, fencing, access tracks and so on) and the accompanying design solutions (mitigative hedgerow planting and so on) would cause a significant visual impact upon users of that footpath.
90. The harm may be slightly less than that that would arise as a result of the previous proposals, due to the reduction in the number of panels, the maximum height of the panels, the increased buffer around the site boundary and changes to the type of fencing proposed. However, it is considered that there would still be a significant loss to visual amenity experienced by users of that footpath. The proposals would result in a change in the nature of the environment for a period of at least 25 years and a feeling of enclosure which is not currently present.

Loss of Agricultural Land/Sequential Approach

91. The Framework states that where a proposal for a solar farm involves greenfield land applicants must demonstrate that:
- i. The proposed use of any agricultural land has been shown to be necessary and poorer quality has been used in preference to higher quality land; and
 - ii. The proposal allows for continued agricultural use where applicable and / or encourages biodiversity improvements around the arrays
92. The Framework also requires that the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) to be taken into account. It expresses a preference for development to be directed to land outside of this classification, but also recognises the need to support agricultural diversification.
93. The agricultural land classification maps show that the majority of the site is Grade 3, good to moderate quality, agricultural land (part of the north of the site is Grade 4, poor quality).
94. The applicant has submitted an agricultural land quality report with the application. The report provides information on soil resources, climate and comments on the use of the land along with opinions on the agricultural quality of the land based on the physical characteristics of the site. It concludes that the likely grade would be 3B. The loss of this land to development is not considered to have a significant impact on agriculture in the region.
95. It is stated within the design and access statement submitted with the application that whilst operational the site will continue to be available for sheep grazing around the arrays and that at the end of the 25 year period of operation the solar farm will be removed and the site can be returned to open grassland or other such use as appears appropriate at that time. Should permission be granted for the proposals, the removal of the equipment from the site at the end of the lifespan of the development (or earlier should the use cease) can be secured through the imposition of conditions.
96. The applicant has also submitted a statement with the application to set out that:
1. The use of agricultural land is necessary

2. Poorer quality agricultural land is proposed to be used in preference to higher quality land;
 3. Continued agricultural use/biodiversity enhancements can be provided on site;
 4. Environmental considerations such as impact on landscape, setting of heritage assets etc. have been taken into consideration in the site selection process.
97. Within this statement the applicant states that a solar farm of the size required on industrial land would result in the disaggregation of development across a number of sites which is less favourable as it is not as financially viable. No site specific examples are given. It examines the previously developed sites allocated within the Local Plan and concludes that there are no previously developed sites of suitable size within the Borough that are available for such development.
98. As outlined above an agricultural land quality report has been provided which it is accepted demonstrates that the land is of poorer agricultural quality.
99. It goes on to state that the main habitat affected by the proposed development would be agriculturally improved grasslands which are of relatively low biodiversity value. Any loss of hedgerow due to the nature of the development and its associated infrastructure could be adequately compensated through the provision of new planting. Key biodiversity features could be retained on site and enhanced through the additional planting resulting in a biodiversity improvement as a result of the proposed development with no loss of habitat connectivity.
100. The issue of biodiversity and ecology impacts is discussed in detail above. It is accepted that the land in question is of low agricultural quality. However, no evidence is provided to support the statement that disaggregating the solar development either on industrial land or otherwise, is not financially viable.

Other Matters

101. The applicant formally requested a screening opinion from the Council under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed solar farm in this location in May 2013. The precise number of the panels to be installed was not given at this stage, although the site was the same size (18.4ha) as the current application and it was indicated that coverage of the site would be maximised. Under the EIA Regulations (2011) the proposal did not fall under schedule 1 of the regulations, therefore an Environmental Impact Assessment (EIA) is not mandatory.
102. The proposal does fall within the applicable threshold within section 3(a) of Schedule 2 – Industrial Installations for the production of electricity, in that the area of development would exceed 0.5 hectares. Development above the thresholds listed in Schedule 2 only requires an EIA in three main instances: for major developments of more than local importance; for developments which are proposed for particularly environmentally sensitive or vulnerable locations; or for developments with unusually complex and potentially hazardous environmental effects. Schedule 3 of the regulations provides a number of selection criteria to assist in determining whether Schedule 2 development is likely to have significant effects on the development. When assessed against Schedule 3 it was considered that an EIA was not required.
103. The impact of the proposals on the nearby ROF site at Heapey and consequently matters of public safety and security have also been raised as concerns. The HSE have not commented on the current proposals but advised previously that the proposal does not impinge on the inhabited buildings distance on the safeguarding plan, which would otherwise affect the viability of the nearby licensed explosives storage facility. The MOD has not commented on the proposals, therefore it is not considered that this matter warrants refusal of the proposals.

Overall Conclusion

104. The proposed development is inappropriate development in the Green Belt. It is not considered that the applicant has demonstrated sufficient very special circumstances to warrant approval and therefore fails to meet the requirements of the Framework in this respect. The increase in

the amount of renewable energy generated by the scheme does not outweigh the additional harm caused to the character and appearance of the Green Belt.

105. It is considered that the proposal would considerably change the character of the site and detract from its largely unspoilt rural qualities. The proposal fails to protect local amenity and is thus contrary in this respect to the Framework and planning guidance. The proposal also fails to meet the requirements of policy 28 of the Core Strategy in this respect. The Government has been clear that the renewable and low carbon energy infrastructure should only be provided in locations where the local environmental impacts are acceptable and that is not the case in this instance.
106. The proposal is accordingly recommended or refusal, for the following reasons:
1. The proposed solar farm would be located within the Green Belt (as defined by the Adopted Central Lancashire Core Strategy (2012), the Adopted Chorley Borough Local Plan Review (2003) and the emerging Local Plan 2012-2026. The proposed development would be inappropriate within the Green Belt, as defined in the Framework. There are insufficient very special circumstances to outweigh the harm that will be caused to the Green Belt by reason of inappropriateness; and to the character and openness of the Green Belt as a result of the proposals.
 2. The proposed solar farm would be harmful to the visual amenity and character of the local area, by reason of the size, scale, incongruous appearance and inappropriate nature of the proposals. As such the proposal is contrary to Government advice in the framework, Guidance for Renewable and Low Carbon Energy, and Policy 28 of the Adopted Central Lancashire Core Strategy (2012).
 3. The proposed development would harmful to the amenities of users of public footpath 31 that crosses the site and the occupants of Tithe Barn farm, adjacent to the site, by reason of significant loss of visual amenity. The proposal is therefore contrary to Policy 28 of the Adopted Central Lancashire Core Strategy (2012).

Planning Policies

107. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
13/00811/FULMAJ	Construction of a (up to 8MW) Solar Photovoltaic (PV) Farm and associated works	Refused, appeal dismissed	14 January 2014