



**BRETTON HALL SOLAR FARM  
DEVELOPMENT OF NATIONAL SIGNIFICANCE**

**FLINTSHIRE COUNTY COUNCIL**

**RESPONSE TO THE PRE-APPLICATION CONSULTATION**

<b>Author:</b>	Hannah Parish
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<b>Local Planning Authority Reference:</b>	064312
<b>Your Reference:</b>	P305572
<b>PEDW Reference:</b>	3251545

## **PREFACE**

The pre-application consultation to the Bretton Hall Solar Farm Development of National Significance (DNS) was received by the Local Planning Authority on 28 January 2022. It is noted that the Local Planning Authority was consulted on the proposal as a Specialist Consultee. However, it is understood that the Local Planning Authority is not listed as a Specialist Consultee within the DNS process and procedures and therefore, there is no statutory duty for the Local Planning Authority to respond to the pre-application consultation. No formal chargeable pre-application advice had been sought from the Local Planning Authority by the applicant.

Notwithstanding this, an internal consultation has taken place to gather views of the proposal by officers of the Council. The following comprises a compiled informal 'without prejudice' response following the consultation on the Bretton Hall Solar Farm proposals for information and consideration prior to the submission of the application to PEDW.

The response incorporates comments/observations received from the Council's Spatial Planning Officer in with respects to the proposal in relation to the existing UDP allocations and emerging LDP allocations, the Council's Ecologist and Arboricultural Officer, Landscape Officer, Public Protection Officer, and the Contaminated Land Officer. The Council's Conservation Officer and Energy Unit have been consulted but at the time of writing no response had been received. Any further responses will be forwarded on to the applicant's agent for their information.

Consultations also took place between the Local Planning Authority and the Clwyd-Powys Archaeological Trust, and the Welsh Government's Landscapes, Nature and Forestry Division with respects to agricultural land and soils. Those responses that have been received have been included for completeness.

Any queries regarding the following comments, should be directed to Hannah Parish:

Tel: 01352 703253/ 07585 992069

Email: [hannah.parish@flintshire.gov.uk](mailto:hannah.parish@flintshire.gov.uk)

## **The Proposal**

The proposed development is described within the pre-application documents as a renewable energy source comprising a 30MW ground mounted solar farm and associated infrastructure on land at Bretton Hall located both in Flintshire and in Cheshire. The development on land within Wales is considered to be a Development of National Significance (DNS) as the generation capacity of the solar arrays would exceed 10MW. The proposed solar farm that would be situated within Wales would have a generation capacity of 16MW. It is understood that a separate planning application would be made under Section 57(1) of the Town and Country Planning Act 1990 for the battery storage required for the proposal as it is understood that this cannot be consented through the DNS Regulations.

The Proposed Development comprises:

### *Solar Array*

- On land extending to 50ha
- Solar array comprising photo-voltaic panels covering 8 fields.

### *Supported by*

- 10 x sub-stations for the PV Array and associated concrete bases
- 2 x DSO Buildings and associated concrete base
- Customer Cabin
- Outdoor classroom
- Perimeter and stock fencing
- Maintenance tracks
- Culverts
- CCTV cameras
- Cabling on site and off site, cable ducts, cable ladders
- Supplementary and new vegetation
- Reuse and partial widening of an existing access
- Parking.

## ***Local Planning Policy Context and Land use Designations***

It is noted that this project is a cross boundary project which would affect both England and Wales. Therefore, elements of the proposal that lie in Wales, should also be considered against the Development Plan within Wales.

The site lies in open countryside in planning terms in both the adopted UDP and the Deposit Draft LDP. Despite being time expired the UDP is still the adopted development in terms of decision making but should be read alongside other material planning considerations including more up to date national guidance in PPW11 and Future Wales.

The Environmental Statement will therefore need to have regard for Planning Policy Wales (PPW) (edition 11, 2021) and any relevant legislation and guidance such as relevant Technical Advice Notes that is in force/adopted in Wales. Also the application should have regard to the respective and relevant policies within the Flintshire Unitary Development Plan (UDP). The Flintshire deposit Local Development Plan (LDP) is currently under Examination. However, by the time the DNS application is submitted, the Flintshire LDP could be adopted. Therefore the applicant, and its consultants should be made aware of the LDP policies which may be in place when the application is submitted and determined.

The Wellbeing of Future Generations Act 2015 puts in place seven well-being goals guiding sustainable development. One of which endeavours to achieve 'A prosperous Wales' in which *"An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work."*

In the **adopted UDP** the site is located within green barrier GEN4(15) which mirrors the Cheshire green belt along the County boundary. The first part of the UDP sets out strategic policies with Policy STR1 identifying the strategic approach to the location of new development, STR7 identifying the approach in respect of the natural environment and STR10 identifying the approach to safeguarding resources, including a general support to appropriate renewable energy generation. Policy GEN3 sets out the types of development considered acceptable in the open countryside and policy GEN4 sets out policy advice in respect of green barriers (see note below). Policy L1 seeks to protect landscape character but does not identify or designate landscape areas, instead seeking to ensure that the character and features of each individual landscape is considered as part of determining development proposals.

In respect of renewable energy, policy EWP1 sets out a presumption in favour of renewable energy schemes subject to meeting other relevant requirements of the Plan. This is supplemented by policy EWP5 which states:

*'Proposals for renewable energy generation by means other than wind turbines will be required to meet the following criteria:*

- a. the proposed development, including scale, siting, design and materials, should not have an unacceptable effect on its surroundings in terms of landscape, visual amenity, nature conservation or heritage importance;*
- b. the impact of the development upon agricultural land will be minimised with appropriate installations sited within existing complexes and on existing hard surfacing;*
- c. in sensitive areas where above ground connections have unacceptable adverse effect on the landscape, connection lines and pipes are located underground; and;*
- d. the development will utilise the existing transport network and will not have an adverse impact on the local road network, and traffic will be restricted to operating during appropriate hours of the day'.*

The above is not an exhaustive list of every single policy which is applicable to the proposed development.

The **Deposit LDP** is entering the last stages of the Examination ahead of adoption. The Inspector has agreed Matters Arising Changes (MACs) to the Plan, and also agreed to the Council consulting on the MACs, which will commence following the Local Authority Elections on 5 May 2022. It is anticipated that the Plan could be adopted in Autumn 2022, so may well be an adopted development plan against which this proposal should be considered. The relevant key policies are STR13 Natural and Built Environment, Green Networks and Infrastructure, STR14 Climate Change and Environmental Protection, PC1 Relationship of Development to Settlement Boundaries, PC2 General Requirements for Development, EN4 Landscape Character, EN11 Green Barriers, EN13 Renewable and Low Carbon Energy Development and EN14 Flood Risk.

**National policy** is set out in PPW11 and Future Wales: National Plan 2040. **PPW11** para 5.9.19 advises that LPA's should take into account the contribution a proposal makes to meeting targets, to cutting greenhouse gases and the wider environmental, social and economic benefit and opportunities from renewable and low carbon energy. Para 5.9.20 advises that LPAs should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of such development and lists a number of factors that should be taken into account.

**Future Wales** sets out its approach to renewable energy in Policy 17 and Policy 18. An important consideration related to this proposal is Policy 22 'Green Belts in the North' which requires the Strategic Development Plan (SDP) for North Wales to identify a green belt around Wrexham and Deeside to manage urban form and growth. The policy advises that '*The Strategic Development Plan must consider the relationship of the green belts with the green belt in Cheshire West and Chester. Local Development Plans and development management decisions should not permit major development in the areas shown for consideration for green belts, except in very exceptional circumstances, until the need for green belts and their boundaries has been established by an adopted Strategic Development Plan*'. Given that the application site is adjacent to the national boundary and Cheshire green belt, this is an important announcement in respect of future policy direction by Welsh Government.

There are a number of key Planning Policy issues and considerations associated with this proposal in this location which are set out below including; Flood Risk, Best and Most Versatile (BMV) Agricultural Land, Green Barrier, Renewable Energy.

### **Flood Risk**

In terms of the **present TAN15** in force, the site is located within Zone C1. Although not specified in the TAN, solar energy is generally regarded as a 'less vulnerable development' which can take place in C1 subject to the application of the justification tests and the consequences of flooding are assessed and considered to be acceptable:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,*
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,*
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.'*

The Flood Consequence Assessment (FCA) that accompanies the pre-application documents argues that the proposed solar farm meets Test 1 as the development would provide electricity to residents of those settlements and therefore helps sustain settlements. This is however considered a very loose relationship as a solar farm of this scale could be located much further away, and still serve those settlements. It is unclear why the proposal has to be located in this specific location to serve those settlements.

The FCA also argues that the proposal would meet Test 3 as "*there are no suitable alternative brownfield sites within the locality to accommodate the development*". It is considered that Test 3 has been misinterpreted as it is quite clearly worded as to

establish whether the site meets the definition of previously developed land. This site is greenfield land, and it is considered therefore, that the proposal does not meet Test 3. This was a view that the Inspector held recently on two appeal decisions on the north side of the River Dee – see para 60 and 61 in the enclosed appeal decision.

In terms of the **updated TAN15** which is due to come into effect in June 2023 the site is located within zone 3 (medium / high risk). This states that:

*‘Less vulnerable development will **only** be justified if:*

- 1. There are exceptional circumstances that require its location in Zone 3, such as the interests of national security, energy security, public health or to mitigate the impacts of climate change; AND*
- 2. Its location meets the definition of previously developed land; AND*
- 3. The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable in accordance with the criteria contained in section 11’.*

Again, it is not considered the proposal can meet Test 2 as the site comprises greenfield land and is therefore not previously developed land. As such it is considered that the proposal would conflict with the current and emerging TAN15.

### **BMV Agricultural Land**

PPW11 seeks to protect best and most versatile agricultural land and sets out the tests in 3.58 and 3.59. The ALC Report claims that the site is limited to no more than 3b due to a variety of constraints to agriculture including soil wetness and flooding. The Summary states *‘it is unclear whether any of the land is practically suitable for use as best and most versatile given the overriding constraints to agriculture’*. It is of note that the ALC report includes photos of the site flooded in 2020.

This begs the question whether, if its agricultural use is so constrained by flooding, how and why is it suitable for a solar farm? This has not been addressed within the ES.

On 1 March 2022 the Minister for Climate Change issued a 'Dear Chief Planning Officers' letter on the issue of solar farms and BMV. The letter states *'The purpose of this letter is to clarify that in accordance with Welsh Government policy outlined above, where BMV land is identified within a proposed solar PV array development, considerable weight should be given to protecting such land from development, because of its special importance, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission. I have instructed officials to monitor closely proposals that would involve the loss of BMV land'*.

The letter goes on to state *'Should solar PV array applications on BMV agricultural land come before the Department for Climate Change, the Department will object to the loss of BMV agricultural land unless other significant material considerations outweigh the need to protect such land in accordance with Welsh Government policy and guidance outlined above'*.

In the light of the letter referenced above, the Council consulted the Welsh Government Agricultural Unit who have undertaken a verification of the findings of the ALC Report. Their response is attached and concludes that the Department for Climate Change advises that, it **would not object** to an application for planning permission made in the same or substantially the same terms for the following reasons:

*"Given the unique combination of limitations identified at this site, concerning soil properties (wet humic peat sub soil horizons), soil wetness/workability limitation identified and evidence of agricultural flood risk limitation, the Department questions the practicality of farming the identified BMV land area (11.69ha) to its full potential. This concern is also noted and highlighted by the surveyor in section 3.12 of the ALC survey report. The Department would agree with this assessment and justification. In the Department's view, the proposal in its current form would not conflict with PPW regarding the policy for BMV agricultural land (Para 3.58, 3.59) or the 'Dear Chief Planning Officers' letter sent by the Minister for Climate Change on 1st March 2022."*

## **Green Barrier**

The site is located within a green barrier in both the adopted UDP and also the Deposit LDP. The UDP provides guidance on green barriers in policy GEN4 but PPW has been updated several times since the UDP was adopted and the most up to date policy on green barriers is in PPW11. Para 3.77 of PPW11 explains that certain other forms of development may be appropriate in a green wedge provided that they preserve its openness and do not conflict with the purposes of including land within it. The list of applicable development includes renewable and low carbon energy generation'. Para 3.74 advises *'Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan'*.

The enclosed appeal decisions to the north of the River Dee are relevant as the Inspector considered that the proposed solar parks would harm the green barrier and that there were no very exceptional circumstances, particularly as the appellant had not undertaken an assessment of alternative sites and therefore there is a policy conflict.

## **LDP and renewable energy**

The preparation of the LDP was accompanied by a renewable energy assessment which was undertaken in line with Welsh Government guidance in the document 'Planning for Renewable and Low Carbon Energy - A Toolkit for Planners'. The assessment involved a mapping based approach whereby constraints were 'sieved' out to identify areas which in principle were suitable for and had potential for solar energy. This was supplemented by a follow up landscape assessment which considered the landscape implications for the identified areas of search for solar development. This resulted in an amended schedule of 'Indicative Local Areas of Search' (ILSA) for solar. The application sites did not fall within one of ILSA's as any land which was of flood risk and potential BMV was sieved out as part of the mapping exercise.

## **Energy Policy**

In principle, the project is in line with current national energy policy as it would promote resilience in the supply of energy, and is in line with the policy aims of PPW11 regarding low carbon technology and moving away from the reliance of fossil fuel technology. The project would aid the UK in its target to be net zero carbon by 2050. It would also support in relieving the strain on the national electricity grid.

The relevant energy policy documents include:-

- Overarching National Policy Statement for Energy EN-1 (2011)
- The Energy Act 2013
- UK Low Carbon Transition Plan (2009)
- Climate Change Act (2008) (2050 Target Amendment) Order 2019
- Energy Wales: A Low Carbon Transition (2012)
- Policy Statement: Local ownership of energy generation in Wales – benefitting Wales today and for future generations (2020)

PPW11 identifies the renewable energy generation targets set by the Welsh Government:

- *“for Wales to generate 70% of its electricity consumption from renewable energy by 2030;*
- *for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and*
- *for new renewable energy projects to have at least an element of local ownership by 2020.”*

## **Landscape/Visual Impact**

Whilst it is recognised in the proposed Landscape and Visual Impact Assessment (LVIA) that the adverse visual effects are considered to be not significant there is the opportunity to further mitigate them by augmenting the Landscape Management Plans (LMPs) with additional planting, and ongoing sympathetic management of existing hedgerows.

The landscaping proposals shown on the Landscape Management Plan (LMP) are limited considering the scale of the development. At this stage, landscaping is restricted to the boundaries directly adjacent to the site and comprises of planting 22 standard trees, less than half a hectare of copse planting and 690m of hedge planting. Planting should be contextual with the wider landscape to maximise layered screening and reaffirm the positive aspects of the landscape's character. Reinforcing the landscape's character will mitigate the visible elements of the development that remain.

Viewpoint 2 of the LVIA benefits from the screening provided by trees along the eastern boundary of the golf driving range. (It is assumed that the golf driving range is not in the applicant's control and the screening is dependent on a third party and a legal agreement may therefore be required). Also to some extent the eastern and northern boundaries of the golf driving range provide screening for receptors travelling west along the Chester Road. Whilst VP2 is the nearest point to the development along Chester Road it is perhaps not entirely representative of receptors using the highway. This is because the screening provided by the golf driving range is soon passed. Further west views, towards the site, are far more open with the roadside boundary comprising of a fence, and screening limited to intensively cut hedgerows distant from the highway. These hedgerows contain intermittent gaps and few hedgerow trees. West of the golf driving range the landscape has a strong rural character increasing susceptibility to change, and the LMPs should consider hedge planting adjacent to the public highway to reduce the potential for views of the development through bare winter hedges.

The LMP proposes a mixture of hedge and copse planting along the site's western boundary, however it is considered that additional planting would improve screening and benefit the landscape quality. Whilst the field boundary adjacent to VP4 has a hedgerow, intervening boundaries comprise of post and wire fencing that do not filter views towards the site which will be expansive from this viewpoint.

It is also suggested that the LMP should consider tree and/or hedge planting in gaps along the eastern boundary which could reduce views from Sandy Lane and in particular VP5, where the view towards the site is consistently rural.

There are other opportunities to carry out tree and hedge planting. The drive to Bretton Hall could be planted to reinforce its setting in the landscape and ensure that the hall does not become subordinate to the proposed development. Another opportunity would be to carry out block woodland planting in a shape that reflects the rectangular field pattern.

The species mix proposed for the hedgerows comprises of 20% *Rosa canina* and 20% *Rosa arvensis* that should only be used in small proportions (5%) because they are non woody species that will not provide structure to a hedge. The guidelines stated on the LMPs for the management of the hedgerows are incompatible for the site. The Habitat Management Plan and the LMP both contain details for tree and hedgerow planting and management, however neither is comprehensive. A minimum as well as a maximum height needs to be specified for existing and new hedgerows.

To maximise landscape as well as biodiversity benefits, hedge planting should be carried out in double staggered rows at least 0.75m apart and with livestock fencing (if required) at least a further 0.75m back from the nearest row (It would be useful if a cross sectional drawing for the hedge planting was included in the drawings to ensure it is fully specified).

Black poplars are proposed on the north and south boundaries of the site and it would benefit biodiversity if the rare native black poplar (*Populus nigra betulifolia*) was specified as the species of choice. It is considered that the LMPs should be augmented to include additional tree and hedge planting, and include more comprehensive details for their establishment. The LMPs should specify how the existing trees and hedgerows will be managed.

## **Trees**

There appears to be no BS5837:2012 tree survey available on the Ynni Newydd website. Trees are a material decision in applications for development and where they are present on or adjacent to a site a British Standard tree survey should be submitted.

The Landscape Management Plan refer to 'retention of the trees, where possible' and protection of retained trees but this is too general. A tree survey should include trees on and adjacent to the 'site' and should make it clear whether or not they are to be retained as part of an Arboricultural Impact Assessment (AIA), and if so how they will protected during the development. The cable route from the site to the substation at Saltney should also be subject to AIA to establish if there would be any impact to trees as a result of excavations to install an underground cable. If impacts are identified an Arboricultural Method Statement (AMS) should be provided. As referenced on the planting plans it is usually necessary to erect protective barrier around retained trees to protect them during development. In this case, it is recognised that due to the nature of development Heras fencing protecting all trees would not be necessary. However the AMS should include details for the safeguarding of the retained trees and hedges by way of demarking the development's boundaries. This might be achieved, in part, by using the perimeter security fencing as a stand-off. Areas of more intensive development (e.g. soil mounding, buildings) will require Heras fencing to the BS specification unless otherwise justified. Section 12 of DNS application form requires a BS5837 tree survey under Essential Supporting Documents.

The tree survey would also inform the changes to screening that would occur as result of ash dieback and elm (including hedgerows with elm) succumbing to Dutch Elm Disease. It is possible that trees on the boundary of the development could reduce the efficiency of the solar panels as a result of shading and be removed or cutback inappropriately. It is therefore important that the effect the trees will have on the development are fully understood by the arboriculturist, and included in the tree survey. The existing trees should be included in the landscape management plan for the site and cover the whole duration of development.

Due to the absence of a BS tree survey, it is not clear to ascertain what impact the development would have on the trees adjacent to the site, and to a lesser extent along the cable route. The LVIA is based on an assessment of the existing landscape and the presumption that existing trees and hedgerows would be retained. However this might not be the case as the LMPs state that 'Existing trees/vegetation to be retained, where possible'. Therefore there appears to be a conflict which would require clarification.

### **Cultural Heritage and Archaeology**

It is understood that Cadw has been consulted by the developer in accordance with the DNS Regulations due to the proximity of the proposed development and the setting of the Scheduled Monument Bretton Hall Moated Site (SM FL185). The Council's Built Heritage Conservation Officer has been consulted due to the proposed development being situated in the setting of Grade II Listed Building Well House Farm to the north. At the time of writing no comments had been received.

Clwyd-Powys Archaeological Trust (CPAT) have been consulted. The Scoping Response from the Council dated 16.12.20 recommended appropriate assessment including a desktop study, walkover survey and geophysical survey. CPAT approved a Written Site Investigation (WSI) for the geophysical survey on 12 May 2021, and advised Heritage Archaeology Ltd that the results may require further pre-determination evaluation if archaeological or undetermined anomalies are discovered. The evaluation results are then used to advise the solar farm design with regard to any areas which would need to be avoided, or where further investigation may be needed. However, despite this advice, it is understood that CPAT were not subsequently contacted and this consultation has provided the first opportunity to review the geophysical results.

It is clear from the geophysics results that features of potential archaeological origin may be present in both the Welsh and English areas of the scheme layout. In the Welsh area there are undetermined features in Areas 2, 3, and 4 including curving ditches (3a and 4), right-angled ditches (3a) and discrete strong magnetic anomalies (2). In England there are substantial curving ditch features in Area 6. In accordance with PPW11,

6.1.26 and TAN 24, 4.7 these anomalies should have been investigated at the pre-determination stage to allow a full understanding of the impact of the proposals on the significance of the remains. As such, it is considered that the archaeological potential of the development site has not been properly investigated in accordance with PPW11, para 6.1.26 and TAN 24, para 4.7. Therefore, further pre-determination evaluation needs to be completed on the geophysical anomalies which have a potential archaeological origin, so that the ES is properly informed of the potential impacts and any proposed additional mitigation.

### **Ecology/Nature Conservation**

It is considered that the Chapter 8 of the ES relating to Biodiversity, and associated reports are acceptable and cover the key issues raised previously when comments were offered at the Scoping stage. The proposed mitigation and enhancement are also considered to be acceptable. The Habitat Management Plan incorporates the landscape management plan proposals for hedge, tree planting and meadow creation. The management plan acknowledges that meadow creation on fertile soils is difficult, and to date such grassland enhancement has not been successful at other Flintshire solar developments. It is therefore suggested that the wildflower seeding is incorporated into the contingency measures as part of the long term management of the site. It is also recommended that the mitigation measures proposed that include appropriate bird and bat boxes, badger gates in security fencing to maintain foraging connectivity, minimal lighting etc should be included within the Habitat Management Plan or as an equivalent Biodiversity Management Plan, so that the long term management of all relevant biodiversity issues are covered in one document.

Within the Atmos Phase 1 Habitat Report it is advised to check an anomaly between Phase 1 habitat plan and landscape management plan with regards to Hedgerow location -H6 on Phase I Habitat Plan. For completeness it is recommended to included the cabling route within the Phase 1 habitat report, although the habitats impacted are minimal and the route can be included in the pre-construction protected species survey.

## **Noise**

The Environmental Protection Officer has confirmed that they have no objection.

## **Contaminated Land**

The PRA land contamination report submitted has been reviewed and the conclusions appear reasonable. However, it is noted that the report refers only to legislation in force in England. Reference should have been made to the Contaminated Land (Wales) Regulations and it is expected that where land is located in Wales, that legislation in force in Wales is referred to and relied upon.

No further information is expected to be submitted in respect of land contamination. However, potential sources of land contamination such as contamination attributable to agriculture have not been considered in particular. Taking into account the potential receptors and PRA presented and that it is unlikely that this would change the outcome, it would be appropriate to impose a precautionary condition on the planning permission (if it is granted) requiring any unexpected/unidentified contamination to be assessed and remediated where necessary and reports explaining the findings and the extent of the works to be submitted.

## **Conclusion**

1. The flood risk is significant with regards to this proposal whether related to the tests in the present TAN or the new TAN, which is yet to be implemented. Both sets of tests consistently refer to previously developed land/ brownfield sites which the application site is not. It is also clear, as the ALC report refers, that the land is prone to regular flooding which, has demonstrated that diminishes the agricultural land quality and ability to work for higher yields. The documents have not however demonstrated that the flooding won't negatively affect the ability for the proposed solar farm to operate. Given this is a relatively large solar farm which may or may not provide power locally, the degree to which the land floods has to question the resilience of a solar farm if located here, and the ability for the key inverter and switch board equipment to remain flood free and the site operational.

2. Whilst the Welsh Government Soil Policy and Agricultural Land Use Planning Unit have stated that the Department for Climate Change would not object to the loss of BMV, there is still the principle that there does not appear to have been an alternative site search carried out, omitting either green barrier, BMV, or flood risk sites, before arriving at this location. There is no evidence presented to demonstrate a sequential test has been carried out to establish sequentially that this is the most suitable site, and/or whether sufficiently exceptional circumstances exist. There is clear guidance in the emerging LDP on solar areas of search that have already filtered these constraints out and significant weight can be attached to the LDP.
3. This is a large solar farm within a green barrier whose key characteristics are its openness – it is flat open agricultural land without significant development within it (except for farms) with clear medium to longer distance vantage points from public roads (Chester Road and A55 Chester Southerly) and a solar farm on this scale would present a prominent new feature in this previously open expanse of agricultural land, materially changing the openness for a significant period of time (40 years). Whilst PPW11 includes renewable energy generation as applicable development within a green wedge, this is clearly prefaced on the preservation of the openness, and that any proposals do not conflict with the purpose of including land within the green wedge. As noted above, this land is also a candidate for consideration for a green barrier as part of the intentions in Future Wales to mirror the Cheshire Green Belt.
4. Trees are a material planning consideration and where they are present on or adjacent to a site therefore a British Standard tree survey should be carried out to BS5837:2012 which should include trees on, and adjacent to the site, and it should state which are to be retained as part of an Arboricultural Impact Assessment, and how the retained trees would be protected during the development. The Assessment should also include the cable route to the substation at Saltney.
5. The Landscape Management plan should take into account the above comments.

6. With regards to archaeology, it is considered that the archaeological potential of the development site has not been properly investigated in accordance with PPW11, para 6.1.26 and TAN 24, para 4.7. Therefore, further pre-determination evaluation needs to be completed on the geophysical anomalies which have a potential archaeological origin, so that the ES is properly informed of the potential impacts and any proposed additional mitigation.
7. With regards to nature conservation and biodiversity, the recommendations set out above should be considered and included in the submission.
8. Whilst the proposal would be in line with current national energy policy and would aid the UK in its target to be net zero carbon by 2050 there is a balance to be made for the need for low carbon energy generation and the potential impacts the solar farm would have particularly in relation to flood risk and the the openness of the green barrier. It is considered that the tests of the existing and forthcoming TAN15 have not been met. With regards to development within the green barrier, very exceptional circumstances have not been provided, and an assessment of alternative sites has not been undertaken.