Planning Inspectorate

Appeal Decision

Hearing held on 1 July 2025

Site visit made on 30 June 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/A0665/W/25/3359308
Land at Winnington Avenue, Northwich, Cheshire CW8 4EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Infinis Solar Developments Limited and Green Earth Developments Group against the decision of Cheshire West and Chester Council.
- The application Ref is 23/02766/FUL.
- The development proposed is Re-engineering, remediation (through the creation of a development platform), restoration, and subsequent installation of a commercial scale
- photovoltaic solar park including a battery energy storage system (BESS) and other associated development.

Decision

1. The appeal is allowed, and planning permission is granted for the re-engineering, remediation (through the creation of a development platform), restoration, and subsequent installation of a commercial scale photovoltaic solar park including a battery energy storage system (BESS) and other associated development at Land at Winnington Avenue, Northwich, CW8 4EE in accordance with the terms of the application, Ref 23/02766/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was accompanied by an Environmental Statement (ES), following a scoping process undertaken by the Council in April 2023. I am satisfied that the ES meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. I have had regard to it in deciding the appeal. Furthermore, all other environmental information submitted in connection with the appeal including that arising from questioning at the hearing has also been taken into account. This material contributes to the totality of the environmental information before the me.

3. A submission was made, at the hearing, by Barnton Parish Council providing a pack of photographs (Document A). The images show the road and traffic context around the site at locations marked A-E on the northern route and at A-D on the southern route. Upon discussion with main parties and in collecting views, I was content that this submission could be accepted without causing prejudice to any party. I have paid regard to these details where relevant in this decision.

4. Also, during the hearing a plan was submitted by the appellants showing the pedestrian crossing points along Winnington Avenue (drawing 3196-01-D02)

(Document B). As this provided useful factual information, that has aided my understanding of the context of the site, I also found this to be acceptable for submission.

5. A Statement of Common Ground (SoCG) was submitted in advance of the appeal. This identified that the key areas of dispute in policy STRAT10 of the Cheshire West and Chester Local Plan (Part One)[2015] (LP) related to bullet points one and two of the second paragraph. This finds agreement between main parties that the site would deliver a minimum of 1% Biodiversity Net Gain (BNG) through a combination of on- and off-site measures, off-site measures being secured by a Legal Agreement.

Background and Main Issue

6. The appeal site consists of Wallerscote Limebeds. This was formerly used as a lime waste disposal site. It was used as settling lagoons for the deposit of calcium solids from aqueous liquors which were produced as a result of manufacturing sodium carbonate at the Winnington and Wallerscote chemical manufacturing site. This used ceased on site in 2015.

7. The proposal includes the re-engineering of the Wallerscote Limebeds and the creation of a development platform. This would involve the importation of inert material from the construction industry. This material would cap the existing lime beds and create a compacted layer. This method would substantially reduce the leaching of contaminants into adjacent water courses and provide a managed drained surface. It would also create a gradually sloping platform for the installation of the solar farm. The proposed solar farm and BESS would then be installed. The solar farm would generate 22MW of power.

8. The Council's Reason for Refusal asserts that, due to the material required to create the development platform and the associated movement of Heavy Goods Vehicles (HGV), it found that the proposal had not satisfactorily demonstrated that the additional traffic could be safely and satisfactorily accommodated within the highway network, or that satisfactorily arrangements could be made to accommodate this additional traffic.

9. Accordingly, the main issues are:

- the effect of the proposal on the local highway network and on highway safety, and
- whether material considerations would be of sufficient magnitude to outweigh any conflict found with the development plan.

Reasons

Policy Background

10. This application is not an energy development which is a nationally significant infrastructure project (NSIP) under the Planning Act 2008. Nonetheless, the Overarching National Policy Statement for energy (EN-1) may be a material consideration for applications under the Town and Country Planning Act 1990 (as amended). This sets out the national policy for energy infrastructure and establishes the Government's approach to meeting its net zero objectives. It recognises that to meet the Government's objectives and targets for net zero by

2050, significant large and small-scale energy infrastructure will be required. Furthermore, the National Policy Statement for Renewable Energy Infrastructure (EN-3) sets out national policy in respect of renewable energy and identifies '*an urgent need for new electricity generating capacity to meet our energy objectives*.'

11. Whether policies in EN-1 and EN-3 are material, and to what extent, should be judged on a case-by-case basis. In this case the proposal includes a solar farm, creating up to 22 megawatts of energy, and a BESS. It therefore falls below the threshold for NSIP but due to the scale of the proposal, EN-1 and EN-3 are deemed to be policy documents of substantial weight.

12. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all[1].

13. The UK Energy White Paper, 'Powering our Net Zero Future' [2020], describes the costs of inaction as follows:

    "We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79 per cent, compared to a five per cent chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years".

14. The National Planning Policy Framework (the Framework) explains that the planning system should support the transition to a low carbon future in a changing climate. It states that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects and should recognise that even small-scale projects can help reduce greenhouse gas emissions. This also explains that such schemes should be approved if its impacts are, or can be made, acceptable.

15. LP Policy DM52, with respect to solar Energy, supports ground mounted solar energy development subject to being on previously developed land, which the appeal site is regarded as being, and in meeting certain landscape and heritage criteria. This policy therefore seeks to encourage development for renewable energy technology. In 2019, Cheshire West and Chester Council declared a climate emergency that aims to achieve carbon neutrality by 2045.

16. To achieve the Government's ambitious targets, it is clear that considerable growth in large scale solar farms will be necessary and this cannot be achieved solely by the use of roof top installations. The proposed development would make a valuable contribution to achieving these local and national goals. The policy context, in supporting the delivery of a substantial level of renewable energy projects, provides compelling evidence for the need for solar and battery schemes, such as proposed, and conveys significant weight in favour of the proposal.

[1] IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

Operation of the highway network

17. Policy STRAT10 of the LP relates to Transport and Accessibility. This requires new development to demonstrate that it can accommodate additional traffic safely and satisfactorily within the highway network. The policy also states that developments that would generate significant amounts of movement should be accompanied by a Transport Assessment and Travel Plan. The Framework is generally consistent with these objectives stating that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

18. The proposal includes a substantial construction period to enable the land to be levelled and lifted with the required amount of inert material. This would be taken to the site via HGVs over either a four- or five-year period. The appellants' Transport Statement[2] (TS) identifies that this phase of construction would create around 112 two-way movements daily (being 224 in total) or around 90 two-way movements (being 180 in total) based on either a 4 or 5 year build respectively. Based on the proposed working hours, the number of HGVs attending the site would equate to one arriving every 5 minutes and one departing every 5 minutes, which is portrayed as a worst-case scenario. HGV traffic associated with the construction of the solar arrays would be around 8 two-way trips a day, and traffic attracted to the site once operational would be minimal.

19. The ES Traffic and Transport Statement[3] (T&TS) identifies that the significance of effect is dependent on the 'Magnitude' of traffic impact (ranging from 'high' to 'no change') and the 'Sensitivity of Receptor' (ranging from 'high' to 'low'). These terms provide a useful method to gauge highway effects. This approach is supported by the "Guidelines for the Environmental Assessment of Road Traffic" [1993] by the Institute of Environmental Management and Assessment (IEMA).

20. The T&TS has compared the baseline traffic levels to the effect of additional traffic along 8 key link roads. Table 8.6 identifies these as having a low sensitivity to change. As a result, subject to the 'Rule 1' threshold of the IEMA guidelines, impact should be assessed on the basis of whether total traffic flows, or HGV flows, would increase by more than 30%. If so, the guidance requires an assessor to consider environmental effects based on the magnitude of change.

21. Table 8.7 of the T&TS establishes the baseline figure of traffic using the 8 link roads. Table 8.8 shows the percentage change for traffic anticipated to use each link road, considering both HGV traffic and total number of vehicles. At the hearing the appellants explained that the count for total number of vehicles has been generated using a method to standardise traffic volume. This assigns different vehicle types a factor that reflects their impact on road capacity, compared to a standard passenger car unit (PCU), with an HGV being converted to two PCUs. This standardisation enables a comparison to be made, in terms of capacity considerations across the network, irrespective of the type of vehicle recorded or anticipated. The extent of survey area, looking at 8 link roads, appears to be a reasonable approach to the assessment of highway impacts, which followed a scoping exercise undertaken with the Highway Authority. I am therefore satisfied

[2] Appellants' Written Statement on Transport Matters, axis, January 2025
[3] Environmental Statement Chapter 8.0 Traffic and Transport, axis, July 2023

that the T&TS includes a robust assessment of the effects of the proposal on impacted links.

22. Within the T&TS, table 8.8 shows in the four-year scenario that HGV movements would exceed a 30% change on most link roads. This also shows a particularly sizeable increase of HGV traffic on Winnington Avenue east of the site access (337%) and west of the A533-Winnington Lane (220%). Nonetheless all routes show a maximum impact of 3% when considering the impact change of all vehicles due to the comparatively high volumes of cars already using these routes. As the change to HGV traffic, especially along Winnington Avenue, would exceed 30% further assessment was undertaken to consider environmental effects, pedestrian delay, road safety and driver delay.

23. Winnington Avenue is a non-classified road providing access for residential and commercial traffic and is around 5.5 metres wide. This road is of a suitable width to accommodate all types of traffic without over-running the footway or pedestrian refuges and is therefore a suitable size to accommodate further HGV traffic. Furthermore, table 8.8 shows that whilst existing HGV traffic numbers are relatively low in comparison to car numbers, this type of vehicle nonetheless forms a notable part of the existing traffic using the highway. A 7.5T weight restriction for Burrows Hill and beyond the site towards Wallerscote Road, limits the movement of large vehicles to the southwest of the site. This means that all construction related HGV traffic would need to pass through the junction of Winnington Avenue and Winnington Lane (A533).

24. In consideration of network capacity, the Transport Assessment[4] (TA) has used the Northwich Transport SATURN Model to establish the baseline traffic conditions. The Assessment also factored for new developments in the area that was deemed make a material contribution to general traffic levels. This considered a number of local works including the reopening of Soot Hill, remediation works associated with the 'TATA' employment site and Section 278 works along Winnington Lane associated with the Winnington Urban Village Development. New development that was deemed to be in scope was agreed with the Highway Authority at the early stages of the preparation of the ES. I am therefore satisfied that the scope of the TA is robust.

25. The junction capacity has been assessed by the TA. This identified that the site access junction operates well within capacity and would have a minimum change to its ratio to flow capacity creating no modelled queues. It also found that in consideration of the junction of Winnington Avenue/Winnington Lane, the junction would operate below the 90% Degree of Saturation (DoS) threshold. This has therefore demonstrated that it would operate with a satisfactory signal operation and the junction would have sufficient capacity to accommodate the additional traffic. In terms of the Winnington Swing Bridge junction, the assessment identified that the junction would continue to operate below the 90% DoS, maintaining sufficient capacity to operate well, resulting in a minimal impact on driver delay.

26. Furthermore, the effect of additional traffic could hamper pedestrians crossing the highway at crossing points and junctions. This would most likely delay pedestrians crossing Winnington Avenue. However, despite the additional anticipated traffic levels, there would remain ample gaps, between HGV and other traffic

[4] Transport Assessment, axis, May 2023

movements, for pedestrians to make safe and convenient crossings. As such, the effect on pedestrian delay would be minimal.

27. The southern route for HGV traffic includes Moss Road. This is a residential street of terraced and semi-detached housing with limited on plot parking. As a result, the road experiences on-street parking that enables only single-track movements through the middle. The appellant's survey of Moss Road, and this pinch point, shows that motorists behave in this area in an ordered and conciliatory fashion, taking natural and regular turns to pass through the full length of parked cars. This also demonstrated that average queue length were 2 PCUs, with a maximum of 6-8 PCUs at peak times. The survey demonstrates that Moss Road at this location operates efficiently and the addition of one HGV every 5 minutes (avoiding peak times) would not result in any operational impacts. I see no reason to disagree with this finding.

28. Furthermore, whilst the narrowing of the highway places a restriction on vehicle movement, the appellant has demonstrated that Moss Road forms part of the Council's signed and designated route for goods vehicles and is a suitable route for HGVs. Therefore, the associated HGVs, travelling at a rate of either one arriving or one departing every five minutes, would be largely imperceptible.

29. Accordingly, despite the increase in HGV traffic, within the local highway network and along Winnington Avenue, this would not lead to a change in highway user's perception of the affected roads. Pedestrians and cyclists would continue to find the footways and roadway of Winnington Avenue to function well. The configuration of footways along Winnington Avenue forms a good sense of separation between pedestrians and road users. Also, pedestrian routes within the wider network would not be demonstrably affected by the additional anticipated HGV traffic. Accordingly, the uplift in traffic would be unlikely to cause material changes in behaviour of pedestrians using these routes.

30. Consequently, taking into account environmental effects and despite the number of HGVs along several routes predicted to exceed the 30% threshold as identified by IEMA guidelines, the overall environmental effect on the highway network would be acceptable.

Highway safety

31. The Council's safety concerns focus on the effect of HGV traffic on the safety of pedestrians and cyclists using Winnington Avenue. Nonetheless, I am also cognisant that a number of issues have been raised by the community with respect to the experience of pedestrians using local highways along the wider proposed route of vehicles.

32. Between Winnington Lane and the site, Winnington Avenue is subject to a 30mph speed restriction which then becomes 40mph passing the site and onward towards Burrows Hill. Speed tables are found along Winnington Avenue at the junctions with Rosemary Drive, Armitage Way and Imperial Avenue. Winnington Avenue includes streetlights and footways on both sides, with some areas of grass verges separating the footway from road traffic. The highway includes pedestrian crossing points as noted on drawing (document B), showing 5 crossing points, including two signalised crossing points.

33. During my visit, whilst only providing a snap-shot in time, I found that Winnington Avenue had relatively low traffic levels providing crossing opportunities without causing prolonged delay. The T&TS demonstrates, at tables 8.7 and 8.8, that baseline traffic along Winnington Avenue would only increase by 3% during the construction period. The highway, by including low speed restrictions, speed tables and pedestrian refuges at crossing points, has a highway character that does not encourage or enable fast moving traffic whether these are cars or HGVs.

34. The proposal would result in a marked increase in HGVs along Winnington Avenue. However, an increase in such traffic would not necessarily result in a commensurate decrease in highway safety and limited evidence has been provided to demonstrate such an assertion. Pedestrian visibility at the noted crossing points along Winnington Avenue is good, without obstructions evident that might otherwise prejudice pedestrian safety. This means that motorists, whether driving HGVs or cars, would have ample opportunity to see a pedestrian crossing and take action if necessary.

35. Moreover, the TS explains that personal injury data between 2018 and 2022 identified nine incidents within the study area. These consisted of two serious accidents and 7 slight accidents. Of the two serious accidents, one took place on Winnington Avenue around 250 metres from the site and one took place on Winnington Swing Bridge, both a significant distance from the site entrance. As a result, the data demonstrates that users of Winnington Avenue, and surrounding roads, do not experience highway safety issues that could be exacerbated by the proposal.

36. The TS does not specifically address the impact of HGVs on the pedestrian crossings along Winnington Avenue. However, the appellants explained at the hearing that this was not a necessary consideration for the TA. It was also anticipated that there would be an insufficient impact on the highway to warrant enhanced pedestrian crossings.

37. In consideration of the wider highway network, Document A shows that some narrow footways exist with pinch points identified within the town centre, around Hayhurst Bridge and along Castle Street. I note that the footway along the A533 (between Hole House Lane and Barnton) is narrow alongside this rural part of the highway and that the road narrows between Lydett Road and Church Road in Barnton. Photographs of kerbside damage to Winnington Bridge have also been provided. These images demonstrate a highway character that has a relatively high traffic volume, that pass through small towns and settlements, and these possess some poor pedestrian environments. This creates a busy environment for pedestrians to navigate with an inherent risk to pedestrian and cyclist safety.

38. Furthermore, the Winnington Swing Bridge is located on the route that delivery lorries would use, crossing the River Weaver over a traffic light controlled single width carriageway, where a dedicated footbridge runs alongside the swing bridge. The character of the local and wider highway network demonstrates that the route for HGVs would include range of point points that would reduce traffic flow. Nonetheless, the existing highway context provides a baseline for the assessment of highway effects, requiring consideration as to whether the proposal would have a severe impact on this baseline.

39. The impact of traffic on the local highway network would become more diffused as traffic moves away from the site. Also, once HGV traffic travels along Winnington Lane it would blend with a greater proportion of HGVs and other commercial traffic. This is illustrated in TS table 8.8 demonstrating that HGV movements associated with the proposal, along Winnington Lane, would join a larger proportion of HGVs within the net traffic flow than that noted within Winnington Avenue alone.

40. As such, the percentage change of total traffic along all roads beyond Winnington Avenue would be 1-2% and therefore would result in a negligible change. The appellants' Transport related submissions demonstrate that the local highway network has sufficient capacity to accommodate the traffic associated with the proposal, both during construction and once operational. On that basis the effect of the proposal, including the movement of HGV traffic associated with the delivery of materials, on the wider road network, would be modest only.

Mitigation

41. In terms of traffic generation, the TA identifies that a routing strategy would assist in the dilution of HGV traffic into the local network. A Routing Agreement in combination with a Construction Management Plan would manage the construction of traffic attending the site. A range of highway measures have been proposed to mitigate the impact of traffic on local roads. This includes restrictions on times and days of arrivals and departures.

42. The routing diagram[5] shows the route all HGVs would travel to and from the site from the east of the site along Winnington Avenue. At Winnington Avenue's signalised junction with the A533 (Winnington Lane), HGV traffic would be split as a maximum of 55% and a minimum of 45% across two routes taking traffic north towards the A49 and south along the A533 through Northwich Town Centre towards the A556.

43. This route is secured within the Legal Agreement which establishes the Routing Agreement Principles at Appendix 6. Also, restrictions along the southern route would prevent the use of Moss Road during the peak times of 08:00 to 09:00 and 15:00 to 17:30 daily. Compliance would be monitored through the use of CCTV/ANPR cameras that would be positioned at the appeal site and the junction of Winnington Lane/Winnington Avenue. These Principles also establish an enforcement regime that would penalise haulage contractors who fail to comply with the Routing Agreement.

44. Furthermore, the appellant would set delivery times for arriving HGVs to only be between the hours of 07:30-17:00, Monday to Friday, and 07:30-13:00, on Saturdays, times which could be controlled by the imposition of a condition. The appellant's mitigation measures also include the commitment to a Construction Traffic Management Plan, the installation of additional HGV road signage and to undertake a road condition survey. Furthermore, the TS suggests that the number of HGVs permitted to enter the site daily could also be controlled by a condition. These mitigation measures would reduce and manage the overall effect of traffic attracted to the site, especially through the management of the movement of HGVs to and from the site during the construction of the platform.

[5] Road traffic Routing Diagram ref 3196-01-D01

45. The IEMA defines severance effects on a highway network. These can be categorised as slight, moderate and substantial with changes in flows of 30%, 60% and 90% respectively. Traffic flows have been found to be 3% or less for total vehicles flows, representing a minimal magnitude of change to traffic levels in the area. The proposal would create a sizeable number of HGV movements on Winnington Avenue. However, once HGV numbers are converted to PCUs, the total number of vehicles could be adequately and readily absorbed into the local highway network where the overall effect on local capacity would be acceptable.

46. Consequently, the measures secured through the Routing Agreement, and the range of suggested highway measures (which could be controlled by conditions), would distribute HGVs through the wider strategic network in a manner that would lessen and regulate the overall effect on local traffic and road capacity. In consideration of the above findings, the proposed mitigation would reduce the overall effect of the proposal to cause limited traffic effects. As such, the local highway network, including Winnington Avenue, would have adequate capacity to accommodate the traffic associated with the proposal.

Summary of highway issues

47. The proposal would include a prolonged period of construction, requiring a considerable number of HGVs delivering material to achieve the proposed platform Nonetheless, this effect could be adequately managed through the Legal Agreement and measures that could be controlled by condition to prevent an adverse effect on the highway network. As a result, taking the above into consideration, these effects would be modest only and following mitigation, would not result in a severe impact as described in the Framework. Furthermore, the proposal would also not result in an unacceptable effect on highway safety.

48. It is also important to acknowledge that the modest highway effects would be temporary in duration and whilst these effects would last for between 4 and 5 years, the proposal would not cause a permanent uplift of local traffic levels. Accordingly, for these reasons the proposal would not result in a material impact on the local highway network or on highway safety. Consequently, the proposal would comply with LP policy STRAT10 whose objectives have been set out above.

Benefits of the proposal

The reduced leaching of contaminants

49. The proposed development includes the re-engineering of the Wallerscote Limebeds to cap the existing waste disposal bed and create a level and gradually sloping platform as a base for the solar panels. This material would be compacted and would create a capping layer which would reduce water percolating through the sub soil into the watercourse.

50. This historic landfill site consists of settlement lagoons that consist of wet and alkaline wastes deposited from the neighbouring Wallerscote and Winnington Works. It contains around five million cubic metres of chemical sludges deposited inside steeply sided embankments. The proposed capping of the site would substantially reduce the leaching of the brine wastes into the River Weaver through the bunded lagoon walls. I am cognisant that effort to address the contamination on this site has been made in the past. The Environment Agency

requested that a restoration plan be prepared in 2004, but the organisation delivering this plan was abolished in 2012 and the scheme was not pursued.

51. Furthermore, the re-levelling of the site would ensure that surface water can be managed and discharged at greenfield run-off rates, reducing the likelihood of localised flooding during flood events and to better managing drainage.

52. Both the contamination capping and drainage management measures would be modest benefits of the proposal.

Biodiversity Net Gain

53. Cheshire Wildlife Trust raised an objection to the proposal on the basis that there was a lack of compensation for the loss of Biodiversity on site, the adverse impact on priority habitats, the use of brown field land which is of biodiverse value and the impact on the corridor link by the River Weaver. The Council has commented that the recreation of open mosaic habitat beneath the solar panels, and the creation of the calcareous grassland, would result in biodiversity gain which could be suitably addressed by conditions. The adverse impact on priority habitats and the use of brown field land are matters addressed by the Council's Committee Report. I concur with the conclusions reached by the Council on these matters in finding no significant adverse effects or impacts on priority species subject to the imposition of suitable conditions.

54. Since the 12 February 2024 it has been a requirement of the Town and Country Planning Act 1990 (as amended) for major planning applications to be subject to a statutory BNG Assessment. The application was made before the statutory provisions came into force and thus the proposal is not subject to the statutory BNG requirements. Nonetheless, LP policies ENV4 and DM44 relate to 'biodiversity and geodiversity' and 'the protection and enhancement of the natural environment' respectively. These seek to protect sites from loss to biodiversity, require development provide net gains.

55. The appellants have indicated that a 1% BNG could be achieved through the provision of new hedgerow and watercourse habitats on site and through off-site measures. The details of these measures could be set out within an Ecological Management and Monitoring Plan (EMMP) which could be secured by a planning condition. Furthermore, the on-site provision of new Habitat Units would be complemented with the off-site enhancements described in the Legal Agreement. These seek to improve habitat at the Lostock Limebeds and Lostock Lagoons in accordance with the EMMP to create a net biodiversity uplift.

56. The Council's Biodiversity Officer has confirmed that the off-site provision of improved habitat, secured by the Agreement would accord with the ecological mitigation hierarchy and that the on-site details could be secured by condition. I am satisfied that this approach would address the biodiversity requirements of LP policies ENV4 and DM44, and the concerns raised by Cheshire Wildlife Trust. Consequently, the BNG uplift is therefore regarded as a benefit, albeit of limited weight, in favour of the scheme.

Permissive pathway

57. The proposal includes the provision of a permissive path that runs around the inside of the site and would connect to existing footpaths outside the site. The site

is private land and not accessible to the public. The proposed routes through the site would provide a new walkway and cycleway that would enhance recreation through the area. This route would be a benefit of modest weight in favour of the scheme.

Planning Obligation

58. The submitted Legal Agreement places an obligation on the appellant to comply with the Routing Agreement and to deliver off-site Biodiversity Net Gain. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

59. The Routing Agreement is necessary to ensure that the distribution of HGVs through the local highway network is dispersed to reduce congestion and limit the Degree of Saturation of traffic around local junctions. Due to the scale of traffic associated with the land reforming element of the proposal, the management of traffic in this way would aid the free-flow of traffic through the area, and manage congestion to the benefit of the local community. The effective management of traffic, both approaching and leaving the site, would clearly be directly related to the construction of the development. Furthermore, the management of traffic in this way would be fairly and reasonably related in scale and kind to the development.

60. The off-site Biodiversity measures would ensure that the proposal would deliver an uplift that would meet policy objectives of the Local Plan. As a result, this provision would also be necessary, related to the development and fairly and reasonably related to the proposal. Accordingly, both provisions pass the tests of the CIL regulations.

61. The Legal Agreement has been correctly executed and certified and would bind successors in title. The First Schedule requires the Routing Agreement to be submitted to the Council and approved prior to the commencement of development. This would take effect from the commencement of construction and throughout the duration of the initial construction phase, ending when the development platform is complete. The second schedule requires the appellant to carry out the BNG works in accordance with a range of provisions including in accordance with the EMMP. The BNG works would take effect prior to the commencement of development. I am therefore satisfied that the Legal Agreement is both necessary and would deliver the required measures in support of the proposal.

Other Matters

Other highway issues

62. Objections have been submitted by around 240 interested parties, including residents, Northwich Town Council and several local parish Councils. These concerns are in addition to the many objections previously made during the application consideration process. Concerns cover a range of issues, but most raise strong objection to the proposed movement of HGVs through the Town and villages that surround the site and the effect of additional traffic on local roads.

Furthermore, Winnington Bridge is deemed essential by many for local traffic and is regarded as vulnerable if subjected to additional loading. The proposal would include a sizeable number of HGV movements during the construction of the development platform.

63. I am also cognisant that the local roads, proposed to be used for the southern and northern routes are narrow in places, cross multiple historic bridges and include pinch points that slow existing traffic causing congestion during busy periods. I have heard and read that many pedestrians and cyclists currently find these proposed HGV routes to be hazardous to navigate in places due to existing traffic levels. I also note that the A556 is the alternative route for vehicles when parts of local motorways are closed. In that climate I recognise that this proposal, that seeks to add more traffic to the network, has been met with substantial concern and worry. Interested parties have raised a number of highway related matters that have not been covered above. These include the congested nature of the local highway and the effect on Winnington Swing Bridge.

64. HGVs would use Town Bridge and Hayhurst Bridge through Northwich, splitting the traffic over these two bridges. Most imported material is expected to arrive by HGV in 20T capacity vehicles which have a gross weight of approximately 31T. Interested parties have indicated that the Winnington Swing Bridge, a grade II listed wrought iron bridge, has been identified as failing and will require refurbishment in future years. Nonetheless, Winnington Bridge does not have a weight restriction, enabling any vehicle up to 44T to use the bridge.

65. Whilst the bridges and roads along both the northern and southern routes would experience wear and tear, such an impact is common and is not in itself a significant consideration. To seek bridge maintenance costs the Council would need to demonstrate the extent to which the HGV traffic would be the cause of any damage. The Council has commented that no existing maintenance concerns have been identified to warrant imposing any weight restrictions on the bridge. Also, the proportion of traffic associated with the scheme using the bridges would be proportionally small in comparison to existing traffic.

66. The northern route the A533 (Runcorn Road) bisects part of Barnton before heading further north. The submitted photographs (Document A) illustrate the general condition of parts of the highway and footway, the narrow nature of some footways and the congestion that takes place in certain positions along the northern route. Nevertheless, these images whilst informative, provide only limited assistance in my consideration of the effects of the proposal on highway capacity or pedestrian safety.

67. Accordingly, despite recognising the concerns of interested parties and recognising that additional traffic, especially HGV traffic, would be required to attend the site, taking the above into account I find that the impacts of this scheme would not create a significant effect on the highway network or highway safety.

Air Quality

68. Concerns have been expressed as to the effect of the proposal on air quality, especially in connection with the HGV delivery vehicles associated with the assembly of the platform. The ES explains that in order to obtain an Environmental Permit sufficient information must be provided to the Environment Agency to satisfy it that the Proposed Development can be operated within the regulatory

requirements established by UK and European legislation. As such, likely significant environmental effects would not occur as a result of emissions to air and water, due to this regulatory control.

69. Furthermore, the appellants' Air Quality Assessment[6] notes that the principal sources of fugitive dust have been identified as material placement and internal site haulage during the remediation and development platform foundation phases. It finds that through the incorporation of enhanced mitigation, particularly when works are on-going in the eastern area of the Site, the risk of adverse impacts, due to dust, would be slight at most at the nearest receptors.

70. In terms of the effect of HGV emissions, the Assessment states that there are no nearby declared Air Quality Management Areas or areas of potential poor air quality. It finds that given the nature of the local road network, the absence of concerns regarding local air quality by the local authority and the short timeframe over which the additional movements would be experienced, potential adverse impacts at receptors due the vehicle movements on the local access roads would be negligible. I find no reason to disagree with these considerations and recommendations, a conclusion shared by the Council's Environmental Services Officer.

Living Conditions

71. The entrance to the site is via an unnamed road, adjacent to the rear gardens of residential plots of Rendle Close. Some occupiers have raised concerns that drivers of delivery lorries would be able to look into rear gardens and windows affecting privacy. However, such an effect would be limited and fleeting and while drivers are leaving the site they would more likely be looking toward Winnington Avenue as they prepare to exit onto the highway. For this reason and as the deliveries would occur in daytime hours only, the effect on resident's living conditions would be negligible.

Landscape and Visual effects

72. The site has been subject to past industrial activity and main parties agree it is previously developed land. This and the proposed substantive mitigatory landscape planting would result in no material effects being formed from the land remodelling to form the platform, resulting in negligible landscape and visual effects. Therefore, although some interested parties have suggested that the proposal would erode the rural character and natural beauty of the area, I have found that the proposal would not materially change the scale of the landform and that the top of the landform would be largely obscured from off-site viewpoints. The site is elevated and screened by many trees, reducing the overall effect of the proposed creation of the platform causing only limited adverse landscape and visual effects.

73. In terms of the proposed solar photovoltaic panels, LP policy DM52 provides support for solar energy development subject to certain criteria. This includes the requirement that proposals to be of a scale where landscape sensitivity has been identified as being low/moderate and where impacts are considered to be acceptable. It states that proposals in areas judged to be of high sensitivity to the scale of the proposed development will not be permitted.

[6] Air Quality Assessment, Smith Grant LLP, August 2023

74. The site is within the landscape character area 15c-Lower River Valley, which includes open countryside and residential areas. The Council's 'Sensitivity study for Solar Photovoltaic Development' identifies that, due to the scale of the proposal, the area has a high sensitivity to change. As a result, the proposal would cause moderate harm to the area's landscape character. Accordingly, the proposed solar panels would cause adverse effects to the landscape character resulting in modest conflict with LP policy DM52.

River transportation

75. Interested parties have suggested that the River Weaver Navigation presents a less disruptive way to bring material to the site. As required by Schedule 4 of the EIA regulations, consideration of alternative options should be undertaken to provide an indication of the main reasons for selecting the chosen development option. Part 3.0-1(iv) of the ES considers the use of the river as an alternative routing option. This stated that using the river would require infrastructure to both load and unload soils onto barges, to navigate the nearby waterways and allow transfer material from the landing point onto the site. It identified that the nearest navigable point on the river is 65 metres from the site but separated by the flood plain and a non-navigable meandering loop.

76. The appellant explains that the transportation of materials onto the canal network at suitably equipped ports or docks would require transportation by road from the currently unknown points of origin. Furthermore, offloading of soils would require construction of a new wharf on the banks of the Weaver Navigation resulting in a range of adverse environmental impacts. The appellants concluded that the additional time, costs and environmental impacts precluded this option from being undertaken. Accordingly, this alternative does not present a feasible or reasonable alternative and has been discounted by the appellants for robust reasons, a conclusion shared by the Council.

Ecology and biodiversity

77. The appellant's Ecological Statement within the ES identifies that a range of statutorily designated and non-statutory designated nature sites are within a 10 km radius of the site. The site includes areas of unvegetated ground, calcareous-type grassland, neutral grassland scrub areas, woodland groups and a pond. As a whole the site is described as an area an of open mosaic habitat on previously developed land. In terms of species, the site has been found to providing foraging and breeding habitat for a range of birds, although none covered by Schedule 1 of the Wildlife and Countryside Act [1981] as amended were recorded.

78. The site was found to provide limited roosting opportunities for bats, although bats were noted as being recorded locally, the site lacks sufficiently mature trees or buildings/structures for on-site habitat to be likely. Consequently, the site was deemed to have moderate foraging and commuting value for bats. No evidence of badger activity, otters, water vole, amphibians or reptiles were recorded on site. The statement identified that minor adverse and non-significant effects were identified. It recommended that these limited effects could be suitably addressed through a range of mitigation measures. These would include biodiversity enhancement measures creating new habitat and planting that would form native woodland planting, calcareous-type grassland meadow areas and open mosaic habitat. The provision and maintenance of these features could be adequately

secured by conditions. Accordingly, subject to mitigation measures, the impact of the proposal on wildlife and habitats would be acceptable.

Flood Risk

79. Some local residential occupiers have raised concerns that the proposal would create off-site flooding. However, the proposed development platform has been designed to capture rainwater, with a low permeable surface and release runoff at greenfield rates. Rainwater would drain towards the proposed southern bund and from there pass through a swale into the river in a regulated manner. The drainage details provided have been agreed with the Lead Local Flood Authority and I see no reason to disagree with these findings.

Noise Issues

80. Interested parties have raised concerns as to the potential for noise disturbance during construction. The site is close to residential properties beyond its northeast perimeter but is also relatively large and mostly screened by vegetation. Due to screening and topography, most construction activity would take place away and out of view of residential properties.

81. Noise impacts could derive from the site during construction, operation of the scheme and through road traffic noise. In terms of on-site noise effects, the appellants' Noise Assessment found that highest noise levels relative to nearest residential occupiers would be likely to occur during site preparation and construction. It noted that the increase in construction noise with the implementation of mitigation measures, using Best Practice Means (BPM), would be likely to result in a negligible to slight impact at residential receptors and an insignificant neutral to minor level of effect. During operation, the magnitude of impact during daytime periods would reflect no change in noise level, having a negligible impact on residential receptors.

82. The Noise Assessment also identified that the impact on existing residential areas from any increase in road traffic noise during the daytime construction, operational or decommissioning stage of the Proposed Development would produce a negligible impact at receptors. Also, I find that road noise from HGVs travelling over speed tables along Winnington Avenue would create only limited and low-level noise impacts. Furthermore, in terms of vibration during the construction or decommissioning phase, this would result in a negligible impact of magnitude and neutral level of effect. At the hearing the appellant also explained that any vibration disturbance, to residents living along the agreed route by passing HGVs, would be unlikely to be significant. This seemed to be a reasonable assertion based on the limited change to net traffic numbers associated with the proposal.

83. The proposed hours of construction of the solar farm and BESS, and the delivery hours of construction vehicles attending the development platform, could be controlled by condition. Restrictions on the delivery and construction times in this manner would be reasonable and have been agreed with the Council's Environmental Services Officer.

Heritage Issues

84. In accordance with my statutory duty[7] I am required to pay special attention, and have regard, to the desirability of preserving the setting of listed buildings. The Framework identifies that the setting of a heritage asset relates to how an asset is experienced, is not necessarily fixed and may evolve over time. Elements of its setting may make a positive or negative contribution to its significance or may be neutral. The Framework explains that great weight should be given to an asset's conservation. Furthermore, LP policy DM52 with respect to solar schemes, includes the requirement for development to cause no unacceptable harm to the historic environment.

85. Guidance from Historic England explains that the extent and importance of setting is often expressed in visual terms but may also include other matters including our understanding of the historic relationship between places[8]. The proposal has the capability to affect a range of designated and non-designated heritage assets found within and around the site. The Appellants' Heritage Impact Assessment identifies that the site includes archaeological remains and the designated assets of the Grade II listed Canal Workers Cottages and the Trent and Mersey Canal Conservation Area. Due to the range of archaeological remains identified, and the level of works proposed, the proposed landform remodelling would cause less than substantial harm to archaeology interests.

86. The Canal Workers Cottages, located on Runcorn Road, are a terrace of 5 cottages. The terrace is of a traditional rural character where its significance derives from its architectural and historic interest. Intervisibility between the building and the site is limited due to intervening landscape planting and the degree of separation. The proposed capping of the site would result in a revised landform that would not result in harm to the setting of the designated heritage assets. Furthermore, due to the limited extent of intervisibility between the cottages and the proposed solar farm and BESS element of the proposal, this would result in a low degree of less than substantial harm.

87. The Trent and Mersey Conservation Area largely follows the natural contours of the landscape with limited embankments or cuttings, with level changes negotiated by locks. The canal is to the north of the site. The proposed capping would not result in harm to the conservation area. The limited extent of intervisibility between the canal and the proposed solar panels would result in only limited harm, at the lower end of less than substantial harm.

88. The Framework explains that where less than substantial harm is found to designated heritage assets this harm should be weighed against the public benefits of the proposal and any that harm is to be afforded great weight.

89. The less than substantial harm found to on-site archaeological remains would be outweighed by the benefits of the proposal that would include the reduction of contamination leaching, improved drainage of the site and the creation of a permissible pathway through the site. In terms of the harm found to the listed building and canal, formed by the solar panels, the public benefits of the proposed solar farm would be significant due to its support of renewable energy provision.

[7] Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
[8] Historic England – The Setting of Heritage Assets 2015

90. It is apparent that the national need for additional renewable energy generation, and its associated infrastructure such as BESS, is required to support the country's transition to Net Zero by 2050. On this basis the public benefits of the proposed solar panels would outweigh the limited harm found to the significance of the identified heritage assets, but the components of the proposal relating to the solar panels and BESS facility would cause modest conflict with LP policy DM52.

Questions raised as to the purpose of the proposal

91. Several parties have raised concern that the proposed scheme may not deliver the solar farm, and others have suggested that as the scheme would only provide energy for 'TATA' employment site nearby, there would be no community gain from the solar scheme. The proposal is presented as a holistic development consisting of two important elements. Whilst a planning permission cannot require a scheme to be fully completed the solar farm and BESS elements are important and integral components of the scheme. It seems highly unlikely that once the development platform for the solar farm is created that all development would then cease as the proposal provides a comprehensive solution for the site.

92. The appellant states it would offer the Winnington based factory (TATA) the opportunity to receive the solar energy directly to help it to decarbonise. If this took place, the factory could potentially satisfy its energy requirements from renewable energy. This would clearly be a benefit of wider interest as it would no longer be drawing from the national grid.

Planning balance

93. I have concluded that the proposal would not result in harm to the highway network or highway safety, complying with the development plan in finding no significant adverse impacts. I have found that the impact of the part of the proposal that relates to the solar panels on the area's landscape character would be negligible, and this would result in less than substantial harm to the identified heritage assets. These present modest conflicts with LP policy DM52 in the planning balance.

94. The other matters identified in opposition to the proposal raise issues that either result in no harm or raise technical matters that could be adequately addressed through the imposition of appropriate conditions to negate the harm.

95. The proposal would deliver a resolution to the contaminated land that would substantially reduce leaching. The scheme would also provide a development platform that would better manage water run-off in support of a suitable sustainable drainage solution for the site. A biodiversity net gain would also be provided and a new permissive pathway created through substantial parts of the site. Furthermore, the renewable energy provisions of the scheme provide further significant benefits which would support the county's transition towards renewable and low carbon energy. I am satisfied that these benefits are of sufficient magnitude to outweigh the limited conflict found with the development plan.

Conditions

96. I have considered the use of conditions in line with the guidance set out in Planning Policy Guidance. I shall take the conditions within the SoCG into

consideration and impose these with some amendments and adjustments for clarity as discussed at the hearing.

97. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [1 and 2].

98. A number of conditions are necessary that relate to the submission of details prior to the commencement of development. These seek details relating to the solar array, a landscape scheme, boundary treatment, arboricultural method statement, Construction Environmental Management Plan, the BESS design and drainage scheme, a contamination remediation strategy, Construction Traffic Management Plan, details of road signage, Highway schedule of condition, baseline geological investigation and monitoring, Ground investigation report, an Engineering Execution Plan, a lighting plan, details of phased translocation of soils, badger survey, phased site working plan and details of final landform [conditions 3, 4, 7, 8, 9, 14, 15, 19, 20, 21, 25, 26, 27, 32, 33, 34, 37 and 38]. These pre-commencement conditions are so fundamental to the development that it would have been otherwise necessary to refuse permission. These details are required at a pre-commencement stage as they relate to matters that may influence the configuration of equipment on site and relate to its initial setting out.

99. To ensure the proposed scheme would complement the character and appearance of the surrounding area conditions are required for the details of the solar array, a landscape scheme, decommissioning plan, boundary treatment and arboricultural method statement [3, 4, 5, 6, 7 and 8]. Conditions for the submission a Construction Environmental Management Plan (including hours of construction) and details of a lighting plan, a final badger survey, badger fencing and for the implementation of the ecological Management and Monitoring Plan for the Wallerscote Limebeds are required in the interests of the biodiversity interests of the site and resident's living conditions [9, 32, 34, 35 and 36].

100. Conditions would also be required to protect the surrounding environment and the proposed scheme from flood risk and pollution which would require the development to comply with the drainage strategy [10]. A condition requiring the details of a fire protection system is necessary in the interests of public safety [11]. Conditions are also required for the establishment of a community liaison group in the interests of good community relations [12]. Also, details of a noise control scheme and to limit delivery and construction hours are required and to protect the living conditions of nearby residential occupiers [13 and 40]. Also, in terms of the approved hours of construction of the solar panels, such hours are required to be restricted in accordance with LP policy DM30, requiring (within the explanatory text) for construction to not take place before 08:00 Monday to Saturday [39].

101. Also, conditions are required for a BESS design and drainage scheme, contamination remediation scheme and borehole installation details to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and as sought by the Environment Agency [14, 15 and 16]. Furthermore, details of unexpected contamination and decontamination verification would be required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks [17 and 18].

102. In terms of highway matters, conditions would be necessary for the submission of a Construction Traffic Management Plan and details of road signage to minimise disruption in the highway [19 and 20]. A condition is also required to survey Winnington Avenue to assess the condition of the road and then repair any damage created throughout the construction process [21]. To ensure that the site is undertaken in the manner as set out in the Planning Application and completed in a reasonable period, a condition is required to limit the extent of the construction period to minimise disruption within the highway [22]. Based on the proposed delivery arrangement, it would also be necessary to limit the number of HGVs attending the site to within the maximum parameters as set out within the Highway evidence to manage the impact of traffic on the local highway to agreed levels [23].

103. In consideration of ground stability, conditions are necessary to require the submissions of details of compliance with the environmental permit, a baseline geological investigation, a Ground Investigation Report, an Engineering Execution Plan, trial surcharge mounds, annual reports for stability monitoring and the appointment of an Independent Engineer to ensure land stability is appropriately managed during construction [24, 25, 26, 27, 28, 29, 30 and 31].

104. Furthermore, the detail of the final landform is required to ensure the development is undertaken in accordance with the terms of the approval [38]. Finally, a condition would be necessary that requires the appellant to inform the Council when the solar farm begins outputting energy to enable ongoing monitoring to proceed in consideration of other planning conditions [41].

Conclusion

105. The proposed development would result in only limited conflict with the development plan which is outweighed by the identified significant material considerations. Accordingly, for the reasons given, the appeal should be allowed, and planning permission is granted subject to conditions.

B Plenty

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

David Hardy - Partner, CMS Cameron McKenna Nabarro Olswang LLP

David Adams - Director, Axis (Planning)Lee Kendall - Technical Director, Axis (Highways)

Lee Kendall – Planning Director, Transport, Axis

Simon Towers - Co-Chairman, Green Earth Developments Group Limited

Jason McGray - Head of Development, Infinis Solar Developments Limited

James Blythe – Development Manager, Infinis Solar Developments Limited

Laura Mackey - Senior Consultant, Axis (Planning)

FOR THE LOCAL PLANNING AUTHORITY:

Robert Charnley - Head of Planning and Place Making

Hazel Honeysett - Principal Planning Officer

Jon Parry - Principal Highway Officer

Stuart Whitby - Associate Director at Waterman Infrastructure & Environment Ltd (The Council's Highway Consultant).

INTERESTED PARTIES:

Cllr Judith Phoenix - Barnton Parish Council

James Devine – Barnton Parish Council

Sue Beecroft – Chair of Little Leigh Parish Council

Bob King – Little Leigh Parish Council

John Tackley – River Weaver Navigation Society

Catriona Stewart – Northwich Town Council

Cllr Arthur Neil

Cllr Lynn Gibbon

Cllr Norman Wright

Cllr Graham Emmett

Len Gray – Resident, Winnington Avenue

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) Subject to the requirements of other conditions attached to this permission the proposal shall be carried out in accordance with the following plans:

- Drawing Number 3196-01-01 Statutory Site Plan
- Drawing Number 3196-01-02 Location Plan
- Drawing Number 3196-01-03 Landscape Masterplan Rev A
- Drawing Number 3196-01-04 Proposed Cross Section
- Drawing Number 3196-01-19 Existing Cross Section
- Drawing Number 5648-100 P8 Indicative Surface Water Drainage
- Drawing Number K0172.1.001 Development Contours
- Drawing Number K0172.1.002 Development Platform Cross Section
- Drawing Number K0172.2.001 Compound Layout and Access
- Drawing Number K0172.2.002 Indicative Phasing Plan

3) Prior to the commencement of development details of the solar array as set out in section 2.3.6 i) to vii) and xii) of the Planning, Design & Access Statement and details of the BESS and High Voltage Compound, shall be submitted to the Local Planning Authority for approval in writing. Details shall include external finishes, colour, and layout, as set out within the approved parameters of plans within Condition 2. Development shall be carried out in accordance with the approved details.

4) No development shall commence on any phase of the development hereby approved, as set out in Condition 29 part (c) and Condition 37 until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. All areas of proposed planting outside the Solar Park perimeter fence shall be shown through the provision of a planting schedule and detailed landscape drawings (at scale 1:200 or 1:100), submitted to and approved in writing by the Local Planning Authority. The submitted details should include:

a) A comprehensive list of species and stock specification.

b) Details of planting densities and spacings.

c) Individual location of specimen trees and shrubs.

d) Topsoil specification and depths.

e) Maintenance schedule to ensure the successful establishment of the scheme.

f) Details of hard landscaping including car parking layouts; the permissive path, other vehicle and pedestrian access and circulation areas; hard surfacing materials; furniture, refuse or other storage units; and signage/information boards.

Development shall be carried out in accordance with the approved details.

5) All planting comprised in the approved details of landscaping (Condition 4) shall be undertaking in the following manner;

a) Outside the footpath on the development platform as shown on Drawing Number 3196-01-03 Landscape Masterplan Rev A, planting shall be carried out no later than the first planting and seeding seasons following the commencement of development.

b) Between the footpath and perimeter fence of the solar park on the development platform as shown on Drawing Number 3196-01-03 Landscape Masterplan Rev A, planting shall be carried out no later than the first planting and seeding seasons following the commencement of the construction of the development of the Solar Park and Battery Energy Storage System as set out in Condition 37.

c) Within the perimeter fence of the solar park, PV array area, on the development platform as shown on Drawing Number 3196-01-03 Landscape Masterplan Rev A, planting shall be carried out no later than the first planting and seeding seasons following the commencement of energy generation by the solar park.

Any trees, hedges or plants which within a period of 5 years from the date of this permission die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6) Within 6 months after the Solar Park and BESS (not relating to any refurbishment of the Solar Park and BESS necessary over the course of its lifetime to modernise the solar energy generating infrastructure at the Site) ceases to generate energy, a scheme detailing the decommissioning of the Solar Park and BESS, and the removal of the Solar Park and BESS, and restoration of the Site, shall be submitted to the Local Planning Authority. The Scheme shall include:

a) Details of all structures and buildings / equipment and plant machinery which are to be demolished;

b) Details of the means of removal of materials resulting from the demolition;

c) The phasing of the demolition and removal;

d) Details of the restoration works; and

e) The phasing of the restoration works.

The demolition and removal of the Solar Park and BESS (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) and subsequent restoration of the Site shall thereafter be implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including the boundary treatments to be provided at the BESS compound. Submitted detail shall include detail of any gapping up of hedgerow where the hedgerow is intended to serve the purpose of a boundary treatment. The

boundary treatments shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

8) Prior to the commencement of development an Arboricultural Method Statement, based on the principles of the Ecological Management & Monitoring Plan (Report Number: EMMP, RT-MME-181020-02, Rev C) including tree removal, tree retention, and impact during construction, shall be submitted in writing for approval to the Local Planning Authority. The approved Statement shall be implemented throughout the duration of the development.

9) No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based on the draft CEMP dated August 2023 Ref: 3196-01-CEMP and include a programme of works associated with the Development and:

a) Embedded mitigation measures as set out in Section 7 Ecology, 7.4.5, and 7.4.8 to 7.4.21 Ref: September 2023 3196-01-ES07 of the Environmental Statement

b) The parking of vehicles of site operatives and visitors

c) Loading and unloading of plant and materials

d) Storage of plant and materials used in constructing the development

e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

f) Wheel washing facilities

g) Measures to control the emission of dust, dirt, noise, vibration and light during construction including use of reverse warning beepers.

h) Hours of construction to include zoning identifying areas where construction cannot commence before 08:00 hours

i) Details of any piling

j) A scheme of Reasonable Avoidance Measures (RAMs) for the protection for invertebrates (including specifically Dingy skipper) amphibians and reptiles as well as a scheme to protect retained habitats on site and designated sites within the vicinity

Thereafter, the construction of the Development shall be carried out in accordance with the approved CEMP for the duration of the works.

10) The development shall be carried out in accordance with the drainage principles and strategy as outlined within the Flood Risk and Drainage Assessment by Weetwood (Ref 5648/FRDA/Final/v2.3/2023-08-03, dated August 2023) and flood risk assessment (ref: July 2023/3196-01-ES09/Axis PED Ltd), prior to the construction of the Solar Park and the following mitigation measures.

1. No built development within flood zone 3 and flood zone 2 identified on the Flood Map for Planning including adjustments for future climate change.

2. Existing drainage ditches retained.

3. No substations, inverter/transformer stations of storage containers proposed within 8m of the top of bank or existing watercourses.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing / phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

11) Before the commencement of the installation of the development hereby permitted above ground level, and notwithstanding the potential need to amend details shown on the approved drawings listed under Condition 2 above (and any subsequently approved drawing), a detailed system design and construction information package to include details as referred to in the National Fire Chiefs Council guidance 'Grid Scale Battery Energy Storage System planning - Guidance for FRS (Version 1.0 November 2022)' or its replacement shall be submitted to and approved in writing by the local planning authority. Information shall include details of the proposed detection and monitoring methods and details of fixed suppression systems. In the case of water-based fire suppression systems the details shall include calculations for sufficient water supply for the suppression system, and details of the means of provision of such water supply. The details shall also include consideration of water run-off and potential impact on the environment, along with mitigation measures. The detailed system design shall include details of access arrangements in the case of fire/emergencies; and the landscaping under condition shall take account of the requirement for a clearance area from combustible vegetation.

The development shall be carried out in accordance with the approved system design and construction information package, which shall be implemented in full prior to first operation of the development and shall be retained thereafter in complete working order.

12) Prior to commencement of development the Applicant shall submit to the Local Planning Authority details of a Local Community Liaison Group Terms of Reference for the creation and subsequent administration of a Local Community Liaison Group (LCLG) for the duration of the development. The LCLG shall be made up of representatives from the Developer, Landowner, Local Planning Authority, Cheshire West and Chester Council (CW&C), CW&C Councillors, residents and stakeholders agreed by the LCLG following the approval of the LCLG Terms of Reference. The frequency of meetings, appointment of Group Members, roles and responsibilities, aims and objectives shall be set out within the approved LCLG Terms of Reference. The administration and facilitating of the LCLG Terms of Reference shall be undertaken by the Applicant.

13) Prior to the installation of any plant and equipment for the proposed development a scheme to control noise from the premises shall be submitted to and approved in writing by the Local Planning Authority.

a) The scheme shall ensure that the rating level of noise emitted from any plant associated with the proposed development shall be below the background sound level (as measured as an LA90) at any time as measured at the nearest noise sensitive receptor shown on Environmental Statement Figure 6.1 (or any other relevant receptor). The measurement and

assessment shall be made in accordance with BS 4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound”.

b) Prior to operation of plant associated with the proposed development, the scheme to control noise shall be implemented as relevant to the piece(s) of plant installed, prior the operation of that plant, and shall be retained thereafter. All equipment shall be maintained according to manufacturers’ recommendations.

14) Prior to the commencement of development a Battery Energy Storage System (BESS) Design and Drainage Scheme shall be submitted to and approved in writing by the local planning authority. The Scheme must:

a) Provide details of the interception/attenuation tank(s) to be provided, such as ensuring the planned tanks will be sufficiently lined.

b) Demonstrate sufficient volume to be provided which would adequately contain the fire water runoff.

c) Demonstrate ability to capture and contain all contaminated water in a fire event to prevent from entering the surface and ground water environments.

d) Further details on impermeable barrier to be provided, demonstrating it is resistant to any existing contamination on-site and / or any future potential contamination such as that caused in a fire event.

e) Details of a maintenance plan to ensure that the mechanism that will be activated in an emergency situation works and that attenuation tanks are fit for purpose /free from leaks.

f) Provide a plan on how the contaminated water will be tankered off-site for treatment taking into account this may be deemed as controlled waste.

The Scheme shall be implemented in accordance with these approved details.

15) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the Local Planning Authority. This Strategy shall include the following;

a) A Site Investigation Scheme, based on the submitted documents, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

b) The results of the Site Investigation and the detailed risk assessment referred to in (a) and , based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (b) are completed and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The Scheme shall be implemented in accordance with these approved details.

16) On completion of the geotechnical investigation subject of Condition 25 and site investigation work subject of Condition 15(a), a Scheme for managing any boreholes installation for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The Scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post development, for monitoring purposes, would be secured, protected and inspected. The Scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

17) Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

18) If during site preparation, demolition or development works contamination is encountered or is suspected in areas where it had not been anticipated, (being from an existing risk assessed source and containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by simple extension of the approved measures to a larger area, then the LPA shall be notified promptly in writing confirming the areas affected, the approved investigation, remediation and validation measures to be applied and the anticipated completion timescale. However, if the contamination is from a different source, contains a new contaminative substance or affects a new pathway or receptor, then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the LPA prior to all but urgent remediation works necessary to secure the area and control pollution risks.

19) Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) for the construction of the development platform shall be submitted to the Local Planning Authority for approval. Details of the CTMP shall include details of deliveries to the site during construction including a method of scheduling time slots for each HGV arrival and departure, compound layout and access details. The development shall be carried out in accordance with the approved scheme. Six months prior to the commencement of the construction of the Solar Park and Battery Energy Storage System as set out in Condition 22, a CTMP shall be submitted to the Local Planning Authority for the construction of the Solar Park and Battery Energy Storage System for approval. Details of the CTMP shall include details of deliveries to the site during construction, compound layout and access details. The development shall be carried out in accordance with the approved scheme.

20) Prior to the commencement of development, a scheme for details of HGV road signage shall be submitted to the Local Planning Authority for approval. The road signage shall include a new permanent weight limit ahead sign on Winnington Lane prior to Moss Road as well as temporary development routing signage for arriving and departing HGV’s, along with details of where

the road signs shall be erected. The road signage shall be erected in accordance with the approved schemes and temporary signage removed on completion of the development platform and Solar Park and Battery Energy Storage System phases of development as set out in Condition 22.

21) Prior to the commencement of development, the Applicant shall submit to the Council, for their written approval, a Highway Schedule of Condition Plan which will set out a means for undertaking a schedule of condition dealing with the physical condition of the highway adjacent to the development known as Winnington Avenue. For the avoidance of doubt the survey shall extend no further than from the site access to Winnington Lane. The plan shall be implemented and carried out in complete accordance with the approved scheme.

22) The development shall be constructed continuously in the specified sequence below no later than the timeframes as set out in Condition 1 and below:

- Construction of the development platform - maximum 5 years
- Construction of the development of the Solar Park and Battery Energy Storage System – maximum 36 weeks

Written notification of the commencement date for the construction of the development platform and construction of the development of the Solar Park and Battery Energy Storage System as well as completion of those phases, shall be provided not less than 5 working days prior to notification.

23) During the construction of the development platform the number of daily HGV's accessing the site shall be an average of 224 two-way HGV movements per day (112 arrivals and 112 departures), where the average is measured over the course of each calendar month of construction activity. During the construction of the Solar Park and Battery Energy Storage System the number of daily HGV's accessing the site shall be an average of 8 two-way HGV movements per day (4 arrivals and 4 departures), where the average is measured over the course of each calendar month of construction activity. A record shall be kept by the Developer of the number of HGVs which enter and leave every working day and a copy of these records shall be forwarded to the Planning Authority every three months during the construction of the development.

24) No development including the importation of earthworks materials (e.g. excavated soils and aggregates), shall be undertaken at the site until details required by the land stability Conditions 25, 26, 27 and 31 have been submitted to and approved in writing by the Local Planning Authority, except for the following development:

a) Works required to manage the site as required by the extant environmental permit

b) Preliminary works to reduce the risk of instability (e.g. repairs to existing bunds)

c) Site infrastructure construction works (e.g. access roads, site compound, foundations)

d) Drainage maintenance works

e) Landscaping outside of the development platform area and the perimeter bund.

25) No development including the importation of earthworks materials, except for the activities specified in a)-e) of Condition 24, shall be undertaken until a specification for a baseline geotechnical investigation and associated programme of monitoring has been submitted to and approved in writing by the Local Planning Authority. The duration of the programme of monitoring will be justified in the submission to the Local Planning Authority and will not be less than 3 months.

26) No development including the importation of earthworks materials shall be undertaken, except for the activities specified in a)-e) of Condition 24, until a Ground Investigation report has been submitted to and approved in writing by the Local Planning Authority. The report shall set out the findings of the investigation carried out in accordance with Condition 25.

27) No development including the importation of earthworks materials, except for the activities specified in a)-e) of Condition 24 shall be undertaken until an Engineering Execution Plan (EEP) has been submitted to and approved in writing by the Local Planning Authority. The EEP shall be prepared following approval of the report on the baseline ground investigation and monitoring programme, as set out in Condition 26, and shall be based on the EEP dated 14th May 2024, Report No K0629-AYE-GEO-001-02 (Revision 2).

The EEP shall include the following:

a) Strategy to manage the risk of land instability during the earthworks to create the development platform and for land stability monitoring after completion of the earthworks.

b) Description of design objectives, design approach, design codes and standards to be adopted, design checking, roles and responsibilities, geotechnical risk register, EEP programme and deliverables.

c) Design and specification of surcharge trials.

d) Preliminary phased working programme plan for the surcharge trials, earthworks and stability monitoring.

e) Strategy for intervention and mitigation in the event of monitoring data indicating adverse impact on land stability.

The development shall be carried out in accordance with the EEP unless otherwise agreed in writing by the Local Planning Authority through the submission and approval of a revised EEP.

28) No earthworks materials shall be imported for construction of the development platform, except for the construction of the trial surcharge mounds and the activities specified in a)-e) of Condition 24, until a report on the findings of the surcharge trials has been submitted to and approved in writing by the Local Planning Authority.

29) No earthworks materials shall be imported for construction of the development platform, except for the construction of the trial surcharge mounds and the activities specified in a)-e) of Condition 24 until a Geotechnical Design Report (GDR) is submitted to and approved in writing by the Local Planning Authority. The GDR shall include the following:

a) Interpretation of the baseline studies, Ground Investigation reports and surcharge trials

b) Updated Stability Risk Assessment (SRA)

c) Platform earthworks design, specification and phasing of works

d) Design and specification of the surface water retention earthworks on the development platform area

e) Design of earthworks to support solar farm infrastructure

f) Design of a stability monitoring programme to be implemented during the earthworks and for a minimum period of 5 years after completion of the earthworks. The monitoring to include for ongoing review of data against established thresholds and an action plan for threshold exceedances.

30) Within 12 months of the date of development commencing on site annual reports on the stability monitoring (Condition 29 (part f)), shall be carried covering both works during construction of the earthworks and the post earthworks stability monitoring. Each report shall be submitted to and approved in writing by the Local Planning Authority. The post earthworks stability monitoring shall continue until such time as the Local Planning Authority gives written approval for the termination of monitoring, based on the findings of the annual reports and stability monitoring.

31) No development, except for the activities specified in a)-e) of Condition 24, shall be undertaken until the terms of appointment of an Independent Engineer ("IE") by the Developer have been submitted to, and approved in writing by, the Local Planning Authority (LPA). The IE shall be Chartered by a relevant professional institution and have a minimum of 20 years' experience in the field of geotechnical engineering. The terms of appointment shall:

a) impose a duty on the IE to review and report on submissions made to the LPA in relation to land stability in a timely manner;

b) require the IE to report the findings of their reviews of submissions to the nominated representative of the Developer and LPA; and,

c) shall require a statement that the IE shall be engaged by the Planning Authority but funded by the Developer.

The IE shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post-construction monitoring works. On appointment, a copy of the terms of appointment shall be provided to the LPA. Thereafter no changes shall be made to the IE or appointment terms except with the written approval of the LPA.

32) Prior to the commencement of development, a lighting plan detailing how bat commuting and foraging corridors shall be avoided by lighting during construction of the development and its operation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Lighting Plan shall be implemented for the duration of the development.

33) Prior to the commencement of development, a scheme for phased translocation of soils for recreation of open mosaic priority habitats shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction of the development.

34) Prior to the commencement of development, as a best practice measure, an updated pre-construction badger survey shall be carried out by a suitably qualified ecologist to best practice guidelines and submitted to and approved in writing by the Local Planning Authority. If any evidence is found of badgers on site, a Mitigation Plan (to be shown on proposed site/elevation plans) and Method Statement of Works shall be submitted to and approved in writing by the Local Planning Authority. The approved Mitigation Plan and Method Statement of Works shall be implemented throughout the construction of the development.

35) Prior to the installation of any fencing, a plan of badger gates within fencing and provision for hedgehog access shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be implemented for the duration of the development.

36) Prior to the operation of the development (subject of Condition 41), implementation of the approved 40 year Ecological Management and Monitoring Plan Wallerscote Limebeds, Wallerscote Road Northwich (EMMP, RT-MME-181020-02, Rev C) shall commence, in line with the timescales detailed within the EMMP. Thereafter all management of the site habitats shall be in accordance with the approved EMMP, inclusive of ecological monitoring which shall be undertaken by the nominated persons or their agents (as detail in the EMMP) in years 1, 2, 3, 4, 5, 10, 15, 25, 30, 35 and 40. The nominated persons or their agents shall review and update the EMMP every 5 years from the date of the EMMPs first enaction. The updated EMMP shall be submitted to the Local Planning Authority for their written approval. and the approved EMMP implemented.

37) Prior to the commencement of the construction of the Solar Park and Battery Energy Storage System, details of the phased site working plan for the construction of the solar park, battery energy storage system and landscaping, shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be implemented in accordance with the approved phased site working plan.

38) Prior to the commencement of development details of the final landform equating to the importation of 1,282,500 million cubic meters of non-hazardous materials as set out in paragraph 3.13 of the Planning Committee Report dated 10th July 2024, shall be submitted to the Local Planning Authority for approval. The details shall include plans, cross sections and a calculation of the volume of material to be imported onto site for the development platform. The development shall be implemented in accordance with the approved details.

39) No development, comprising the construction (or subsequent demolition) of the solar park including the BESS facility shall take place outside 08:00 hours to 18.00 hours Mondays to Fridays; 08:00 hours to 16.00 hours on Saturdays or at any time on Sundays or Bank Holidays, as in accordance with the construction/ demolition zoning areas set out within the Construction Environmental Management Plan under Condition 9. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

40) No deliveries shall be taken or despatched from the site outside 07.30 hours to 17.00 hours Mondays to Fridays; 07.30 hours to 13.00 hours on Saturdays

or at any time on Sundays or Bank Holidays as in accordance with the construction/ demolition zoning areas set out within the Construction Environmental Management Plan under Condition 9. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

41) Within 2 months of the Solar Park commencing energy generation (becoming operational), the Local Planning Authority shall be notified in writing of the date on which the Solar Park became operational.

End of Conditions