

<b>Agenda Item</b> A6	<b>Committee Date</b> 29 June 2015	<b>Application Number</b> 14/00907/FUL
<b>Application Site</b> Arna Wood Farm East Arna Wood Lane Lancaster Lancashire	<b>Proposal</b> Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm	
<b>Name of Applicant</b> Mr Robert Ayres	<b>Name of Agent</b> Mrs Amy Williams	
<b>Decision Target Date</b> Formal extension of time until 6 July 2015	<b>Reason For Delay</b> Awaiting further information and amendments	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Note**

A site visit was arranged for Members and undertaken on 3 November 2014. There was a subsequent delay in getting the report drafted due to outstanding ecology matters. The application was put on the Committee agenda for 7 April 2015, but the item was deferred prior to the meeting again due to outstanding ecological concerns not being fully addressed to Natural England's satisfaction. The ecological matters have now been resolved as this report acknowledges, and therefore the application comes before the Committee for determination.

**1.0 The Site and its Surroundings**

1.1 This application relates to two areas of land located approximately 2.3km to the south west of the centre of Lancaster and approximately 600m to the south of the small settlement of Aldcliffe. Both of these are accessed from Arna Wood Lane which also serves seven dwellings and has an exit from the United Utilities Waste Water Treatment Works (WWTW). The larger area of land is on the western side of the highway and comprises two fields and part of a larger field with a site area of approximately 10 hectares. To the west of the site is the Lune Estuary and a multi-use path which runs adjacent to this and the site boundary. The land is relatively level close to the western boundary but then rises up towards the highway to the east. The field boundaries are generally delineated by managed hedges and occasional small clumps of mature trees. The smaller area of land is located on the eastern side of Arna Wood Lane and comprises a narrow field which rises to the east, and part of a larger field beyond this, which slopes downwards to the east. The former is bounded by hedgerows with a gate opening to the highway and the latter is more open.

1.2 The nearest residential properties are located at Arna Wood Farm and Low Wood, approximately 90m east and 35m south west, respectively, of the larger part of the site. There is also a small hamlet, Stodday, located approximately 360m to the south of the smaller part of the site and a Grade II Listed Building, Lunecliffe Hall, approximately 320m to the east. The WWTW are located approximately 10m to south of the site, at its closest, and there is a line of electricity pylons just beyond the Works which cross the Estuary in a northwest direction. In addition to the Lune Estuary Footpath to the west of the site, there is a public right of way crossing a field, from this path,

approximately 120m to the north of the site.

- 1.3 The Lune Estuary is designated as a Site of Special Scientific Interest (SSSI) and is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. A small part of the site is located within Flood Zones 2 and 3 and a Mineral Safeguarding Area. The site is also within the Countryside Area, as identified on the Local Plan Proposal Map.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the installation of solar photovoltaic panels and associated infrastructure. It was originally proposed that they would be sited on both pieces of land identified. However, following concerns regarding visual impact, they have been removed from the smaller area of land located on the eastern side of Arna Wood Lane. The only development on this part of the site is proposed to be a substation located close to the highway. The solar panels will be south-facing and tilted at no more than a 20-25° angle (the optimum angle to maximise the generation of energy). They will be arranged into rows separated by approximately 4m to allow access for maintenance vehicles. Each solar module is made up of 72, 156 x 156mm polycrystalline silicon cells. The glass consists of high transmission, low-iron and tempered 3.2mm glass and the frame is anodized aluminium. The panels will be dark grey/blue in colour and have anti-reflective coating to minimise glare. The frame structures consist of steel uprights and aluminium cross bars. The uprights are not normally driven into the ground, instead they are 'augured' or 'pushed' into the ground to a depth of approximately 1.5m, dependent upon ground conditions. Once constructed, the panels will have a height of 0.6m at the front and a maximum of 2m at the back. The panels will be fixed and will not track the path of the sun. The substation will be approximately 5.2m by 8.3m with a height of 3.9m. It will also have a small attached store. Materials would be agreed with the Local Authority.
- 2.2 An access track is proposed from Arna Wood Lane which will include a bay to allow construction traffic to temporarily park. A track is proposed around the perimeter of the site and will be enclosed by a 1.8m-high wooden post, stock proof fence. The solar farm will be an unmanned facility and will not require floodlighting at night. As a result, there will be no general lighting for normal operating conditions and low-level lighting will be installed on site when access for maintenance is required. Low voltage cables will be fed along the mounting framework, within and clipped to, dedicated cable trunking, and via combiner boxes connected to the inverter station. The inverters will typically be housed in a weather proof fibre glass proprietary enclosure and will be attached to the frame of the solar panels. The submission states that the dimensions will be approximately 641mm x 429mm x 220mm, and they will generate no noise. The electricity produced by the site will be exported via underground cables. No additional overhead line infrastructure is proposed. Two types of CCTV security are proposed, consisting of two pole mounted pan tilt zoom (PTZ) cameras on 3 metre high poles to the north and west of the site, and a number plate recognition camera at the access. Additional planting is also proposed.

## **3.0 Site History**

- 3.1 There is no relevant planning history on the site.

## **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory and non-statutory consultees:

<b>Consultee</b>	<b>Response</b>
<b>Thurnham Parish Council</b>	No objections
<b>Overton Parish Council</b>	No comments received
<b>Heaton with Oxcliffe Parish Council</b>	No comments received
<b>Environmental Health</b>	No objections
<b>Tree Protection</b>	No objection subject to conditions requiring implementation of submitted Arboricultural

<b>Officer</b>	Implications Assessment and planting proposes and details of maintenance regime.
<b>County Highways</b>	No objection subject to conditions requiring submission of a construction method statement and a scheme for construction of site's point of access.
<b>Natural England</b>	No objection in relation to designated sites. Sufficient bird survey information has been submitted demonstrating that the site is used by low numbers of overwintering waders. Broadly satisfied with the mitigation outlined in chapter 5 of the submitted Further Ecological Information 7th May 2015. This should be developed into a detailed and robust mitigation strategy including monitoring and can be controlled by condition.
<b>County Ecology</b>	From the information submitted, the Council cannot conclude no likely significant effect and will not be able to determine this application until an Appropriate Assessment has been carried out. ( <i>Note: They have not been consulted on most recent information. Natural England has a duty to provide advice on designated sites</i> ). In relation to great crested newts, confirmed that any impacts could be adequately mitigated by way of an ecological construction method statement submitted prior to commencement of works.
<b>RSPB</b>	No comments received.
<b>County Strategic Planning and Transport</b>	No comments received.
<b>County Minerals Planning</b>	No comments received.
<b>Environment Agency</b>	No objection subject to a condition requiring access and maintenance roads to be constructed using permeable materials.
<b>County Archaeologist</b>	No objection. The use of augured foundations and the location of the access road around the edge of the site will mean that the development will cause minimal damage to the earthworks on the site.
<b>Campaign to Protect Rural England</b>	No comments received.
<b>Public Rights of Way Officer</b>	The multi-use path which runs along the west side of this development is likely to be the line of the English Coastal Trail (ECT) within a few years and the Trail is also likely to run down the bank of the River Lune on its other side to the west. Therefore expect the highest standards of screening for the near view and the distant view from the west. Have concerns about the reflection of light and consequent glinting from the panels.
<b>Ramblers Association</b>	No comments received.
<b>United Utilities</b>	No objection subject to a condition that no structure should be erected within 6.5 metres of a public sewer.
<b>Lancashire Constabulary</b>	No observations to make.
<b>Ministry of Defence</b>	No objections
<b>Civil Aviation Authority</b>	No comments received.
<b>BAE Systems</b>	No objections
<b>Blackpool Airport</b>	No comments received.
<b>NATS</b>	No objections

## **5.0 Neighbour Representations**

5.1 56 pieces of correspondence have been received which raise an objection to the scheme, containing the following concerns:

- Highway safety and traffic concerns, including traffic increases; poor access on single track roads; glare distraction to road users; and access for fire services.
- Residential amenity concerns, including glare; view including visual impact of CCTV, fencing and substation; and noise from electrical equipment (and traffic).
- Landscape impacts, including visual intrusion given undulating land; impact on character of area; insufficient screening; will appear as brownfield land leading to development pressures later; impact upon Lancashire Coastal Path; cumulative industrial impacts when taken with WWTW and pylons; and impact on old Roman Road.
- Environmental impacts including displacement of wildlife; impacts upon trees and hedgerows;

impacts upon the County and European designated sites; inadequacy of great crested newts and bats studies; and lack of detailed assessment of birds;

- Insufficient consideration of alternative sites
- Unviable source of renewable energy;
- Inappropriate viewpoints have been used to assess the visual impact
- Insufficient information regarding land remediation after 25 year operating period
- Errors in the submission
- Matters of principle; including Government Guidance advises the use of brownfield land; inappropriate use of land; precedence for use of farmland; loss of farmland for grazing/crop production;
- Solar panels are hazardous to health if smashed
- Negative impact on tourism
- No community benefits

5.2 7 pieces of correspondence have been received in support of the application, including the following comments:

- Energy matters, including the provision of renewable energy, providing equivalent electricity to meet needs of over 110 homes every year; will save an estimated 3210 tonnes of carbon emissions each year; energy security and reduction of pollution;
- Community matters, including support for the local community through the Community Benefit Fund; support for diversification of a local farming business; and an opportunity for shared community ownership;
- Amenity matters - there are already large pylons in the vicinity of the site; and the site is well screened from roads, paths or houses; and no heritage assets affected;
- Environmental matters, including encouragement of new and diverse wildlife; retention of land for agriculture; avoids any environmental protections or higher grade agricultural land;
- The NPPF urges Local Authorities to support renewable energy;
- Will provide employment opportunities.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraphs 93, 97 and 98 – Delivering Renewable and Low Carbon Energy  
Paragraphs 118 and 119 – Conserving and Enhancing Biodiversity  
Paragraphs 131 and 132 – Heritage Assets

### **6.2 Lancaster District Core Strategy (adopted July 2008)**

SC5 – Achieving Quality in Design  
SC8 – Recreation and Open Space  
ER7 – Renewable Energy

### **6.3 Lancaster District Local Plan - saved policies (adopted 2004)**

E4 – Countryside Area  
E5 – The Open Coastline

### **6.4 Development Management DPD**

DM7 – Economic Development in Rural Areas  
DM17 – Renewable Energy Generation  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM25 – Green Infrastructure  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland

DM30 – Development Affecting Listed Buildings  
DM32 – The Setting of Designated Heritage Assets  
DM35 – Key Design Principles

## 6.5 Other Material Considerations

A Landscape Strategy for Lancashire – December 2000.

## 7.0 Comment and Analysis

7.1 The main issues raised by this proposal relate to:

- Landscape and visual impact
- Highway impacts
- Ecological impacts
- Impact on residential amenity
- Impact on the historic environment
- Loss of agricultural land/consideration of sites
- Impacts on trees and hedgerows
- Flooding and drainage
- Aviation
- Impact on sewage infrastructure
- The contribution to renewable energy generation

## 7.2 Landscape and Visual Impact

7.2.1 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which included photomontages from four viewpoints. The landscape, within which the site is located, is characterised as Low Coastal Drumlins, sub type 12a Carnforth-Galgate-Cockerham. This landscape type is characterised by areas of low, whaleback hills around 40m high, with broad rounded tops towards the north-west coast of the study area. The landscape is characteristically gentler and of lower altitude than that of the Drumlin Field and individual drumlins are more isolated and there are often areas of poorly drained pasture, standing water and occasionally mosses, fens and fen meadows between the drumlins. The alignment of drumlins gives the landform a distinctive grain. The strong pattern of pastures emphasises the undulating topography, with neat, low cut thorn hedges traversing the drumlins. Trees and shrubs are limited in this agricultural landscape, although small copses occur on the tops and sides of the drumlins. Scattered large farmsteads are reached by a network of winding hedged lanes and tracks. Immediately to the west of the site, covering the River Lune, the landscape character is Open Coastal Marsh.

7.2.1 The lower part of the site closest to the Lune Estuary, where the panels are proposed to be sited, is at an elevation of approximately 5 Above Ordnance Datum (AOD) rising to approximately 20 AOD. The land rises further to the east up to the road and buildings at Arna Wood Farm. It comprises three fields which are separated by hedgerows. There is also a hedgerow and some trees along the boundary between the Lune Estuary Path and the site. There is also banking between the path and fields to the east, just to the south of the point where the panels are closest to the path. The other part of the site is located on the eastern side of Arna Wood Lane. It comprises a relatively narrow enclosed field, which rises up from the road, and a greater area of land which is part of a larger field. Where the two fields join is towards the top of a rise and the land then slopes downwards towards the east from an elevation of approximately 27 AOD to approximately 15 AOD.

7.2.2 There were concerns raised regarding the landscape and visual impact of the panels located on the smaller area of land to the east as these would be particularly visible from the local highway network and would be difficult to fully screen given the sloping nature of the land which leaves the site open to views, particularly from the east. The development would completely alter the character and appearance of the land, and given its prominence this was not considered to be acceptable. As such, this part of the development has been removed from the scheme.

7.2.3 The larger site is set down from the adjacent highway, Arna Wood Lane, which only serves a small number of properties and is not a through road. It is considered to be relatively well screened from views to the east given intervening land form and the location of the main road network. There are

views afforded by the nearest residential properties and the assessment of impacts on residential amenity is contained within a separate section below. The main concern in terms of landscape and visual impact, regarding this part of the site, relates to views from the adjacent path along the River Lune which is used by pedestrians, cyclists and horses. There are elements of screening along this route, but this is not continuous and many views can be gained of the higher land to the west. Given the sloping nature of the land, concerns were raised with the agent that it would be difficult to adequately screen this part of the site. However, the lower, flatter area closer to the path would more easily be screened, and the long field to the south would be unlikely to have a significant visual impact given the banking adjacent to part of the path. It was advised that the panels were removed from the more prominent areas of this land in order to reduce the visual impact. It was also suggested that a photomontage be submitted from adjacent to the site on the path in order to fully demonstrate the visual impacts. However, this has not been provided.

7.2.4 The panels are proposed to face south and as such the views would predominately be of the rear and sides of the structures. It is considered that the solar panels will change the character of the landscape and the land is likely to appear more industrialised, although the structures are relatively low having a maximum height of approximately 2m. The agent suggested works to the hedgerow next to the path to help screen the panels. However, this hedgerow is not on land controlled by the applicant and as such they have no control or rights over this and as such the Council would not be able to condition that these works took place and were maintained. A further landscaping plan was submitted in order to try to overcome the issues regarding the visual impact. Hedges are proposed around the perimeter of the site and will be retained along existing boundaries. No additional planting is proposed along the boundary with the Lune Estuary path. However the amended scheme includes a 5m-buffer along part of the northern boundary of the site in order to reinforce existing planting on the boundary consisting of 15 field maple and 10 oak between 2-2.5m planted at 2m centres. A further 5 oak and 5 field maple are proposed along part of the western boundary which is set back from the path.

7.2.5 The screening will help to break up views when approaching the site from the north along the adjacent path. Although it is considered that the development will significantly change the appearance of the site, which is currently a grazed agricultural field, views will be intermittent given the existing boundary along the cycle path and the proposed planting. There are also open views of across the Lune Estuary and as such the site will not be the sole viewpoint for people using this recreation route. In addition, when travelling from the south, the panels will not be visible until adjacent to the part of the site closest to the path given the presence of the banking and trees. The panels will also be visible in the context of the two lines of electricity pylons located to the south. The landscape is also not wholly undeveloped given the location of the WWTW just to the south of the site, although, particularly given its size, this is afforded a reasonable amount of screening. Given the above, on balance, it is not considered that the proposed solar panels will have a significant adverse landscape or visual impact.

7.2.6 There will be further views to consider from the west on the other side of the Lune Estuary. The closest receptors comprise some dispersed farms, located approximately 1.5km from the site. The nearest public highway is a further 550m and the nearest public rights of way is approximately 1.7km from the site. The land in this area is low lying and consists of marsh adjacent to the River. The views of the rising land where the panels are to be sited will be more distant and intermittent. It will also be seen in the context of other nearby development. As such, it is not considered that the development will have a significant visual impact from these views.

7.2.7 There is also some associated infrastructure to consider. A new access road is proposed in addition to a track around the perimeter of the site. Given the presence of existing hedgerows and the proposed planting, it is not considered that these will be detrimental to the character and appearance of the area. Two poles are proposed to be erected, with a maximum height of 3m, which will have CCTV cameras. These have been sited to minimise their visual impact and the colour and finish can be controlled by condition. The substation is proposed to be sited on a separate piece of land to the solar panels. This is well screened by existing hedgerows and will be at a similar level to the adjacent highway. The precise details of the materials can be controlled by condition. As such it is not considered that the ancillary infrastructure will have a significant adverse visual impact.

### 7.3 Highway Impacts

7.3.1 Many concerns have been raised by local residents with regards to the potential highway impacts as

a result of the development particularly given the narrow roads in the vicinity of the site which have a lack of footways. As a result of the narrow lanes, the nearby WWTW have implemented a one way system, accessing the works along Snuff Mill Lane entering the works at its southern end and exiting the works at the northern end along Arna Wood Lane. This means that vehicles exiting the WWTW will use the same road as the access to the application site.

7.3.2 The submission sets out that the construction period is anticipated to last approximately 4 months and would involve HGVs delivering the equipment and materials used for the project. There would also be a series of light vehicles which would be used to transport staff to site. The response from County Highways sets out that aside from the construction phase the site will not generate a significant amount of traffic with post construction visits dealing with maintenance and repair issues. The main concentration of vehicle movements, during construction, will be in the first 5 weeks, with peak flows in weeks 3 and 4 equating to 6 movements per day each way, excluding trips by construction workers. At this point in time the number of workers attending the site is not given but consideration will need to be to the operation of a "park and ride" facility for these people to reduce the impact on the local road network. On the basis of the location of the site and the low impact it will have on traffic movements in the area, the Highway Authority has raised no objection to the proposal on highway grounds has requested conditions to reduce the impact of the construction phase on the local highway network. A construction method statement has been requested to include: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dirt and dust during construction; details of working hours; contact details of the site manager; temporary highway signage and warning signs at the 2 access points and along Arna Wood Lane and Stodday Lane; details of the HGV routeing to/from the site; and the location and operation of a park and ride system for site staff during the construction phase.

7.3.3 In addition to the above, the agent has confirmed that with the reduction in the number of panels proposed, this has also led to a reduction in HGVs required. They should be able to achieve just over a 10% saving in vehicle movements with 90 vehicles now required averaging 0.8 a day (based on a 5 day delivery week). Given the above, it is not considered that the development will have a significant adverse impact on highway safety.

#### 7.4 Ecological Impacts

7.4.1 The Lune Estuary Site of Special Scientific Interest (SSSI) is located approximately 10 metres to the west of the site. This is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The SAC and SPA are European protected sites (also commonly referred to as Natura 2000 sites) and are afforded protection under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations). Given the close proximity, the proposal has the potential to affect the interest features of these designated areas. Natural England has advised that, as the competent authority under the provisions of the Habitats Regulations, the Local Authority should have regard for any potential impacts that a proposal has on the protected areas. In relation to the requirements relating to Habitats Regulations Assessment, they have advised that the proposal is not necessary for the management of the European site and the local authority should therefore determine whether the proposal is likely to have a significant effect, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

7.4.2 SPAs are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by populations or some individuals of the population for some or all of the time and can play an essential role in maintaining SPA bird populations. Natural England advised that the original assessment did not provide enough information to determine whether the likelihood of significant effects can be ruled out and that further information should be sought. This included survey information for the site and adjacent fields to determine suitability for, and level of use by SPA birds. The results of a desk-based study would determine whether further survey work would be necessary. There is the potential for disturbance during the construction and decommissioning phases to effect birds within the designated sites. Consideration of effects on SPA/Ramsar birds within the designated sites during the operational phase would also need to be considered. There is potential for birds to be displaced as a result of the proposal. Concerns regarding the potential impacts upon the Lune Estuary SSSI coincide with those regarding the

potential impacts upon Morecambe Bay SPA and Ramsar site.

- 7.4.3 Following the initial concerns, a desk based assessment was carried out and submitted. Natural England set out that this confirms that the proposals would result in the loss of habitat with the potential to support roosting and foraging SPA bird species, although surveys had not been carried out to establish species or numbers potentially affected. The assessment also concludes that the proposals have the potential to disturb roosting and foraging SPA birds, both using the site itself, and also within the immediately adjacent designated site, due to noise and visual disturbance during construction. It recommends that construction and decommissioning should be monitored to ensure that elements that may give rise to disturbance are not undertaken during spring high tide periods, and that this will need to be informed by a period of pre-construction monitoring to confirm usage of the site and surrounding area by qualifying bird species and that an Ornithological Management Plan (OMP) would be submitted prior to the commencement of monitoring. However, it was the opinion of Natural England that this is not acceptable for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) and does not allow the Local Authority to conclude that there would be no likely significant effect on the designated sites. Mitigation measures can be taken into account when screening the proposal under the Habitats Regulations, however, monitoring disturbance and displacement of SPA species during construction does not mitigate impacts. The very fact that the consultant recommends further monitoring suggests that there will in fact be adverse effects. In engaging with the Regulations, the precautionary principle applies, (i.e. if it cannot be ascertained beyond reasonable doubt that effects are unlikely, or if there is uncertainty as to effects, then likely significant effects must be assumed).
- 7.4.4 Further survey work has now been undertaken over the winter period and an additional assessment has been submitted following some further concerns. Natural England has advised that they have no objection to the proposal and think it is unlikely that it will have significant effects on the adjacent European and Nationally designated sites. They have advised that sufficient bird survey information has been submitted demonstrating that the development site is used by low numbers of overwintering waders and they broadly satisfied with the mitigation outlined in chapter 5 of the submitted Further Ecological Information 7 May 2015. This mitigation should be developed into a detailed and robust mitigation strategy. It includes: works being carried out outside the bird wintering season; post-construction monitoring; the field on the east side of the site managed to create foraging habitat for waders and wildfowl and breeding habitat for Lapwing.
- 7.4.5 There are several ponds, and other water bodies, within 500m of the application area which may or may not support breeding great crested newts. According to the original ecological assessment, surveys for this species are not required because the proposed development site provides sub-optimal terrestrial habitat for great crested newts and there is a low risk to this species as a result of the proposed development. The County Ecologist recommended that further information should be submitted to demonstrate that breaches of legislation would be avoided or that proposals would be licensable. The updated ecological assessment stated that there is negligible/ low risk of impacts on great crested newts or their habitat and no mitigation is required. As evidence for this conclusion, the report refers to previous surveys of three of the four ponds within 250m. However, no further details of these were provided and as such the likely presence or absence of great crested newts was not certain. The further information has now been submitted and further comments were provided by County Ecology. The Updated Ecological Assessment report (March 2015) suggests that construction poses a negligible risk to wildlife, but suggests that works could be managed under an ecological method statement to minimise potential impacts on protected and section 41 NERC Act 2006 priority species. County Ecology has confirmed that this matter could be dealt with by planning condition, to the effect that prior to any site clearance, preparation or construction activity, an ecological construction method statement shall be submitted to the Local Planning Authority for approval in writing and subsequent implementation in full. The method statement should provide details of measures and working practices that will be employed during construction for the avoidance of impacts on protected and priority species and habitats.
- 7.4.6 In the response from County Ecology, no concerns have been raised with regards to bats. The scheme retains hedgerows and only involves the removal of small sections. Additional hedgerows are also proposed and as such it is not considered that the proposal will adversely impact on commuting routes and may increase habitat for these species. Habitats on the site have the potential to support nesting birds. It needs to be ensured that detrimental impacts on breeding birds are avoided with work, that may affect them, taking place outside the period between March and August. No permanent lighting is proposed as part of the scheme except for low-level lighting when access



for maintenance is required. County Ecology has advised that given the sensitive location it will be important to ensure that there is no additional external lighting proposed during construction or operational phases. As such, further clarification has been sought regarding the temporary lighting proposed.

7.4.7 In relation to additional planting, County Ecology has set out that ideally field maple should not be planted as part of new native hedgerows, or indeed as a hedgerow tree. Although native to the UK, and widely planted, this species would not naturally occur in this area. Given this, it will be investigated whether there is an alternative species that would be more appropriate in this area.

## 7.5 Impact on residential amenity

7.5.1 The nearest residential properties are at Arna Wood Farm and Low Wood (see paragraph 1.2 for details). The former is at a higher level than the site and would have views across the site towards the estuary. The dwellings at Low Wood are to the south of the site. Both are afforded some separation from the solar panels. Given the relatively low height of the solar panels, the separation distance and the site levels, it is not considered that the proposal will adversely impact on daylight or be overbearing to the occupiers of the properties. They will have some views of the solar panels, however the main outlook of the dwellings tends not to be directly towards the site, and in the case of Low Wood there is screening provided by hedgerows. The submission sets out that solar modules are designed as light converters to absorb as much light as possible, rather than reflecting sunlight from the panel's surface. As a result, the extent of glare from the solar farm is anticipated to be minimal. Any light reflection caused by the panels will be limited in both length of time and its position, due to the sun's movement in the sky. As such, it is not considered that the development will have a significant adverse impact on residential amenity. In addition, Environmental Health has raised no concerns. There will be some disturbance during construction, however this will be for a limited period and the hours of construction can be controlled.

## 7.6 Impact on Heritage Assets

7.6.1 The nearest Listed Building to the site is Lunecliffe Hall. However, as the land to the east is no longer proposed to be used for the siting of solar panels, this will be approximately 630m from the nearest panels. Given the distance, the intervening topography and the height of the panels it is not considered that there will be an adverse impact on the setting of the Listed Building. Any other Listed Buildings are located much further from the site and, for similar reasons, it is not considered that the proposal will be detrimental to the setting of these.

7.6.2 The County Archaeology Service has raised a concern regarding the statement in the submission that sets out that features related to former agricultural land-use consisting of a post-medieval ridge and furrow are not considered to be non-designated heritage assets as the earthworks are probably late in date and therefore have a low level of significance. However, the use of augured foundations and the location of the access road around the edge of the site will mean that the development will cause minimal damage to the earthworks and as such they have raised no objections or require any related conditions to be attached.

## 7.7 Loss of agricultural land/consideration of sites

7.7.1 The National Planning Practice Guidance (NPPG) sets out that local authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, it should be considered whether:

- The proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- The proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

7.7.2 The submission sets out that there are no sites within the non-Countryside/Green Belt area that are specifically identified for renewable energy development and there is a lack of alternative sites of sufficient size, and in single ownership, within the District. The assessment of alternative sites is limited. However, the type of agricultural land has been considered. This is classified as Grade 3

which is Good to Moderate, and there are two classifications above and below this. The land is predominantly used for grazing at present. The submission sets out that the land will be continued to be grazed by sheep and only approximately 30% of each acre will be covered by solar panels. Given that the site does not consist of high-grade agricultural land, and that it will be continued to be used for agricultural purposes, it is considered that the loss of the agricultural land would not be a sufficient reason to resist the proposal.

7.7.3 Concerns have also been raised that the development would result in the land being considered as previously developed (brownfield), and as such could lead to further development in the future. The NPPG states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. The submission sets out that this is the intention and as such can be conditioned that the land will be restored, in accordance with a scheme, after a period of 25 years. A condition can also be added, similar to a wind farm consent, to ensure that if the solar panels are not producing energy for a period of 12 months, they should be removed. The justification of this is that any harm is balanced against the benefits and if there are no benefits, if they stop producing energy for whatever reason, there is no justification for the structures.

## 7.8 Impact on trees and hedgerows

7.8.1 There are no Conservation Area constraints or Tree Preservation Orders affecting trees within the site proposed for development. There are, however, trees established immediately to the west of the smaller site which are subject to Tree Preservation Order which within the curtilage of the WWTW. There are mature hedgerows and standard trees confined to the boundaries of the land proposed for development, many of which are visible from the public domain. They are also an important resource for wildlife, including the potential to provide habitat and foraging opportunities for protected species including bats and nesting birds.

7.8.2 The construction phase of the development has significant potential to adversely impact the on and off site trees and hedgerows. A total of 12 individual trees and 4 groups of hedgerow trees have been identified in relation to the development. A total of three 8 metre sections of hedgerows are proposed for removal in order to accommodate the development proposals. All other trees and hedgerows are to be retained and protected which is considered to be acceptable. A landscaping plan has been submitted which includes works to bolster existing hedges, and incorporate new feathered trees and new native hedgerows. The species selected, size at planting and quantity/planting densities are all acceptable. However, a 10 year maintenance regime needs to be identified and include a clear commitment to replace any hedge plants or trees that fail to establish during the initial 10 year period post planting. Replacements must be made on a "like for like" basis unless otherwise agreed in writing. This can be adequately controlled by condition. As such, it is not considered that the development will have a significant impact on existing trees or hedgerows and does include proposals for additional planting which should increase the screening of the site.

## 7.9 Flooding and Drainage

7.9.1 In relation to drainage, the submission sets out that rainwater falling on the existing site currently falls onto a grassed or arable crop surface and infiltrates naturally into the soil. The solar panels will intercept rainwater and shed it onto the ground on the lower edge of each panel, also known as the drip-line. Whilst the panels would result in a concentration of rainwater along the drip-line of each row, water would be intercepted by the grass growing between and underneath the panels and be allowed to infiltrate into the underlying soils in much the same way as the existing site conditions. Between each set of panels there is a proposed 'rain gap' and rain will therefore not all be collected on the bottom edge of the array. A small part of the site is within flood Zones 2 and 3. The Environment Agency have been consulted and have raised no objections subject to the new access tracks being surfaced in a permeable material.

## 7.10 Aviation

7.10.1 The NPPG advises that the impact on aircraft safety should be taken into consideration. As such the relevant aviation bodies have been consulted. However, none have raised any objections.

## 7.11 Impact on sewerage infrastructure

7.11.1 United Utilities has 3 large diameter critical public sewers that cross the middle of the site that run into the Lancaster WWTW. The middle one has a formal easement of 20 feet (6.09m approximately) and the outer ones require access strips of 13m, 6.5m either side of the centre line of the sewers as specified in the current issue of "Sewers for Adoption", for maintenance or replacement. United Utilities require 24-hour unrestricted access to these sewers and unrestricted access to Lancaster WWTW. The agent has confirmed that they have had discussions with United Utilities regarding this matter and the layout of the panels has been amended to address this. They have also discussed the issue of cables crossing the sewers, and given the 6.5m depth to the crown of the sewer and their proposal to cross the sewers at ninety degrees and at less than 1m below ground level, this is not of concern.

## 7.12 Contribution towards renewable energy

7.12.1 It is estimated that the site will now produce 4,570MWh of renewable electricity per annum, given the changes that have been made to the scheme to reduce the number of panels. The agent has set out that this equates to a saving of 2,696 tonnes of CO<sub>2</sub> per year, and enough power to supply approximately 1,385 homes. In relation to renewable energy, paragraph 98 of the NPPF sets out that local authorities should not require applicant to demonstrate the overall need for renewable energy and applications should be approved if the impacts are or can be made acceptable.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application

## **9.0 Conclusions**

9.1 The application will provide an important contribution towards renewable energy. As set out above, it is considered that there will be some impacts on views from the adjacent path along the Lune Estuary, although these will be mitigated to some extent by existing hedgerows and proposed planting. The more visually intrusive part of the site has been removed from the scheme. It is also now considered that the proposal complies with the Habitats Regulations, subject to an appropriate mitigation strategy which can be controlled by condition. It is considered that the benefits of the proposal outweigh the potential landscape and visual impacts and the proposal is therefore considered to comply with both Local and National Policy.

## **Recommendation**

Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year time condition
2. Amended plans
3. Construction method statement including:
  - a) The parking of vehicles of site operatives and visitors
  - b) The loading and unloading of plant and materials
  - c) The storage of plant and materials used in constructing the development
  - d) The erection and maintenance of security hoarding
  - e) Wheel washing facilities
  - f) Measures to control the emission of dirt and dust during construction
  - g) Details of working hours
  - h) Contact details of the site manager.
  - i) Temporary highway signage and warning signs at the 2 access points and along Arna Wood Lane and Stodday Lane
  - j) Details of the HGV routeing to/from the site
  - k) The location and operation of a park and ride system for site staff during the construction phase
4. Scheme for the construction of the access points.
5. Implementation of the Arboricultural Implications Assessment detailed within the Arboriculture Appraisal dated, 24.10.14
6. Implementation of planting proposals and submission of maintenance regime and a commitment to replace any trees/plants that fail to establish during this 10 year period post planting.
7. Ecological mitigation to include:
  - Ecological construction method statement

- Bird mitigation strategy including monitoring
  - Habitat management plan
8. Access and maintenance roads to be constructed using permeable materials, precise details to be provided.
  9. Details of materials for substation
  10. Colour and finish of pole for CCTV
  11. Details of boundary treatments
  12. All cabling underground
  13. Reinstatement of land after 25 years in accordance with scheme to be submitted
  14. If the solar panels fail to produce electricity for a continuous period of 12 months the panels and associated equipment shall be removed from the site and the land shall be reinstated within a period of 3 months from the end of that 12 months in accordance with a reinstatement scheme.
  15. No structure should be erected within 6.5 metres of a public sewer

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None