

<b>Agenda Item</b> A6	<b>Committee Date</b> 19 October 2015	<b>Application Number</b> 15/00876/FUL
<b>Application Site</b> Land North Of Saddler Nook Lane Whittington Lancashire	<b>Proposal</b> Installation of arrays of 2.7m high PV panels, underground cabling, inverter and transformer cabinets, substation, control room, 2m high deer proof fencing and CCTV mounted on 3.5m high masts, together with construction of internal access roads to form a solar farm	
<b>Name of Applicant</b> Mr Alexander Miejimolle	<b>Name of Agent</b>	
<b>Decision Target Date</b> 9 November 2015	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Philip Megson	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The proposed application site is approximately 10.1 hectares and comprises agricultural land, located north of Saddler Nook Lane, Whittington. The site is 1km north west of Whittington and 2km south west of Kirkby Lonsdale.
- 1.2 The site is split into two separate fields by a dry stone wall. The western site slopes gently downwards towards the east; the northern part of the eastern site slopes gently downwards towards the south; and the southern part slopes gently downwards towards the north. The boundaries of the site comprise dry stone walls, with intermittent mature trees and low hedges. Existing gates permit access to each field.
- 1.3 The site is bounded to the north and west by agricultural fields and to the east by Saddler Nook Lane and to the south by an unnamed road linking Whittington and Burton-in-Kendal.

## **2.0 The Proposal**

- 2.1 The principal elements of the proposed development are as follows:

Solar arrays – Fixed solar PV panels, mounted on metal frames and set into the ground by piling. The panels are non-reflective. They would be arranged in east-west rows and are tilted southwards at approximately 25-30 degrees from the horizontal, with a maximum height above ground of approximately 2.7m to the top of the panel frame on level ground. The lower edge of the array would vary in height above ground, but would be generally between 0.7m and 0.9m above the ground level, which would allow grazing beneath and around them or would promote biodiversity. There would be approximately a 5m gap between the rows of panels.

Inverters and transformers – PV panels generate direct current (DC) electricity, which must be converted to usable alternating current (AC) power for the electricity distribution network. This is done by inverters. Each megawatt (MW) capacity also requires a transformer to increase the AC

current from low voltage to high voltage for efficient transportation around the site and to the point of grid connection. These components are stored in cabinets which are approximately 12.8m length x 2.5m width x 3.1m height.

**Sub-station** – This would consist of two pre-fabricated cabins, located next to each other. One would be for the internal connection of the electrical output from the site, with the other required by the Local Distribution Network Operator (ENW) for connection into the wider electricity network via underground cables (a grid connection agreement with ENW has been secured). The former would be 5.9m long, 2.9m wide and 3.5m high including a 400mm concrete platform whilst the latter would be 5m long, 4.5m wide and up to 4m in height, including a 400mm platform.

**Control Room** – A control room would be situated next to the substation buildings near the northern boundary of the site. The control room would be a single storey building and would measure up to 12.2m length x 4.1m width x 2.9m height.

**Fencing** – A security/deer fence up to 2m high is required around the perimeter of the solar farm. The fence would be welded mesh with steel/wooden posts.

**Lighting** – No permanent lighting is proposed. Manually operated lights may be attached to the substation and transformer and/or inverter cabinets in the event of an emergency maintenance visit being required in the hours of darkness.

**CCTV** – Twenty four infra-red security cameras would be located around both sites, at a height of approximately 3.5m.

- 2.2 Existing vegetation that forms the boundaries to the site would be augmented by additional boundary planting to mitigate the landscape and visual impacts of the proposed development. Particular reinforcement would be made to south and south west facing boundaries to mitigate the visual impacts of the arrays that would be exacerbated by the sloping nature of the site.
- 2.3 The proposed development will generate up to 5 megawatts (MW) of electricity, which is capable of supplying electricity up to 1,375 homes.
- 2.4 The operational life of the solar farm is expected to be 30 years, the anticipated time that the development will be economically viable. When the solar farm ceases operation it would be decommissioned and the site would revert to the agricultural current use.

### **3.0 Site History**

- 3.1 The only relevant site history relates to the current proposal.

Application Number	Proposal	Decision
15/00682/PRETWO	Installation of a solar farm	Pre-application advice

### **4.0 Consultation Responses**

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

Consultee	Response
<b>Environmental Health</b>	No adverse comments, advisory notes or recommendations
<b>Tree Protection Officer</b>	No objection to the proposed development subject to conditions relating to subject to the submission and approval of a Tree Works Schedule and carrying out works in accordance with the submitted Arboriculture Implications Assessment and Arboriculture Method Statement.
<b>South Lakeland DC</b>	No comments received
<b>Burton in Kendal PC</b>	Extremely concerned about the route chosen for the construction traffic. Request the applicant consider alternative routes to the site from M6.
<b>Casterton PC</b>	Strongly objects to the proposed development on grounds of traffic; visual impact and

	substantial harm to the character and appearance of this rural area, and impact on tourism.
<b>Whittington PC</b>	Support renewable energy generation and need to reduce dependency on fossil fuels but object to the proposed development. The proposed development will cause significant harm to the character of the Lune Valley and its environs with attendant loss of visual amenity to its residents and visitors. Construction traffic will impact on highway safety.
<b>Kirkby Lonsdale TC</b>	Observations made relate to the scale of development; semi industrial use; fencing / lighting; no dwellings directly affected by the development; development can be viewed from one small stretch of road; no light pollution; change to rural character; potential cumulative issues; screening is supported; support renewable energy development in principle.
<b>County Highways</b>	No objection subject to conditions to reduce the impact of the construction phase on the local highway network.
<b>Lead Local Flood Authority</b>	No objection subject to conditions relating to development is in accordance with the submitted Flood Risk Assessment; appropriate surface water drainage scheme to be submitted; No Occupation of Development until completion of SuDS in accordance with agreed SuDS Scheme and Management & Maintenance Plan; Surface Water Lifetime Management and Maintenance Plan; and Construction Phase Surface Water Management Plan Approval
<b>GM Ecology Unit</b>	Concerned that there is only a 5m stand off from Pinfold Brook to the solar farm (recommend 8m). The Applicant has accepted the GM Ecology Unit recommendation and submitted an amended plan to give an 8m stand off from the Brook to the solar farm. The enhancement measures are limited. The proposed wildflower grassland is not included in the Landscape Strategy Plan. Details of long term management proposals are required.
<b>CPRE</b>	No comments received
<b>RSPB</b>	No comments received
<b>MOD Safeguarding</b>	No safeguarding objections
<b>NATS</b>	NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal.
<b>Civil Aviation Authority</b>	No comments received
<b>BAE Systems Warton</b>	Supports the response of the MOD
<b>Blackpool Airport</b>	No comments received
<b>Air Ambulance</b>	No comments received
<b>County Archaeology</b>	The proposed development site is c. 100m north of the supposed line of the Over Burrow to Watercrock Roman road line. It is however considered that the impact of the proposals on the overall road route will be negligible. No further archaeological work is recommended.
<b>Historic England</b>	The development has the potential to impact on grade II listed buildings and their settings. No adverse impact on grade II* Sellet Hall.
<b>Natural England</b>	No objection on biodiversity grounds. Consider that the proposed development would not have a significant direct impact upon the Yorkshire Dales National Park and proposed extension, Forest of Bowland AONB and Arnsdale & Silverdale AONB due to distance and the intermediate landscape / features.
<b>Environment Agency</b>	No comments
<b>Friends of Eden, Lakeland &amp; Lunesdale Scenery (FELLS)</b>	FELLS has found the proposal difficult to assess and reach a clear conclusion but confirm that the array would not be seen directly from any dwelling in the area; the array would be hidden (to all intents and purposes) from all local viewpoints and local footpaths; there would be little direct impact on heritage assets or on important wildlife; and apart from the construction period, there should be little disturbance caused by the array. FELLS recognise that the impact will be very high on regular users of the road to and from Burton in Kendal, that the quality of the landscape in and around the application site was acknowledged in the area of search for the YDNP extension as having “High to Very High Sensitivity” and that the whole district is popular for vacations.

## **5.0 Neighbour Representations**

5.1 At the time of writing 3 representations in support and 137 objections have been received from neighbours and others with an interest in the area. The grounds for objection may be summarised as follows:

- Contrary to national and local planning policy
- Adverse impact (and cumulative impacts) on landscape and visual amenity, including views from nearby landscape features and designations
- Inadequate information to assess landscape and visual impacts
- Detrimental impact on biodiversity
- Potential for ground and noise pollution arising from the proposal
- Inappropriate development for a greenfield site – solar panels should only be located on brownfield sites or roofs
- Loss of high grade agricultural land quality for an upland area (grade 3);
- Adverse traffic impacts / rural roads unable to support traffic movements
- Adverse impact on tourism and the wider economy;
- Proposal is a response to current subsidies from Central Government;
- Community benefits are being offered to Parish Councils to secure acceptance of the proposal

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

### 6.1 National Planning Policy Framework (NPPF)

14 – Presumption in Favour of Sustainable Development

17 – Core Planning Principles

Section 10 Meeting the Challenge of Climate Change (particularly paragraphs 93 and 97)

### 6.2 Lancaster District Core Strategy Policies

SC1 – Sustainable Development

SC5 – Achieving Design in Quality

ER7 – Renewable Energy

E1 – Environmental Capital

### 6.3 Development Management DPD Policies:

DM7- Economic Development in Rural Areas

DM17 – Renewable Energy Generation

DM20 – Enhancing Accessibility and Transport Linkages

DM25 – Green Spaces and Green Corridors

DM27 – Protection & Enhancement of Biodiversity

DM28 – Development & Landscape Impact

DM29 – Protection of Trees Hedgerows & Woodland

DM30 – Development Affecting Listed Buildings

DM31 – Development affecting Conservation Areas

DM32 – The Setting of Heritage Assets

DM35 – Key Design Principles

### 6.4 Other Material Considerations

Lancashire Landscape Character Assessment

National Planning Practice Guidance (NPPG) 013 - The particular planning considerations that relate to large scale ground-mounted solar voltaic farms.

Two extensions to the Yorkshire Dales National Park (YDNP) are proposed by means of Variation Orders: Yorkshire Dales North and Yorkshire Dales West. The latter would include Leck Fell and the Upper Lune Valley to the north of Kirkby Lonsdale. The Inquiry into the proposal was held in June 2013 but a decision has yet to be issued. The Orders will not take effect unless they are confirmed (with or without modifications) by the Secretary of State.

The applicant is offering community benefits (£5,000 per annum for 20 years) to the most affected Parish and Town Councils (Whittington, Hutton Roof and Kirkby Lonsdale).

## **7.0 Comment and Analysis**

7.1 The main material considerations arising from the development are:

- the principle of the proposal, including versatility of the agricultural land;
- landscape and visual impact;
- impact on ecological assets;
- impact on heritage assets;
- traffic and highways considerations; and
- impact on residential amenity.

### **7.2 The principle of the proposal**

7.2.1 In assessing proposals for any energy development, including solar farms, it should be recognised that access to an economically viable and technically feasible grid connection is a key driver to site selection process. The applicant has secured a grid connection agreement with ENW to connect to the existing 11/33kV electricity network. The search area for a site to accommodate the proposed development was restricted to 1km either side of the electricity line and, in line with policy requirements, avoided land that is subject to ecology, heritage and landscape designations. Whilst policy gives preference to previously developed sites, the applicant identified no suitable non-agricultural or previously developed sites within the search area. The applicant has undertaken a detailed analysis of all available agricultural land within the search area. Seven sites were identified by the applicant. Taking into account all technical, environmental and planning considerations, and the willingness of land owners to host a solar farm, the application site emerged as the applicant's preferred site for the proposed development. The area of the application site is 10.1 hectares.

7.2.2 Both the NPPF (paragraphs 97 and 98), Policy ER7 of the adopted Core Strategy and Policy DM17 of the adopted Development Management DPD are supportive of renewable energy developments provided that the direct and indirect impacts arising are (or can be made) acceptable.

7.2.3 National Planning Practice Guidance (paragraph 013) advises that, although the use of previously developed land is preferable, local authorities, when considering applications for solar farms on greenfield land, should consider whether

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

7.2.4 The quality of the land at the application site is classed as grade 3b. In a national context, the best and most versatile agricultural land is classed as grades 1, 2 and 3a. Grade 3b represents higher quality agricultural land in the local context. The solar farm would be a temporary structure. Planning conditions will secure the removal of the installations when no longer in use and restoration of land to its previous use should planning permission be granted for the proposal.

7.2.5 Paragraph 5.2 of the submitted Design and Access Statement states that the site could be used for grazing (e.g. sheep) between and around the arrays, subject to agreement with the landowner, and the planting of species rich grasses and wildflowers, which would represent a biodiversity improvement.

7.2.6 It is considered that the proposed development is acceptable in principle.

### **7.3 Landscape and Visual Impact**

7.3.1 The site and its immediate adjoining landscape is not covered by any landscape designations. In the wider context the Arnside & Silverdale AONB lies over 8km to the west, the Forest of Bowland AONB lies over 7km to the south of the site and the Yorkshire Dale National Park (YDNP) lies over 6km to the east and north.

- 7.3.2 Within the localised context of the site vegetation cover forms a key component with a number of small hills and drumlins accentuating the undulating landscape. Established, managed hedgerows are interspersed with established hedgerow trees. Low drystone walls define the boundaries of the field network. Extensive mature wooded areas and woodland belts also exist within the localised context. A small established copse is situated to the north eastern corner of the site and a number of scattered mature trees are located just beyond the western site boundary and throughout the localised landscape.
- 7.3.3 The proposals will maintain the existing field boundaries and include further reinforcement to existing hedgerows where gaps exist to ensure that a robust and a consistent landscape buffer is achieved between the proposed development and the wider setting. A woodland belt and new hedgerow is included along the southern edge. Further woodland copses are proposed on the south western edges and hedgerows are included adjacent to Saddler Nook Lane and Pinfold Beck watercourse. Internally the existing field network will be retained with the internal stone walling separating the two fields being retained. The proposals have also been set a suitable distance from Pinfold Beck, which is to be retained in full and will include enhancements in the form of appropriate wetland wildflower species to promote biodiversity.
- 7.3.4 Guidance recommends that the cumulative effects of proposals should be considered against similar schemes which are in operation, under construction, consented or in planning awaiting a decision. There are currently no operational or proposed solar farms (or wind farms) located on sites that are inter-visible with the application site that would give rise to issues of cumulative impact.
- 7.3.5 It is considered that the development can therefore be integrated within this landscape without significant adverse cumulative effects upon the either the landscape character or visual setting.
- 7.4 Visual Impact
- 7.4.1 The applicant's landscape consultants have prepared a Zone of Theoretical Visibility (ZTV) model to illustrate the inter-visibility of the proposed development and the wider area. The ZTV shows that the site is visually contained. Within a 1km radius of the site views of the proposed development are limited to approximately 50% of the area, with views predominantly restricted to within much of the first 0.5km of the localised area and a number of small areas of localised high points.
- 7.4.2 The site could be viewed from Saddler Nook Lane for a length of approximately 735m. Parts of the site would also be viewed from the unnamed road running between Whittington and Burton in Kendal for a length of approximately 750m. Existing trees and hedgerows on the unnamed road frontage provide partial screening. It is proposed to reinforce screening by additional planting and, particularly, in the south west corner of the site. The local topography assists in mitigating views of the site from the north west. To the north, the site could be viewed from a section of Gallowber Lane, which runs between Hutton Roof and the A65 to the west of Kirkby Lonsdale.
- 7.4.3 Beyond these areas to the north, north west and south west there are no potential views of the site, with the exception of a small area on the highest part of Hutton Roof Crags.
- 7.4.4 Theoretical views of the proposed development are available to the north east, east and south east from approximately 3km to 5km from the site, beyond the River Lune, and is more apparent due to the higher ground rising up from the river valley towards the western edge of the YDNP. Beyond the 5km radius theoretical views to the east and south east diminish somewhat due to the extent of intervening topography and distance involved.
- 7.4.5 Should the extension to the YDNP go ahead, the boundary of the YDNP would be 2km from the site. The ZTV indicates that the nearest parts of the extended YDNP that would be affected by views of the proposed development would be in excess of 3km from the site. The proposed extension to the YDNP would include Casterton Fell. The proposed development would impact on views of Casterton Fell, from the unnamed road running between Whittington and Burton in Kendal. The significance of the impact on Casterton Fell from this road is mitigated by distance (9-10km).
- 7.4.6 It is considered that the proposed development would not have a significant visual impact on the YDNP, proposed extension to the YDNP and the Arnside & Silverdale and Forest of Bowland AONBs due to boundary screening (existing and proposed), distance and intervening landscape features.

## 7.5 Impact on Ecological Assets

7.5.1 There are potential impacts during construction on the following assets:

- Birds;
- Bluebell;
- Several trees with features characteristic of bat roosts are present within or adjacent to site boundaries; and
- Foraging habitats for Badgers.

7.5.2 There is one record for the presence of badgers within a 1km radius of the application site at West Hall Park (Big Wood). There is suitable habitat on site for foraging badgers, some of which would be lost to the proposed development. It is considered unlikely that badgers currently use the site due to a lack of evidence found during survey, and historic records. However, suggested precautionary mitigation would prevent the loss of foraging opportunities. In mitigation, security fencing would be raised to 0.1m above ground for a 0.3m width, at approximately 100m intervals around the boundary of the site to allow the continued movement of badgers across the site to continue any use of the site for foraging and commuting.

7.5.3 No impacts on reptiles, amphibians, or other mammals such as otter or water vole, are envisaged as the habitats present on site are not considered suitable for supporting these species. Rare invertebrate species are not likely to be present on site due to current pastoral land use. These species are unlikely to be affected by the proposed development.

7.5.4 The applicant is proposing the following mitigation measures:

- Retention of the woodland in the north east corner of the site with a 5m buffer;
- Minimum 5m boundary between existing boundaries and the proposed security fence to allow for hedgerow strengthening post-construction and to prevent damage to marginal woodland habitat and also the bluebell associated with it close to the site boundary;
- Minimum 8m buffer (in response to comments of GM Ecology Unit) throughout the length of Pinfold Beck to prevent shading and allow for management of the scheme;

In addition, specific measures are proposed for birds, bats and mammals.

## 7.6 Impact on Heritage Assets

7.6.1 Documentary and archaeological sources do not record any heritage assets within the site. The proposed development has the potential to have an impact upon designated heritage assets and their settings in the area around the site. Historic England is satisfied that the proposed development would not have an adverse impact on Whittington Castle (Scheduled Monument); and Church of St. Michael, Whittington, Whittington Hall and Sellet Hall (all Grade II\* Listed Buildings).

7.6.2 It is considered that the proposed development would not have an impact on the settings of Grade II Listed Buildings and the Whittington Conservation Area due to the limited Zone of Visual Influence of parts of the development, and due to the screening effects of trees and hedges.

## 7.7 Traffic and Highways Considerations

7.7.1 The Highways Authority considers that the location of the site and the low impact that the development would have on traffic movements in the area would not give rise to any objection on highways grounds but during the construction phase seek, through the imposition of planning conditions, to reduce the impact of the construction phase on the local highway network.

7.7.2 During the construction period, a site access will be constructed for a temporary compound area at the eastern end of the site in the position of a pair of existing field gates. The existing drystone wall would be reduced to, and maintained at, a height of 1m to ensure adequate visibility for the drivers of vehicles entering and leaving the site. The layout of the development would include provision for vehicles to enter and leave the site in a forward gear.

7.7.3 When the solar farm is operational, subject to the granting of planning permission, the only vehicle movements would relate to both monitoring and maintenance, which are likely to occur every two weeks. The inverters and transformers would be monitored remotely by telemetry.

## 7.8 Residential Impact

7.8.1 The array would not be seen directly from any dwelling in the area.

7.8.2 There are no properties immediately adjoining the site. The closest properties are Lane House situated approximately 700m to the east on Hosticle Lane, High House Farm situated approximately 700m to the south east on the edge of Whittington, and Sellet Hall situated approximately 750m to the east opposite the junction of Saddlers Nook Lane, High Biggins Manor situated 850m to the north east and a row of properties of The Moorlands approximately 1km to the west.

## 8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application. However, the developer would need to enter into a section 278 agreement with Lancashire County Council to secure the delivery of the required off site highway measures: Temporary highway signage and advanced warning signs alerting drivers to the likelihood of large slow moving vehicles at the following junctions:

- A6070 (Burton Road) at its junction with the C522 (Dalton Lane)
- C522 (Hutton Roof Road) at its junction with the C593 Saddler Nook Lane)

## 9.0 Conclusions

9.1 The Council supports proposals for renewable energy subject to where the direct and indirect impacts are or will be made acceptable. Areas of the site are identified as being Grade 3b according to the agricultural land classification; as such it is a locally important resource. The proposed development would be temporary and the land would be returned to its previous use at the end of the solar arrays' viable life.

9.2 The site and its immediate adjoining landscape is not covered by any landscape designations. The proposals will maintain the existing field boundaries and include further reinforcement to existing hedgerows where gaps exist to ensure that a robust and a consistent landscape buffer is achieved between the proposed development and the wider setting. There are no other solar farms, either existing or proposed, near to the site.

9.3 The Zone of Theoretical Visibility shows that the site is visually contained. Within a 1km radius of the site views of the proposed development are limited to approximately 50% of the area, with views predominantly restricted to within much of the first 0.5km of the localised area and a number of small areas of localised high points. Existing trees and hedgerows along the unnamed road running between Whittington and Burton in Kendal provide partial screening, which would be reinforced by additional planting and, particularly, in the south west corner of the site. The local topography assists in mitigating views of the site from north west.

9.4 Theoretical views of the proposed development are available to the north east, east and south east from approximately 3km to 5km from the site, beyond the River Lune. Beyond the 5km radius theoretical views to the east and south east diminish due to the extent of intervening topography and distance involved. It is considered that the proposed development would not have a significant visual impact on designated landscapes and on the proposed extension to the Yorkshire Dales National Park.

9.5 The Council's ecology consultants advise that the ecological impacts of the proposed development could be satisfactorily mitigated. The proposal would not have an adverse impact on heritage assets.

9.6 The Highways Authority has no objection to the proposed development on highway grounds but seeks, through appropriate planning conditions to reduce the impact of the construction phase on the local highway network.

9.7 The array would not be seen directly from any dwelling in the area.

9.8 The landowners are willing and able to host the solar farm and will continue agricultural practices alongside the solar farm.



## **9.0 Recommendation**

That Planning Permission **BE GRANTED** subject to the conditions relating to the following matters:

1. Standard 3 year timescale.
2. Development in accordance with approved plans.
3. Ecology: Provision of 8m stand off to Pinfold Beck; and submission and approval of long term Management Plan.
4. Submission and approval of Tree Works Schedule; approved Arboriculture Implications Assessment and Arboriculture Method Statement to be implemented.
5. Submission and approval of a scheme indicating the type and distribution of all new trees and hedgerows to be provided to reinforce boundary planting.
6. Highways and Traffic: Construction Method Statement; access dimensions and paving, vehicle manoeuvres in forward gear, visibility splays on Sadler Nook Lane, offsite highway improvements.
7. Surface Water Drainage: development in accordance with the submitted FRA; appropriate surface water drainage scheme to be submitted; no occupation of development until completion of SuDS in accordance with agreed SuDS Scheme and Management & Maintenance Plan; Surface Water Lifetime Management and Maintenance Plan; and Construction Phase Surface Water Management Plan Approval.
8. Removal of the solar installation at the end of its operational life and restoration of site to previous use.

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken 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.