

Agenda Item A10	Committee Date 19 October 2015	Application Number 15/01117/PLDC
Application Site Water Treatment Works Littlefell Lane Lancaster Lancashire LA2 0RF		Proposal Proposed lawful development certificate for the installation of a floating photovoltaic solar array comprising solar panels, supporting floating frames, 2 switch gear houses and cabling
Name of Applicant United Utilities Water Limited		Name of Agent Mrs Sarah Bevan
Decision Target Date 11 November 2015		Reason For Delay N/A
Case Officer		Mr Andrew Drummond
Departure		No
Summary of Recommendation		Planning Consent is not required

(i) **Procedural Matters**

The application is one which would normally be dealt with under delegated powers but has been placed before the Planning Committee as the application site is over 1 hectare and as such would normally be classified as a “major” proposal.

1.0 The Site and its Surroundings

1.1 The site that forms the subject of this application is Lanthwaite Reservoir which is situated about 3km to the south east of Lancaster city centre. It is the larger and more northerly of the 2 reservoirs that are located along the hill ridge that runs north-south to the east of the M6 motorway. It is also the more concealed of the 2 reservoirs with very limited public views (restricted to 2 public rights of way) afforded of the water and its immediate surroundings. It is owned and operated by United Utilities, the statutory undertaker for water supply in the north west of England.

1.2 Whilst the Forest of Bowland Area of Outstanding Natural Beauty boundary is about 300m to the east of the site, the only designation affecting the site is the District’s Countryside Area.

2.0 The Proposal

2.1 This is not a planning application but a Proposed Lawful Development Certificate (PLDC). PLDC applications seek to establish whether a building, use or activity is ‘permitted development’ under the provisions of the Town and Country Planning (General Permitted Development) Order. If it is considered to be permitted development (and thus, does not require planning permission), then a Certificate is granted and the development/use in question can proceed. It is purely a determination based upon whether the proposal is lawful for planning control purposes.

2.2 In this particular case the applicant has submitted a PLDC application to clarify whether the proposed development requires the benefit of planning consent or whether it is ‘Permitted Development’ by virtue of Schedule 2, Part 13, Class A of the abovementioned Order. Class A refers to development for the purposes of their undertaking by statutory undertakers for the supply of water

or hydraulic power.

- 2.3 The proposed works seek to create an array of about 12,000 solar panels set on a floating frame that would cover about a third of the reservoir's water surface (maximum length of 250m and width of 200m). 2 containers would be sited on the land but close to the water's edge to accommodate the switch gear. These would each measure 4.6m (length) by 2.4m (width) by 2.6m (height). An underground cable would be laid along a length of about 125m from these containers to an existing sub-station via a ring main unit. This unit would measure 3m (length) by 3m (width) by 2.6m (height)
- 2.4 Whilst it is not a consideration in the determination of whether this proposal is permitted development or not (but rather to provide some context) it is anticipated that the proposal could generate approximately 1,340 MWh per annum of electricity, which is equivalent to the electrical needs of more than 320 houses. The electricity generated is intended to be used by United Utilities to meet a proportion of the electrical needs of the water treatment works for the purposes of their statutory undertaking.

3.0 Site History

- 3.1 There have been no previous applications at this site which are relevant to this proposal, though an Environmental Impact Assessment (EIA) Screening Request was received in relation to the same proposal earlier this year. The Local Planning Authority reviewed the Request in light of the EIA Regulations and provided an Opinion stating that an Environmental Statement was not required. If one had been required, the proposal would have required the benefit of planning permission (i.e. it could not be deemed to be permitted development).

Application Number	Proposal	Decision
15/00456/EIR	Screening request for the installation of photovoltaic arrays	No Environmental Statement required

4.0 Consultation Responses

- 4.1 As this application is a legal determination there is no consultation involved.

5.0 Neighbour Representations

- 5.1 At the time of compiling this report there had been no objections to this legal determination.

6.0 Principal Development Plan Policies

- 6.1 None.

7.0 Comment and Analysis

- 7.1 There are no matters for Members to consider other than whether this proposal requires planning permission or not.

For the purposes of determining this development the proposal should be considered under Schedule 2, Part 13, Class A of the Town and Country Planning (General Permitted Development) Order 2015 which, to reiterate, allows for certain development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power. The wording of this legislation is provided below:

Class A – Water or hydraulic power undertakings

Permitted development

- A. Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of:*

- (a) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;
- (b) development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;
- (c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;
- (d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
- (e) the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;
- (f) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(a);
- (g) any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.

Development not permitted

A.1 Development is not permitted by Class A if:

- (a) in the case of any Class A(a) development, it would include the construction of a reservoir;
- (b) in the case of any Class A(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;
- (c) in the case of any Class A(g) development, it would consist of or include the extension or alteration of a building so that:
 - (i) its design or external appearance would be materially affected;
 - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
 - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or
- (d) in the case of any Class A(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

Condition

A.2 Development is permitted by Class A(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

- 7.2 The floating solar arrays come under Class A(g), which is defined as “development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of any other development [Officer’s comment: nothing within (a) to (f)] in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building. The development in question is not an extension or alteration of a building so A.1(c) does not apply. However, A.1(d) does apply, but the plant does not exceed 15m in height so the proposed development falls within the parameters set by the Order. The floating solar arrays are therefore permitted under Class A(g).
- 7.3 The switch gear houses would each have a volume of c28.9 cubic metres. This is less than 29 cubic metres as allowed by Class A(e).
- 7.4 The ring main unit would have a volume of c23 cubic metres. This is less than 29 cubic metres as

allowed by Class A(e).

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

9.1 It is considered that the development in the form proposed meets the requirements of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 13, Class A and as such would not require planning consent.

Recommendation

That Planning Consent **IS NOT REQUIRED** for the proposed works, and a Certificate can be granted.

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.