

<b>Agenda Item</b> A6	<b>Committee Date</b> 11 <sup>th</sup> January 2016	<b>Application Number</b> 15/00949/FUL
<b>Application Site</b> Land South Of Cinderbarrow Lane Lancaster Lancashire	<b>Proposal</b> Installation of arrays of 2.5m high PV panels, underground cabling, substation /control room, 1.9m high security fencing, 4m high CCTV masts and construction of an access point and internal roads to form a solar farm.	
<b>Name of Applicant</b> Mr Martin Cole	<b>Name of Agent</b> NA	
<b>Decision Target Date</b> 25 December 2015 (Time extension agreed until 18 <sup>th</sup> January 2016)	<b>Reason For Delay</b> Awaiting Further Information / Re-consultation	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Note**

A site visit was arranged for Elected Members and undertaken on 9<sup>th</sup> November 2015. There was a subsequent delay in the report being drafted due to the need for amended documents, and to overcome concerns in relation to Nature Conservation, Landscape and Visual Matters and also Highways. The above issues have now been resolved as this report acknowledges, and therefore the application comes before Committee for determination.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located circa 1.7 km to the south of Burton-in-Kendal, with Yealand Conyers located 1.5 km to the west of the site, and Priest Hutton circa 1.2 km to the south-east. The application site essentially consists of two fields. The northern most field is used for crop growing, whereas the southern field is used for grazing livestock, with the application boundary of the site being circa 10 hectares. The site is bound by existing mature hedgerows to the north (along Cinderbarrow Lane) and down approximately 70% of the eastern boundary. The southern boundary of the site is then bound by hedgerow. The western boundary is largely open, however there are interspersed areas of tree and hedgerow planting. Both of the fields slope gently upwards in an easterly direction from the lowest point of the site on the western edge at approximately 46m above Ordnance Datum (AOD) to approximately 56m AOD on the eastern most edge of the site.
- 1.2 Cinderbarrow Lane is located directly to the north, which also serves as the sites means of access beyond this are agricultural fields as there are to the southern and eastern boundaries. The Lancaster Canal directly abuts the application site with the towpath beyond the canal. The M6 motorway is located 50 metres away to the west. The nearest residential property to the proposed development is located approximately 260 metres to the south east of the site.
- 1.3 The site is allocated in the adopted Local Plan as Countryside Land and Cinderbarrow Lane is on the Northern Loop cycle route (Regional Cycle Route 90) which is immediately to the north of the site. The site is within a mineral safeguarded zone and at potential risk from radon. The site is not within a protected landscape although it is circa 800 metres (at its closest point to the boundary) to

the Arnside and Silverdale Area of Outstanding Natural Beauty. The site is not within any statutory designation for ecology however lies immediately adjacent to the Lancaster Canal which is a County Biological Heritage site.

## **2.0 The Proposal**

- 2.1 The proposed development is for the installation of a solar farm with an installed capacity of 4.99 MW. Amended plans were received in December 2015 with an amended layout, with the panels being orientated to the south east together with changes to the on-site layout, amendments to the landscaping arrangements and confirmation regarding the panel heights.
- 2.2 The development consists of 19,200 Photovoltaic solar panels and associated cabling and will utilise string inverters. The panels will be south east facing, tilted at a 20 degree angle and arranged in rows separated by circa 6 metres (albeit with topography this could be between 5-8 metres). Whilst the exact panel will be the subject of a tendering process it will be dark grey/blue in colour and have anti-reflective coatings to minimise glare. Once in place the panels will be circa 0.75m above ground at the front and 2.5 metres at the rear. In addition to the panels the applicants propose to erect a substation/control building circa 14.04m x 7.1 x 4.5m in height. There will be associated 1.9 metre high deer stop fencing along the boundary of the site in addition to 4 metre high CCTV columns together with a new entrance off Cinderbarrow Lane and associated on site access tracks.
- 2.3 The development seeks permission for a 25 year planning permission, after which time the land will be restored and returned to agricultural use. Additional planting in the form of hedgerows are proposed on the boundaries of the site notably along the western stretch which in essence will consist of a new hedgerow circa 500 metres in length, as is wildflower planting within the site.

## **3.0 Site History**

- 3.1 There is no relevant site history, with the exception of a Screening Request made under the Environmental Impact Assessment (EIA) Regulations (Ref: 14/01203/EIR). The local planning authority concluded that the development did constitute EIA development, however the applicant appealed to the Department for Communities and Local Government, who concluded that an EIA was not required.

## **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>Highways England</b>	Initial concerns were raised with respect to Glint and Glare on the M6. Subsequently a Glint and Glare report was produced and Highways England have <b>no objection</b> in principle to the development subject to conditions concerning prevention of glare, drainage, no direct vehicular or pedestrian access.
<b>Canal and Rivers Trust</b>	<b>No objection</b> subject to conditions requiring landscaping, long term maintenance, protection of heritage assets, surface water run-off from the site.
<b>Lancashire County Ecology</b>	<b>No observations</b> received within the timescales.
<b>Lancashire County Council (Highways)</b>	<b>No objection</b> , however recommends conditions associated with a construction method statement, protection of visibility splays through hedgerow cutting and the width of the highway into the site to be 7 metres in width for a minimum length of 10 metres.
<b>Environmental Health</b>	<b>No objection</b> , radon gas measures may be required.
<b>Tree Protection Officer</b>	<b>No Objection</b> , however concerns raised as there is no copy of the Tree Protection Plan within the Arboricultural Assessment; recommendation of the use of a no dig within root protection areas; and the report contains no details of replacement planting whether the substation can be in the location as proposed due to impact on the adjacent Oak tree.
<b>Conservation Section</b>	<b>Objection</b> to the development on the basis of a detrimental impact on the setting of Saltermire Bridge, Tewitfield Locks and the Yealand Quaker Meeting House.

<b>County Archaeologist</b>	<b>No objection</b> , however recommends that the site does have some archaeological potential and proposes a condition regarding archaeological recording
<b>Historic England</b>	<b>No objection</b> in principle, however the views of the County Archaeologist should be sought regarding buried remains
<b>Lancashire County Council (Mineral Safeguarding)</b>	<b>No observations</b> received within the timescales.
<b>Environment Agency</b>	<b>No comment</b> to make on the application.
<b>Ministry of Defence</b>	<b>No observations</b> received within the timescales.
<b>Civil Aviation Authority</b>	<b>No comment</b> to make on the application.
<b>Natural England</b>	Initially objected to the development in so far as insufficient information has been submitted to demonstrate whether the scheme would have a significant effect on any European site, following the receipt of additional information raise <b>no objection</b> .
<b>Royal Society for the Protection of Birds</b>	<b>No observations</b> received within the timescales.
<b>South Lakeland District Council</b>	<b>No observations</b> received within the timescales.
<b>Ramblers Association</b>	<b>Objection</b> to the development due to the visual impact upon users of the canal towpath.
<b>Arnside and Silverdale AONB Partnership</b>	<b>Objection</b> , would have significant detrimental impacts on the landscape and special qualities of the AONB and consider that the impact on the AONB has not been fully assessment, cumulative impacts along the M6 corridor have failed to have been assessed by the applicant.
<b>County Council Landscape Services</b>	<b>Objection</b> , recommends that there are severe limitations within the applicants landscape assessment in terms of technical issues. Has raised the issue solar farms should be sited on sites with a flat topography, the hedgerow is insufficient to provide any screening, the design of the site is industrial and lacks space for planting.
<b>Lead Local Flood Authority</b>	<b>No Objection</b> .
<b>Blackpool Airport</b>	<b>No observations</b> received within the timescales.
<b>Yealand Conyers Parish Council</b>	<b>Objection</b> to the scheme based on lack of conformance to the Local Plan, loss of agricultural land, detrimental to tourism, driver distraction issues, within a high radon area, lack of benefits to the community, and landscape and visual concerns.
<b>Yealand Redmayne Parish Council</b>	<b>Objection</b> on the basis of cumulative development along the M6 corridor, solar power is inefficient and a waste of money, loss of agricultural land, impact on the AONB, distraction to users of the M6 and the highway network is considered inappropriate.
<b>Priest Hutton Parish Council</b>	<b>No observations</b> received within the timescales.
<b>Campaign for the Protection of Rural England</b>	<b>No observations</b> received within the timescales.
<b>Greater Manchester Ecology Unit</b>	<b>No Objection</b> , however recommend conditions to address a revised biodiversity management plan, protection of nesting birds, method statements to protect the Lancaster Canal Biological Heritage Site, and conditions associated with protected species.
<b>United Utilities</b>	<b>No Observations</b> received within the timescales.
<b>Public Rights of Way Officer</b>	<b>No Observations</b> received within the timescales.

## **5.0 Neighbour Representations**

5.1 **18** pieces of correspondence of have been received. **17** of these raise objection and **1** is in support. The reasons for the opposition include;

- Urbanisation of the landscape;
- Erosion of the Countryside;
- Lack of community benefit;

- Driver distraction on the M6;
- Adverse landscape impact;
- Lack of consultation to residents in Yealand Redmayne and Yealand Conyers;
- Generation by the panels is minimal and reliant on subsidies;
- Incorrectly sited panels;
- Environmental disruption to the area from the associated infrastructure that is required to facilitate the development;
- Lack of consideration to the amenity of those living in Yealand Redmayne and Conyers;
- Prominent and alien feature will be seen from the Yealands;
- Adverse Impact on cultural heritage and users of the canal towpath;
- The application contains misleading information regarding the heights of panels and the layouts are incorrect.

The reason for support;

- Carbon free energy without adverse environmental impacts.

Councillor Mace on behalf of the residents in Borwick and Priest Hutton raises an objection to the scheme on the basis of loss of farmland, a conflict between food production and energy security, loss of visual amenity and adverse impact on the setting of the locks and weirs.

Councillor Goodrich objects to the development on the basis of the scheme being an industrial installation.

## **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  
 ER7 – Renewable Energy

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

E4 – Countryside Area

### **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
- Written Ministerial Statement – Solar Energy: Protecting the local and Global Environment dated 25<sup>th</sup> March 2015.
- National Planning Practice Guidance – Renewable and Low Carbon Energy (Paragraph 13)
- Lancashire Minerals and Waste Local Plan – Policy M2

## 7.0 Comment and Analysis

The application raises a number of issues in relation to the below;

- Principle of Development;
- Loss of Agricultural Land / Consideration of Alternatives;
- Impact on Heritage Assets;
- Landscape Character Impact;
- Visual Impact;
- Ecological issues;
- Trees;
- Drainage Matters;
- Highways;
- Mineral Safeguarding;
- Contribution to Renewable Energy;
- Other Material Considerations.

### 7.1 Principle of Development

7.1.1 In the National Planning Policy Framework (NPPF) at paragraph 93 it states that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development with a presumption in favour of sustainable development is set out in para 14. In taking decisions in accordance with the NPPF, the presumption in favour of sustainable development requires that planning permission should be granted unless any adverse impacts of a proposal would significantly outweigh the benefits, when assessed against the policies in the NPPF. Thus the provision of renewable energy forms a vital part of the Governments Policy in relation to Sustainable Development, and there is a clear presumption in favour of development which would provide for renewable energy.

7.1.2 The Planning Practice Guidance (PPG) for renewable and low carbon energy sets out the key considerations to take into account when assessing proposals for its deliver, but does not set aside the presumption in favour of sustainable development set out in the NPPF. Therefore it is clear that the principle of this form of development (notwithstanding the issues that will be raised later in this report) can be found acceptable where it is appropriate in scale, located in an area which does not contribute positively to the objectives of the designation and is sympathetically designed.

### 7.2 Loss of agricultural land / consideration of alternatives

7.2.1 Policies in the NPPF seek to promote the best and most versatile agricultural land, and PPG advises that where green field sites are proposed, poorer quality agricultural land should be used in preference to higher quality land, and the proposal should allow for a continued agricultural use, and/or encourage biodiversity improvements around the solar arrays. It should be stressed that there is no explicit requirement in the NPPF or PPG to carry out the sequential tests to determine whether alternative brown field or lower grade agricultural land is available. Notwithstanding this, it is clear from recent planning appeal decisions that the Inspectorate is attaching significant weight to not utilising land for solar developments which can be used for agriculture.

7.2.2 The application is supported by an agricultural land classification report which sets out that the site is Grade 3b, which is not included in the definition of “best and most versatile (BMV)” agricultural land (which comprises Grade 1, 2 and 3a). The majority of the site is currently used for growing maize crops but in the absence of the LPA commissioning their own study, it has to be assumed that the site does not fall within the definition of BMV land despite the grading by the (then) Ministry

of Agriculture, Fisheries and Food (MAFF) being Grade 3 across the site, and based on climate alone the site would be identified as Class 3a, but coupled with wetness this brings this down to 3B. It should be noted that Natural England have been consulted (they have a statutory role in advising local planning authorities about land quality matters) and they have not raised any concerns over the findings within the report.

- 7.2.3 The panels would be raised above ground level to allow sheep to graze therefore enabling some continuation of agricultural use; and biodiversity improvements are also proposed across the site, such as wildflower meadows and new hedgerows. The grazing of sheep proposed in this case would be an incidental use rather than the result of a viable sheep farming enterprise, and notwithstanding this; taking the land out of intensive agricultural production and using it for a solar farm and grazing, potentially, with appropriate management, may result in some improvement to the soils. However for this to occur it is seen appropriate to ensure the restoration of the site would need to be done in accordance with a specific construction management plan and a condition could address the restoration of temporary access tracks and compounds.
- 7.2.4 An initial concern with the application was that it was not accompanied by a sequential assessment to demonstrate that there was no preferable brownfield sites, or sites of a lower agricultural quality available for the development. During the application process the applicants have submitted a consideration of alternative sites albeit solely based upon the Grid Connection point which is located circa 1km to the North West of the application site. It would appear that the applicant has dismissed the District's urban areas and has not considered brownfield sites and a reasonable distance outside of it.
- 7.2.5 In the absence of anything from the contrary from Natural England with respect to the agricultural land classification it has to be concluded that the site is not best and most versatile. Notwithstanding this the proposed development fails to comply with the NPPF or NPPG in so far as the applicant has failed to demonstrate that the use of agricultural land is necessary or that the use of a lower grade of land was explored such as Grades 4 and 5. However it is considered that this single reason for refusal would be difficult to substantiate at appeal, given the site is not "best and most versatile".
- 7.2.6 Given the above, the land is not deemed to be best and most versatile and given the wildflower meadow with sheep grazing it is considered that the scheme does meet the overall aims for the development of a greenfield solar farm as set out in the NPPF/PPG.

#### 7.4 Impact On Heritage Assets

- 7.4.1 National guidance is clear that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. It should be noted that the significance of a heritage asset derives not only from its physical presence, but also from its setting. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takes to have special regard to the desirability of preserving the setting of a listed building.
- 7.4.2 The Council's Conservation Officer has recommended that the application be refused on the basis of significant impacts on Saltermire Bridge and Tewitfield Locks (Grade II), and the Yealand Quaker Meeting House (Grade II\*), together with concerns that a tunnel effect will be created along the canal corridor, which is viewed to be contrary to Policy DM32 of the Development Management DPD; as the proposals would fail to preserve or enhance the setting of the designated assets. The views of the Conservation Officer are noted, in particular to views of Saltermire Bridge and also the Tewitfield Locks. With respect to Saltermire Bridge; it is concluded that the development inevitably would add a modern, visually prominent feature into the bridges setting, but it is considered that given the presence of the proposed screening along the boundary of the site the overall effects would be minor. In terms of the impact on the setting of the locks it is considered that there would be a negative effect on the setting of the top two of the listed locks. However as part of the mitigation of appropriate landscaping along the western boundary this would mean that there would be a negligible impact. Concerns have been raised in relation to the impact on Yealand Quaker House which is sited circa 1.5 km to the east. The Conservation Officer has concerns regarding the setting, given there are views out of the burial ground and from the entrance porch across the rural landscape. It is considered that the graveyard would remain rural and the proposed development would not dominate the views or intrude on the atmosphere of the graveyard. Historic England have

raised no concerns regarding the setting of the Grade II\* listed building and therefore it is not considered that there would be any significant impacts.

7.4.3 Historic England's position regarding the heritage assets, including the listed locks, is one of no objection. They acknowledge that there will be an impact upon the canal bridge and the locks, but they consider that "...*this would not be so substantial as to justify the withholding of consent*". A similar stance has been taken by the Canal and River Trust who have assessed the impact on Saltermire Bridge as being minimal to negligible, and having a negative effect on the setting of the top two locks but given the proposed landscaping this would mitigate some of the impacts over time. There has been concern raised regarding a tunnel effect being created along the canal given the presence of the new hedgerow, and associated fencing. Whilst there would be a natural change here, the applicants have sought to address this by having a 6 metre buffer from the canal, and it is not considered this effect will occur, and nevertheless it is not unusual for planting to be located either side of a canal. It is therefore considered that through appropriate mitigation in terms of landscaping along the western boundary that the development complies with Policy DM32 of the DM DPD.

7.4.4 The County Council's archaeologist whilst not objecting, has requested a condition requiring archaeological investigations, this is considered reasonable as the development does have the potential to impact directly on buried archaeological remains. It is therefore concluded from a cultural heritage perspective there would be the impacts on heritage assets but these would amount to less than substantial harm, albeit acknowledging that the setting of some listed buildings would be altered by the development.

## 7.5 Landscape Character Impact

7.5.1 A detailed Landscape and Visual Assessment (LVA) has been submitted with the application, which includes photography from selected viewpoints and also two photomontages (one within the AONB and secondly on the canal towpath adjacent to the site). The application site is located within National Character Area 20 'Morecambe Bay Limestones'. The characteristics of the landscape is one of a flat lowland landscape, dominated by steep-sided hills of lower carboniferous limestone including areas of drumlin fields (of which is especially relevant for this application), with the landscape supporting a mixed pastoral farming and woodland landscape bounded by limestone drystone walls, whereby extensive areas of native broadleaved woodland dominate the landscape.

7.5.2 The lowest part of the site (closest to the Lancaster Canal) is at an elevation of circa 46 metres AOD and this rises to circa 56 metres on the eastern ridge of the site. The application essentially contains two fields, with one being used for the growing of crops and the southern-most one grazed with livestock. There is an existing mature hedgerow along the northern and eastern section of the site together with a further hedgerow crossing the site.

7.5.3 The County Council's Landscape Architect has raised a number of concerns regarding the applicants LVA in particular the photomontages that have been submitted in support of the application. Photomontages are inevitably only illustrations of the proposal and need to be carefully assessed. The montages provided help to inform the decision maker but the assessment has involved the case officer visiting the site and views made from other viewpoints locally such both locally and within the AONB.

7.5.4 The AONB Partnership have raised significant concerns with the proposed development namely regarding the impact that the development would have on the AONB and questions the judgement made that the overall impact is minor or negligible. Additionally they express concerns regarding the number of applications for energy generating development along the M6 corridor. The concerns are noted, and there is no dispute that from selected viewpoints within the AONB that the array of panels will be seen, albeit as a relatively low, grey-coloured mass.

7.5.5 It should be noted that the site is not within any nationally designated area of landscape importance, albeit within the setting of the AONB (the AONB boundary is circa 800 metres away). Furthermore, this is a landscape that has been interrupted by man-made inventions and features such as power lines, the M6, the canal and telecommunication masts. In the case officers view the solar farm would not therefore be out of keeping with the existing character of the locality, although it is accepted that within the AONB the site that the proposed landscaping would not provide screening to the site by virtue of the sites topography.

7.5.6 It should be noted that the development is for a temporary time period and therefore would not cause a permanent change to the character or appearance of the landscape. It is therefore considered that there would be no significant harm to the character or appearance of the landscape with the harm being assessed as being moderate adverse or less and therefore on balance the scheme would accord to the policies contained within the DM DPD.

## 7.6 Visual Impact

7.6.1 It is considered that for the most part the visual impact of the development would be relatively limited in extent with the majority of receptors receiving minor/negligible adverse effects. It is not considered that any residential property would be adversely affected by the proposal to warrant a refusal of planning permission, with those in closest proximity relatively well screened.

7.6.1 Notwithstanding the above it considered that there would be moderate/major adverse effects for users of the Lancaster Canal Trail as it passes past the site on the basis that the open views into the site would be lost, however with the proposed mitigation this would reduce to a moderate adverse impact. This is heightened by the fact that the panels will be seen from the rears and sides to users walking down the canal and this is considered a weakness of the current application given it is for such a significant length (500 metres), this is due to need to minimise glint and glare on the M6. The proposed mitigation is in the form of a double hedgerow and will be set back 6 metres from the canal and to assist with immediate screening it will be planted with 80-100cm plants ensuring the scheme provides mitigation as soon as possible. The intention is that the proposed screening would reach 3 metres and maintained at such height for the lifetime of the development and this would be reached within 10 years.

7.6.2 The views from the towpath are important, (albeit the presence of the M6 is very apparent through noise and movement) and there is a bench located near to the locks which overlooks the proposed development site. There would be a significant magnitude of change associated with the introduction of panels and associated infrastructure and it is considered that there would be a major adverse impact. It is important to note that at this location the canal is not navigable and no objection has been raised by the Canal and River Trust. The applicant has submitted a photomontage from the canal towpath which illustrates how the proposed landscaping on the western boundary of the site would screen the development over a course of 1, 3 and 10 years. As noted above photomontages are illustrative tools however they seek to demonstrate how the hedgerow would mature. Given the wet climate experienced in North Lancashire (a possible reason as to why the land is not Grade 3a agricultural land), it would be essential to ensure planting here consists of species-rich hedgerow together with varying the depth of planting so it does not appear too uniform and that a long term maintenance programme is conditioned.

7.6.3 Inevitably there will be some localised visual impact associated with the scheme, notably for users of the canal towpath adjacent to the site and on some of the local public rights of ways and to a lesser extent within the AONB (given the distance from the site). Given the sloping nature of the site, this heightens the visual impact however it is accepted that the proposed development would have a visual impact however it is not considered to be so harmful to warrant the refusal of the scheme, especially combined with the benefits of the scheme.

7.6.4 A cumulative assessment was submitted during the application process which has assessed potential cumulative sites within a 35km radius of the site (albeit this has concentrated on wind energy schemes and not consented solar farms in the district and beyond). Notwithstanding this given the distance of the nearest consented solar schemes it is not considered that the omission would have changed the findings of the report. It is considered that overall the cumulative impact of the development is likely to be negligible however at selected viewpoints there would be a moderate/major impact when the development could be seen against consented and operational wind energy schemes. However this is likely to be the case in the event the development proposed was not approved and therefore overall it is considered that the applicant has addressed the need for a cumulative impact assessment and it is concluded that whilst there would be some impacts. Overall from a cumulative perspective the scheme is acceptable.

## 7.7 Ecological Issues

- 7.7.1 The application site is not within any environmentally protected designation albeit the Lancaster Canal Biological Heritage site is located on the western edge of the site. The site is mainly arable farmland delineated by hedgerows, with arable/pastoral farm land having a low conservation value. There are trees which have the potential to offer bat roosts, having given these are not to be lost to facilitate that development this is considered acceptable. Greater Manchester Ecology Unit have provided a detailed response in relation to the application and whilst not objecting have suggested conditions/informative notes in connection with nesting birds, protected species and impact on the canal.
- 7.7.2 Natural England initially objected to the scheme on the basis that the application contained insufficient information to determine whether the likelihood of significant effects could be ruled out. There was a concern that birds that use Morecambe Bay SPA, RAMSAR and SSSI (4.1 km to the west) may utilise the site for foraging, and therefore functionally linked to the designated habitats. Following the receipt of additional information it was concluded that pink footed geese and golden plover are unlikely to make use of the site. This is due to the sub-optimal habitats within the site and it has been concluded that neither species makes use of the site. Therefore there will be no likely significant effects occurring on the Morecambe Bay SPA and RAMSAR due to the development of the site, alone or in combination. With this, Natural England now raise no objection to the scheme.
- 7.7.3 It is therefore considered with appropriate planning conditions there could be a net gain in biodiversity terms and therefore the scheme is compliant with Policy DM27 of the DM DPD.

## 7.8 Trees

- 7.8.1 As noted within the report there are hedgerows bounding the site, together with 2 oak trees, all of which are deemed to be category B. An arboricultural report has been submitted during the application process. The Tree Protection Officer has raised some concerns regarding the contents of the report, which at the time of writing the report has yet to be resolved by the applicant. It is considered that the issues raised can be addressed. A condition is proposed which requires the submission and implementation of a landscaping scheme, which provides for tree and hedgerow planting. Whilst there will be loss associated with the provision of a safe access, this will be more than compensated by the indicative planting arrangements submitted in support of the scheme and therefore it is considered that the scheme is in accordance with Policy DM29 of the DM DPD.

## 7.9 Drainage Matters

- 7.9.1 The site falls within Flood Zone 1, and the application is accompanied by a Flood Risk Assessment given the development is over 1 hectare. The overall conclusions of the Flood Risk Assessment is that the development is at low risk of flooding from all the sources considered and that the nature of the development is such that surface water runoff from the site will not result in increased flood risk elsewhere. Notwithstanding this, there is a need to protect the Lancaster Canal and therefore it is considered necessary and reasonable to impose a condition detailing appropriate measures to ensure no sediments, particularly during construction and decommissioning migrate into the watercourse. The Lead Local Flood Authority raise no objections to the development with the Environment Agency having no comment to make on the application. It is therefore considered that the development (subject to conditions) is acceptable in regard to Policies DM39 and DM40 of the Development Management DPD.

## 7.10 Highways

- 7.10.1 The construction activity will be relatively short at 10 weeks and would generate in the region of 182 deliveries (equating to 360 movements along Cinderbarrow Lane). During the operational stage of the development, this is likely to be in the region of no more than 20 visits in a single year. In order to facilitate the access it is proposed that a significant stretch of hedgerow would need to be removed to ensure the required visibility splays can be achieved (in the region of 140 metres). The case officer had concerns regarding the loss of such a substantial stretch of hedgerow and County Highways have requested a condition ensuring the hedgerows are no greater than 1 metre above the crown of the carriageway of Cinderbarrow Lane. The applicant is now proposing to retain and manage the existing hedgerow at 1 metre for the lifetime of the development and to ensure effective screening, a second native species rich hedgerow will be planted behind the existing and allowed

to grow to 3 metres without impinging on visibility splays. This is considered acceptable and would result in further ecological gain but also ensuring the required visibility splays can be achieved.

7.10.2 Highways England had raised concerns regarding glint and glare on M6 users from the proposed development, the initial configuration of panels provided for them to be facing the M6 and the associated Glint and Glare report suggested that at certain times of the year users would experience some element of glint and glare. For this reason, the orientation of the panels was amended. It is not considered that there would be any detriment to highway users with the amended layout of the panels as it is considered that there would be no glint and glare for highway users, and whilst there may be some glint and glare associated with the development to the east of the site, this will be mostly mitigated due to the nature of the topography in the area and no objections have been received from Environmental Health in this regard. At the time of writing the report the observations of Highways England to the amended layout have still to be received and therefore will be reported verbally.

#### 7.11 Mineral Safeguarding

7.11.1 The whole of the site falls within a mineral safeguarding zone. The County Council as Minerals and Waste Authority have been consulted however they have provided no response to the application. Given the temporary nature of the development, and given the site is not in close proximity to a working quarry or permitted reserves of mineral it is considered that the scheme complies with Policy M2 of the Lancashire Minerals and Waste Local Plan

#### 7.12. Contribution to Renewable Energy

7.12.1 The scheme with an estimated capacity of 4.99 MW, could power circa 1,500 homes, and therefore would make a small but significant contribution to helping the UK meet its binding renewable energy targets. To give Members an idea of the generation capacity, the Lancaster University Wind turbine approved in April 2011 has a 2.35 MW generation capacity and stands at 100 metres to the blade tip. The proposal would optimise utilisation of the available grid connection which is located circa 1km away. The wider environmental and energy security benefits of the proposal weigh heavily in support of this application.

#### 7.13 Other Material Considerations

7.13.1 The applicants are proposing a financial contribution of £9000 per annum to be provided in the form of either a university bursary or apprentice with it being managed locally. However having regard to the terms of the Community Infrastructure Levy Regulations, the case officer is of the view that no weight could be attached to this in the decision making process. The same is also true regarding the potential for an adverse effect on property values in the locale. Local concern had been raised, despite the time limited nature of the proposal, that it would become in effect a 'brownfield' site after any permission expired. No weight can be given to such concerns because the proposed conditions would require the removal of the panels and related equipment at the end of the 25 year period, and restoration of the site to a solely agricultural use. Any other development would be the matter for consideration by the Council in the form of a planning application.

7.13.2 There was engagement with the local community in advance of the scheme being submitted however there was concern from Yealand Redmayne Parish Council in that the residents of the Parish were not given the opportunity to visit the exhibition, however there was a press advertisement in the Lancaster Guardian and it is considered that there has been sufficient consultation undertaken in respect of the application. It should be stressed that a solar farm is not subject to the national requirement expressed by the Secretary of State's Written Statement of 18<sup>th</sup> June 2015 (i.e. that the planning issues identified by local communities have been identified and thus the proposal has their backing).

### **8.0 Planning Obligations**

8.1 None applicable.

## **9.0 Conclusions**

- 9.1 The approval of the scheme is finely balanced but the development will provide a small but valuable towards renewable energy with National Policies establishing the weight to be accorded to the need to provide for renewable energy development. It is considered that the benefits of the proposal outweigh the potential landscape and visual impacts and cultural heritage concerns and the proposal is therefore considered to comply with both Local and National Policy.

## **Recommendation**

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

1. Development within three years
2. Development in accordance with the approved plans
3. Time limited to 25 years following commercial generation
4. Notification of date of commencement
5. Decommissioning plan
6. 6 month period if the scheme fails to generate to be removed.
7. Construction Traffic Management Plan
8. Construction Environmental Management Plan
9. Ecological Management Plan submission
10. Geophysical Survey, WSI and implementation of archaeological work.
11. Scheme for access point construction
12. Protection of visibility splays
13. Building Materials/Finishes (Substation, CCTV Columns, Fencing)
14. Cabling to be underground and inverters to be string inverters
15. Drainage Scheme
16. Surface water/pollution prevention
17. AMS/AIA submission

## **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.