

<b>Agenda Item</b> A11	<b>Committee Date</b> 19 September 2016	<b>Application Number</b> 16/01051/CCC
<b>Application Site</b> Lancaster Wastewater Treatment Works Stodday Lane Lancaster Lancashire		<b>Proposal</b> Erection of solar photovoltaic panels and associated works including switchgear housing, security fencing and integral connection to Lancaster Waste Water Treatment Works
<b>Name of Applicant</b> United Utilities Water Limited		<b>Name of Agent</b> Mr David Palmer
<b>Decision Target Date</b> Extension of time agreed until 21 September to provide response to the County Council		<b>Reason For Delay</b> Committee Cycle
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		That in response to the County Council consultation, the City Council offers no objection subject to additional landscaping and biodiversity improvements

**(i) Procedural Matters**

This application has been submitted to, and will be determined by, Lancashire County Council as they are responsible for planning matters that relate to waste and minerals (and the application site falls within the land ownership of United Utilities at their waste water treatment facility). Lancaster City Council has been consulted as the retrospective proposal falls within their District, and as such this report sets out the City Council's proposed **consultation response** to the solar farm scheme at Lancaster Waste Water Treatment Works in Stodday.

**1.0 The Site and its Surroundings**

- 1.1 The site relates to an area of agricultural land located to the north and west of the Lancaster Waste Water Treatment Works at Stodday, approximately 2.3km to the south west of the centre of Lancaster, approximately 0.7km to the north west of the hamlet of Stodday and approximately 1km to the south of the small settlement of Aldcliffe. There is access to the field off Arna Wood Lane. This road also serves a group of residential properties and stable at Low Wood Farm which are located adjacent to the site. 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 site is at a slightly higher level than this path and there is a field gate access linking the two. Along the north, south, east and part of the west boundary are hedgerows and trees. Apart from the dwellings immediately next to the site, the nearest residential properties are at Stodday and at Arna Wood Farm, approximately 0.55km to the north east.
- 1.2 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. Part of the site is located within Flood Zone 3. The site is also within the Countryside Area, as identified on the Local Plan Proposal Map. There are two lines of electricity pylons, approximately 120 metres to the south of the site which cross the estuary in a northwest direction.

## **2.0 The Proposal**

- 2.1 Retrospective planning permission is sought for the siting of solar photovoltaic panels on the land and associated equipment and fencing. The application is being determined by the County Council as the submission sets out that it will provide electricity solely in association with the operation of treatment works. It is therefore associated with the waste operation and as such is a County matter. It is understood that the reason that the panels were installed without the benefit of planning consent was because United Utilities considered that it constituted permitted development on their operational land. However, the land had been previously used for agriculture with no obvious links to United Utilities' operation and was therefore not considered to be operational land. It was also not considered that likely significant effects on the adjacent European Designated Sites could be ruled out from the information provided with the application for a lawful development certificate. The development took place in December 2015.
- 2.2 The solar farm extends to 2.9 hectares and has a maximum (peak) generating capacity of up to 1.5MW. The panels are positioned in rows in an east-west direction and are mounted on frames at an incline of approximately 20 degrees facing south, with a front height of 0.6 metres and back panel height of up to 2.2 metres. It is proposed to be operational for 25 years. Green metal mesh fencing is sited around the site perimeter and has a height of 1.5 metres. A gap has been left between the fence and the northern boundary and part of the western boundary of the site to allow access for horses onto the multi-use path. Access would be required for routine maintenance, cleaning and vegetation management and is off Arna Wood Lane, via the track used to access the properties at Low Wood.

## **3.0 Site History**

- 3.1 There is no planning history relating to the application site. However, there have been previous applications at the Waste Water Treatment Works which have been dealt with by the County Council. There is an approved scheme (14/00907/FUL) for a solar farm on nearby land to the north at Arna Wood Farm, which, at its closest, is approximately 100 metres from the current application site.

## **4.0 Consultation Responses**

- 4.1 Because this planning application is submitted to (and will be determined by) the County Council, it is they who are responsible for the public and statutory consultation process.
- 4.2 In co-ordinating our response to the County Council, the City Council has consulted the Tree Protection Officer and Environmental Health Officers, and their responses will be reported verbally.

## **5.0 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

### **6.2 Lancaster District Core Strategy**

**SC5** – Achieving Quality in Design  
**ER7** – Renewable Energy

### **6.3 Lancaster District Local Plan - saved policies**

**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  
**DM35** – Key Design Principles

## 6.5 Other Material Considerations

A Landscape Strategy for Lancashire – December 2000.

## **6.0 Comment and Analysis**

7.1 The main issues to consider by the Council, as a consultee on this application relate to:

- Landscape and visual impact
- Impact on residential amenity
- Loss of agricultural land/consideration of sites

## 7.2 Landscape and visual impact

7.2.1 The solar panels are already located on the site and, as such, it is possible to make an assessment of the landscape and visual impact of the development by just visiting the site rather than partly relying on a landscape and visual impact assessment, which has also been submitted with the application. Views of the solar farm appear to be limited to the multi-use path adjacent to the Lune Estuary, although it is at the time of year when the site would benefit from the highest level of screening due to the vegetation being in full leaf. The site is relatively well contained by the existing waste water treatment works and dwellings at Low Wood which, along with existing trees, appear to adequately screen the development from viewpoints to the northeast, east and south of the site. From Arna Wood Lane, to the north east, would be the most likely location that the development would be viewed in conjunction with the approved solar farm to the north, which has not yet been constructed. However, as views of the panels on the current application are likely to be very limited, even in winter months, it is not considered that there would be an adverse cumulative impact from this location.

7.2.2 From the multi-use path, views of the panels are relatively limited, given the presence of existing vegetation along the site boundary and the relatively level topography of the site. There are gaps in the vegetation that provide views and it is considered that this could be mitigated by additional planting. It is not clear if the applicant has control over the existing hedgerow and trees. It would need to be ensured that sufficient screening could be secured and maintained for the lifetime of the development, which is proposed to be 20 years. There is a gate providing access to the path from the field. This is to provide access for horse riders, presumably from the development at Low Wood which has stable, but it is not clear if this is new. Unfortunately this does provide open views of the panels which are an urbanising influence in this rural area. However, this is for a very limited time travelling past the site and there are other elements within the landscape close to the site, such as the pylons that introduce man-made structures into the landscape.

7.2.3 When approaching the site from both the north and south, views are very limited and generally non-existent until adjacent to the site as a result of vegetation and landform, although this is likely to increase within winter months. However, to the north is a large bank extending up from the path. This also provides a good separation between views of this development and the approved site to the north. It is therefore considered that there will not be detrimental cumulative impacts from the multi-use path with the approved development. Overall it is not considered that the development has a significant landscape or visual impact, subject to some additional planting along the eastern boundary.

### 7.3 Impact on residential amenity

7.3.1 The only residential properties likely to be impacted by the development are the two adjacent to the site at Low Wood. At least one of these has views from windows across the site. The development is in close proximity, with approximately 30 metres between the dwelling and the nearest panels. However, given the height of the panels and the topography of the land it is not considered that there is an adverse impact on these properties, though some additional screening would help to break up views from these properties. There is some potential of glare from the panels and the response from Environmental Health will be reported at the meeting. However the panels face south and the properties are to the east so it would seem unlikely that there would be a significant adverse impact as a result of glare.

7.3.2 The most likely disturbance to the properties would have been during construction. However, as this has taken place it does not need to be considered. Vehicle movements to the site for maintenance have the potential to impact on residential amenity if at unsociable hours. However, it would be anticipated that this would take place during daylight hours. However, consideration should be given to controlling this by condition.

### 7.4 Loss of agricultural land/consideration of sites

7.4.1 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.

7.4.2 The land is classified as Grade 3 which is Good to Moderate, and there are two classifications above and below this. It is understood that the land has most recently been used for the grazing of horses. The design of the panels allows the land to be grazed by sheep if desired. The land is not well linked to other agricultural land in the vicinity which makes it less desirable for agricultural use. The development is also associated with the adjacent waste water treatment works, and as such its siting appears to be appropriate in relation to the existing development. Land further from this would be unsuitable as it is proposed to provide power in relation to the existing operation. Given that the site does not consist of high-grade agricultural land, and its association with the works, it is considered that the loss of the agricultural land would not be a sufficient reason to object to the development.

### 7.5 Other issues

There are a number of other issues that will be considered in detail by the County Council when determining the application. These include flooding, highways impacts and ecology, including the adjacent designated sites. Many of these will rely on responses from statutory and non-statutory consultees. In relation to the impacts of the adjacent European designated sites, and particularly birds, Natural England will provide a detailed response. The County Council also has an ecologist who will review this and other ecological issues. It is worth noting, however, that within the ecology report it sets out that wintering bird surveys of the site were carried out before development commenced. However, one of these is 17 December 2015 and the Council received a complaint in relation to the siting of solar panels on this land on 14 December 2015. Enhancements to biodiversity are recommended and similar schemes to this have often included the requirement for a habitat management plan. This would also relate to how the land is managed, such as for grazing.

## **7.0 Planning Obligations**

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

## **8.0 Conclusions**

9.1 The site is adjacent to residential properties but is at a lower level and is relatively low in scale. Subject to the Environmental Health Officer raising no concerns with regards to glare from the

panels, it is not considered that there will be a detrimental impact on residential amenity, although some additional screening would help to limit views of the site from these properties. It is considered that the landscape impact could be mitigated by additional planting along the site boundary with the multi-use path. If the existing hedgerow and trees along this boundary are not under the control of the applicant then it is advised that additional planting is provided within the site to ensure that the development is adequately screened.

### **Recommendation**

That the City Council has **NO OBJECTION** to the proposal, subject to the following:

- Additional planting takes place along the northwest boundary where gaps in the existing boundary treatment exist in order to help screen the development. If this boundary is not under the control of the applicant, additional planting should take place within the site, adjacent to the boundary to ensure that the development is adequately screened for the lifetime of its operation.
- Additional planting between the site and residential properties to help screen the development from residential properties should be considered.
- Some enhancement to biodiversity is recommended. Other similar sites have included the requirement for a Habitat Management Plan.
- Consideration given to hours/times of maintenance to ensure no detrimental impact on the adjacent properties.

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

This is not relevant as Lancashire County Council is the determining authority. Lancaster City Council is simply a consultee for this application.

### **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.