

Agenda Item	A5
Application Number	23/01383/FUL
Proposal	Construction of a solar farm and associated infrastructure including three substations, cables, CCTV and security fencing
Application site	Land South Of Burrow Beck Bailrigg Lane Lancaster Lancashire
Applicant	Mr Elliott Grimshaw - Lancaster City Council
Agent	HPA Chartered Architects
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval, subject to conditions

(i) **Procedural Matters**

Lancaster City Council is the landowner and applicant for this proposal, and the application is a major development scheme that has received representations from the public. Accordingly, in line with the scheme of delegation, the proposal is required to be brought to Planning and Regulatory Committee.

The site is to be visited by Members on the 23rd September 2024 prior to the 30th September 2024 Planning and Regulatory Committee.

1.0 Application Site and Setting

1.1 This application relates to agricultural land just south of Lancaster, to the east of the A6 and Filter House (now Bailrigg Student Living). The application site is to the north of Bailrigg Lane and accessed from this highway, which is a cul-de-sac road leading to Bailrigg village situated to the east of this road. The allocation for Lancaster Health Innovation Campus is on the opposite southern side of Bailrigg Lane. A large-scale housing development was recently refused on land immediately northeast of the application site, between Bailrigg and south Lancaster. The site forms the northern tip for the Lancaster South Broad Location for Growth, however following Lancashire County Council decision to suspend work on the South Lancaster Growth Catalyst, this has triggered a full review of the local plan. The Health Impact Assessment policy associated with this Lancaster South designation also covers the site. A public right of way (PROW) cycle path dissects the two elements of the site, running north to south from south Lancaster to Lancaster University. Electricity power lines cross over the northern portion of the site, with a circa 15-metre-tall pylon located in the eastern field of the site.

1.2 The Burrow Beck flows beyond the north of the site, with associated Flood Zones 2 and 3 flood risks just beyond the development area to the north. The Burrow Beck is a biological heritage site. The

application site itself is in an area at medium risk of groundwater flooding, with potential for groundwater flooding of subterranean property, containing small corner pockets of medium and high surface water flood risk (1in100 year and 1in30 year event risks respectively). Within the south of the site, trees lining Bailrigg Lane are protected through tree preservation orders. The northern and western elements of the site fall within a wider mineral safeguard area, and the site is also within a smoke control area.

2.0 Proposal

2.1 This application seeks planning permission for the installation of solar panels across the circa 6.5ha site area, to produce 4MW of sustainable energy with 3 associated substations within the site. The two fields would be accessed via existing agricultural field accesses to the north of Bailrigg Lane. The proposed solar panels measure between 1 metre and 2.55 metres above the ground level, measuring approximately 3.8 metres long front to back, and separated by circa 4.66 metres between lines of panels within the site. The width of panels proposed is largely across the fields from west to east, broken by the retention of hedgerows within the site. An easement and access to the pylon is located within the site, and there is a 35-metre-wide area parallel to the A6 containing no solar panels or substations. All proposed installations are over 8 metres from the Burrow Beck. Security cameras are proposed attached to up-to 6-metre-tall posts, and plans propose 2-metre-tall wire mesh security fencing.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
23/00493/EIR	Screening opinion for a solar farm	ES not required
23/00496/PRENG2	Pre-application advice request for the construction of a solar farm	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Scotforth Parish Council	<p>Objection, due to the following concerns:-</p> <ul style="list-style-type: none"> • Wrong location for this development, no assessment of alternative sites, proposal inefficiently slopes northwards • Loss of openness, forming an urban extension of Lancaster • Visual harm to gateway location into Lancaster and Bailrigg • Insufficient screening • Glazing over open ground is incompatible with maintaining green infrastructure • Lack of pre-determination construction method statement and photo-montage • Harmful impact of construction traffic on Bailrigg residents, their visitors and upon trees/hedges along Bailrigg Lane • Adverse glint/glare impact upon student residents, occupants can reside in these year round and for multiple years • Flood risk sequential test deficient and fails to disaggregate the development to assess potential multiple small sites around substations that could accommodate some capacity • Lack of community engagement • Lack of tangible and reasonable Community Benefit

Bailrigg Village Residents Association	<p>Objection, due to the following concerns:-</p> <ul style="list-style-type: none"> • Lack of construction management information, details submitted inadequate. Residents need to know how they will be able to go about their daily lives during construction • Drainage and flood risk concerns • Adverse impact upon the rural character of Bailrigg, no photomontages for assessment • Lack of screening of the development • Oppose the removal of trees • Adverse glint and glare impacts upon upper floors of dwellinghouses and student accommodation on opposite side of the A6. • Lack of community benefit
County Highways	No objection , subject to a detailed Construction Management Plan through pre-commencement planning condition to ensure that the size and volume of vehicles related to the construction phase can be mitigated along the narrow lane with no footways. Further planning condition recommended relating to surveying and repair any damage to Bailrigg Lane has been made good, access points and wheel washing facilities.
Environmental Health	<p>No objection, subject to a planning condition for a contaminated land assessment prior to commencement</p> <p>No observation to glint and glare assessment, reflected light is beyond the statutory remit, as any adverse impacts (if any) would represent a private nuisance</p>
Tree Protection Officer	No objection , subject to sufficient separation between proposed fencing and existing hedgerows, additional trees planting along the site boundaries to enhance existing boundary features, and protection of grassland and soils during construction.
Lead Local Flood Authority	No objection , subject to a planning condition for implementation of flood risk and drainage measures, and a verification report of implemented drainage prior to first use
United Utilities	No objection , subject to subject to a planning condition for implementation of flood risk and drainage measures
Environment Agency	No objection , updated FRA and easement from Burrow Beck have addressed previous objection. Satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented
National Grid	Holding objection , due to proximity of proposed panels to pylons
Fire and Rescue	No observation received
National Gas	No adverse comment
Public Rights of Way	No objection , subject to a contribution of £46,200 to improve the surface condition of the footpath running between the two fields of the application site, avoiding draining to public rights of way, landscaping at least 3 metres from a public right of way, avoiding obstruction to the public right of way and measures to avoid/mitigate health and safety risk to public right of way users.
Ramblers Association	No observation received
Public Realm Officers	No observation received
Mineral Safeguard	No observation received
Natural England	No observation received
Electricity North West Limited	No objection , informative regarding development in proximity to electricity infrastructure
Shell UK	No objection , no adverse impact upon pipeline
Conservation Section	No objection , no adverse impact
Lancashire Archaeology	Requested further information on cable run depths and total area of excavation required for substation foundations.
RSPB	No observation received

Engineering Team	No observation received
Sustainable Growth	No objection , the development is infrastructure development of a scale that meets the Employment Skills Plan policy requirement.
Planning Policy Team	No objection , policy accords with policies relating to renewable energy, and exceed biodiversity and ecology policy requirements

- 4.2 **One objection** has been received from members of the public:
- Scale of development and streetscene impact, incongruent and conspicuous development
 - Lack of improvements to pedestrian infrastructure
 - Flood risk

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development, and the climate emergency;
- Agricultural land and alternatives;
- Flooding, drainage and infrastructure;
- Design, scale, layout, heritage and landscape impact;
- Residential amenity, glare and contamination;
- Sustainable transport and highways impacts;
- Ecology, landscaping and trees; and
- Employment, infrastructure and mineral safeguarding.

5.2 **Principle of development, and the climate emergency** Development Management (DM) DPD policy DM53 (Renewable and Low Carbon Energy), Strategic Policies and Land Allocations (SPLA) DPD policy SP1 (Presumption in Favour of Sustainable Development); and National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), and Section 14. (Meeting the challenge of climate change, flooding and coastal change)

5.2.1 National Planning Policy Framework (NPPF) states in paragraph 157 that the planning system should support the transition to a low carbon future in a changing climate, and should shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy. This is elaborated upon in paragraph 163, which stipulates that when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impact are, or can be made, acceptable, and not require applicants to demonstrate the overall need for renewable or low carbon energy. The current Government's proposed reforms to the NPPF are out to consultation, and as such, are at present of limited weight. However, within the proposed NPPF reforms, it is noteworthy that the current position of 'recognising the valuable contribution of even small-scale renewable proposal' is sought to be amplified to being given 'significant weight' to such contributions, although this remain out to consultation as a draft change, so of limited weight in policy terms as this stage. The aforementioned paragraphs of the current NPPF adds support and positive weight to the proposal's contribution to renewable energy generation and a net zero future.

5.2.2 Locally, the Council is committed to supporting the transition to a lower carbon future, and will seek to maximise the renewable and low carbon energy generated in the District where this energy generation is compatible with other sustainability objectives. Through DM DPD policy DM53, the Council will support proposals for renewable and low carbon energy schemes, where the following impacts are, or will be made, acceptable:-

1. As a result of its scale, siting or design impacts on the landscape character, visual amenity, biodiversity, geodiversity, flood risk, townscape and historic assets of the district, highway safety, aviation and defence navigation system/communications are satisfactorily addressed;
2. Impacts on the amenities of sensitive neighbouring uses and local residents are minimised (including by virtue of noise, dust odour, shadow flicker, air quality or traffic);
3. The wider environmental, economic, social and community benefits directly related to the scheme outweigh any significant adverse effects; and
4. The proposal is consistent with other relevant policies within the local development plan.

- 5.2.3 The local policy position was adopted in 2020, and whilst the intended additional support to such proposal through the local plan review has yet to be adopted or reached substantive policy weight, Lancaster City Council declared a climate change emergency in January 2019 and set a target date of 2030 to make the Council's activities net-zero carbon. There are national plans to decarbonise the UK power system over the next decade, by 2035, which is a target recently reported as being set to be failed at the current rate of change. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Turning back to Policy DM53, and national guidance on renewable and low carbon energy development, there are a number of planning considerations that will be assessed fully within subsequent sections of this report. This particularly relates to those listed in criteria 1 and 2 of Policy DM53, whilst criteria 4 is a planning balance within the conclusion.
- 5.2.4 Moving to criteria 3 of Policy DM53, whilst Scotforth Parish Council and Bailrigg Village Residents Association have objected due to a lack of tangible and reasonable community benefit, there are clearly environmental, economic, social and community benefits to delivering such renewable energy projects. Such renewable energy proposals deliver renewable energy, improve energy security and reduce carbon emissions compared to fossil fuel alternatives. The proposal would positively contribute to move towards net-zero carbon and positively contributing to addressing the climate emergency. The provision of renewable energy forms a vital part of delivering sustainable development, and there is a clear presumption in favour of development which would provide for renewable energy, with benefits to the wider community. As such, the proposal is considered to be acceptable in principle, subject to addressing the aforementioned points and material planning considerations assessed in following sections of this report.
- 5.3 **Agricultural land and alternatives Development Management (DM) DPD policies DM44 (The Protection and Enhancement of Biodiversity) DM48 (Diversification of the Agricultural Premises), and DM53 (Renewable and Low Carbon Energy); and National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 11. (Making effective use of land), and Section 15. (Conserving and enhancing the natural environment)**
- 5.3.1 The site is a greenfield site immediately south of the built-up area of Lancaster, and has been used as agricultural grazing land for a number of years. Whilst the site remains in agricultural use, land immediately south of the site is allocated as part of the Health Innovation Campus, and is no longer in agricultural use. Land immediately to the east of the site was recently refused in a planning application for a significant housing development, a decision which is currently under an appeal process. Immediately west of the site beyond the A6 is a four-storey tall block of student accommodation, and further west is the West Coast Mainline railway and Burrow Heights beyond, the latter being used for agricultural grazing.
- 5.3.2 The application site is currently leased as just over 6.5 hectares of agricultural land across two fields, which are separated by a well-used PROW cycle path. The previous government issued a ministerial statement in May 2024 which reiterates that the highest quality agricultural land is least appropriate for solar development. The NPPF recognises the economic and other benefits of best and most versatile agricultural land, and renewable energy guidance seeks for proposals that allow continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The use of brownfield land or poorer quality agricultural land is preferable to higher quality land.
- 5.3.3 During the application process a sequential test has been submitted for consideration of alternative sites, albeit for similar scale sites and based upon sites within 1km of three potential grid connections in Melling, Trimpell (Middleton) and the Burrow Beck substation immediately adjacent to this application site. The Yealand substation has not been included due to delayed deliverability until the end of the decade, and other substations have capacity constraints for this scale of project. Around Melling, the majority of land is Grade 3 agricultural land, similar to land around the application site, whilst land around Trimpell is classified as non-agricultural, predominantly urban use.
- 5.3.4 There is previously developed and industrial land around the Trimpell substation, however none have been identified within the sequential test. Whilst the search area was limited to 1km proximity due to viability of cable lengths, it is understood these can be further, albeit with compromised cost and efficiency detractions with increasing distance from substations. Having searched for land advertised for sale within 3 miles of the site, the only available land is a dilapidated farm building

group, for sale with permission for 9 much needed dwellinghouses. This land is classified as a greenfield agricultural site irrespective of buildings located on this site, and is less than one tenth of the size of the application site, and could not deliver even a reasonable portion of the quantum of renewable energy sought. Whilst this is unfortunately not a comprehensive search, no comparable alternative brownfield sites have been identified within the submitted sequential test nor by the LPA searches.

- 5.3.5 No land within the district is classified as Grade 1 or 2 agricultural land (Excellent or Very Good). The majority is Good to Moderate (Grade 3) or Poor (Grade 4), notwithstanding urban areas. Grade 3 land can be subdivided into Grade 3a and 3b, with the differentiation between what is considered best and most versatile agricultural land being separated by this subdivision of Grade 3, with one considered 'Good', the other 'Moderate'. Whilst the majority of the districts Grade 3 agricultural land has not been subdivided into subcategories, this site is one that has been assessed and subdivided, primarily due to previous development potential for the Heysham M6 link road 'Blue Route', prior to selecting and developing the preferred option of the Bay Gateway (Orange Route).
- 5.3.6 DEFRA online maps suggest that large portions of the western field is within Grade 3a agricultural land, whereas the entire eastern field is Grade 3b. Specific site assessment and soil sampling took place in 1997 as part of the options appraisal for the Heysham M6 link road. This site assessment soil categorisation concluded that this site east of the A6 is 'unlikely to give best and most versatile agricultural land with soil wetness the most likely limitation'. There are small pockets of the site mapped by the Environment Agency as being at risk from surface water flooding, whilst the majority of the site is recognised by British Geological Survey as being at medium risk of groundwater flooding, with potential for groundwater flooding of property situated below ground level. There are further limitations on-site, including topography over 7-degree slope in certain areas, a limitation whereby such gradient land cannot realistically be used as best and most versatile land. Other areas contain pipework and refill with stoney soil type, which is another recognised limitation to agricultural land quality. Soilscape data for the entire site has low fertility acid loamy soils, with over two thirds of the site classified as slowly permeable seasonally wet land, which is corroborated by the 1997 site assessments.
- 5.3.7 There are a number of limitations to the agricultural use of the land, including wetness, stoniness, gradient and fertility, with the site previously being used and leased for grazing for circa 20 years, as opposed to arable land associated with best and most versatile land. Whilst a minority of the proposed development area of the site may still fall within Grade 3a, best and most versatile land, which local and national policy seeks to protect, the limited land area and connection to surrounding agricultural land reduces the usability further. A senior soil scientist concludes that there would be no lack of supply of comparable agricultural land in the area. The proposal is considered to avoid the very highest quality agricultural land that is least appropriate for solar development.
- 5.3.8 Whilst some of the site may be considered 'Good' quality, given that this is a minority of the site and a relatively small portion of land, with limited agricultural connections other than historic grazing, this has limited economic and other benefits associated with such agricultural land. As such, it is considered that the due weight to attribute to the development of solar panels on this agricultural land is limited. The proposed development would potentially reduce, but not completely prejudice nor restrict, the continued agricultural use of the site for grazing due to the raise nature of the proposed panels. Furthermore, in the long-term timescale such developments are temporary through planning condition for 25 years consent to reflect the functioning lifespan of energy generation from solar panels. A conditional requirement for a decommissioning plan would detail how the site would be restored and used beyond this period, the expectation being that there would be no adverse effects following decommissioning on the land's capability for agriculture. A condition to control cabling beneath the ground will facilitate continued agricultural, whilst reducing the visual impact of the proposal.
- 5.4 **Flood risk and drainage** Development Management (DM) DPD Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), and DM57 (Health and Wellbeing); Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change)

- 5.4.1 The site falls within Flood Zone 1, and the proposed development area avoids Flood Zones 2 and 3 along the Burrow Beck to the north of the site. Surface water flooding impacts small pockets of the site to the central far west of the site, and the southeast corner of the western field, with medium and high flood risks to these areas at risk of surface water flooding events more frequent than 1 in 30 years. The majority of the site is at medium groundwater flood risk, with potential for groundwater flooding of subterranean property, with the northern edges towards the Burrow Beck at higher risk, and a portion of the western field at lower risk of groundwater flooding.
- 5.4.2 In flood risk vulnerability terms, solar developments such as this fall within 'Essential Infrastructure' vulnerability classification, alongside essential infrastructure which has to cross the area at flood risk, and essential utility infrastructure that has to be located in a flood risk area for operational reasons. Whilst these comparable schemes within the vulnerability classification suggests that flood risk is not prohibitive for such development, particularly as such essential infrastructure may be permitted in a Coastal Change Management Areas, there is no exemption from the requirement for such development to meet the Sequential and Exception Tests as appropriate. As such, the proposal should be assessed against these tests, and demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere.
- 5.4.3 The sequential test is applied to steer development to areas with the lowest risk of flood from any source. A sequential assessment has been submitted as part of this application to address this matter. The proposal is located in very close proximity to an existing substation for connection to the national grid, and the development is considered to be immediately deliverable in terms of timeframe for development. Progress has been made regarding grid connections and delivery of the development prior to and during the planning application process. As such, discounting grid connections that cannot accommodate such connection in the short-term is considered to be a reasonable and agreeable limitation for the area of search for alternative sites.
- 5.4.4 Whilst it is understood that grid connections are often required for such renewable energy schemes, and substations need capacity to accommodate this, there is insufficient justification to limit this to within 1km of a few substations within the district. Other solar development in the district has been approved at a straight-line distance of 1km from a substation, whilst others are separated by greater distance but feed into a specific end user, rather than grid connection. It is understood that connection within 1km of a substation may be optimal, however there is insufficient justification that extending this distance to a mile or two would be unviable or impractical. Furthermore, with such a narrowed geographic search, a submitted sequential test would be expected to make direct contact with land agents and neighbouring landowners to determine whether sites are available, rather than solely relying on website searches.
- 5.4.5 Due to the limitations of the submitted sequential test, it is considered that the submitted assessment does not comprehensively explore all alternatives. It is considered that the sequential test fails, as the one provided is inadequate for this purpose, despite the LPA being unable to find a suitable alternative through online searches only. Failure of the sequential test means that it is not necessary to apply the exception test, but also the 'Essential Infrastructure' flood risk category of the proposal negates the requirement of an exceptions test for the risk of flooding at the site. NPPF paragraph 168 states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, whilst the associated flood risk and coastal change guidance states that where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed. These statements appear rather categorical, but such matters can be weighed into planning balance along with other material considerations of the proposal. Given the 'Essential Infrastructure' risk of the sought use combined with the largely subterranean risk of flooding from groundwater across the site, in this case it is considered pragmatic to do so.
- 5.4.6 Taking account of all sources of flooding, large swathes of the district are at risk from one or multiple sources of flooding. It is considered that the submission has failed to rule out all other potential sites within reasonable proximity to grid connections. However, this should be assessed in the context of a solar development, which is within the 'Essential Infrastructure' category risk of flooding, also containing uses necessary in flood risk areas, which national guidance suggests may be permitted in a Coastal Change Management Areas. If flooding were to occur at the site within the 25-year lifetime of the development, the tangible impact would be nominal, as the site would have very limited activity through required infrequent maintenance following construction. For the majority of

the time, the site would simply contain solar panels with associated infrastructure, and otherwise used in a similar fashion to existing.

- 5.4.7 The NPPF and associated national guidance attaches great significance to avoiding flood risk, and directing new development to the areas of lowest risk. This should ideally come forwards through the Local Plan and allocations of sites for appropriate development. Even through this Local Plan process, in Lancaster District this has resulted in housing and employment allocations in locations at known risk of river and sea flooding, due to the lack of alternative sites to meet the development requirements for the district over the plan period. Furthermore, those at 'More Vulnerable' risk, such as residential sites, would more likely be directed to the lowest flood risk areas through the current Local Plan review process, with other development likely allocated following this, once residential allocations have been directed to the most appropriate sites at lowest risk. Whilst this Local Plan review process has only recently begun, from the currently adopted plan position and knowledge of constraints in the district, it will be unachievable for all the districts development needs to be on land at no or low risk of flooding.
- 5.4.8 Proposals must demonstrate they have considered all sources of flooding, which is a significant task in terms of assessing alternatives, particularly when applicants have multiple other considerations in terms of locations for development. When considering all sources in a district as constrained as Lancaster, it will not always be pragmatic to expect all development to have no or low risk of flooding from all sources. There is a the relatively low likelihood/frequency of groundwater flooding situated below ground level affecting part of the site, and a sequential approach to development within the site avoids locating solar panels and substations within surface water flood risk areas. Taking this into account and combined with the largely unharmed impacts of such events upon solar development, it is considered that this reduces the severity of such impacts. This proportionately reduces the weight of harm attributed in planning balance.
- 5.4.9 Due to the severity of significance placed on the failure of the sequential test within the NPPF and guidance, balanced with the actual risk and extent of impact from risk of groundwater flooding below ground flooding to an 'Essential Infrastructure' use, it is considered that the failure of the sequential test and lack of conclusive evidence in directing development to areas at the lowest risk of flooding has very limited harm weighing against this proposal. This needs to be considered in the context that such applications are not required to demonstrate an overall need for renewable energy, recognising the valuable contribution even small-scale projects provide to significantly cutting greenhouse gas emissions. The very limited harm identified presents conflict with local and national planning policies with regards to flooding, which should be proportionately and pragmatically weighed against the merits of the proposal. This task is undertaken in the conclusion and planning balance section of this report.
- 5.4.10 An amended flood risk assessment and drainage strategy has been submitted as part of this application, detailing the proposed development will drain as existing toward Burrow Beck. The installation of ground based solar PV panels would not change the existing site surface water drainage characteristics, which would remain consistent with the existing greenfield conditions. Nevertheless, sustainable drainage measures are proposed in the form of shallow contour drains/swales, with ground protection to prevent surface erosion, and reducing lateral flow through reducing gradient. The proposed contour works result in modest channels up to 50cm deep and raising up to 25cm earth bunds above existing ground levels across circa 4 metres cross-sections. These would be unnoticeable visually subject to grass seeding, whilst providing sustainable drainage of the site. Following discussions with the applicant, a pre-commencement surface water drainage condition has been agreed to allow for full details to be submitted and agreed, so any minor changes to drainage can be regularised through this process. The Environment Agency, Lead Local Flood Authority and United Utilities are all satisfied by the sustainable details provided within the application, and subject to planning conditions controlling final details, implementation and verification of these, it is concurred that the proposal would mitigate and not exacerbate flood risk through such measures.
- 5.5 **Design, scale, layout, heritage and landscape impact** Development Management (DM) DPD policies DM29 (Key Design Principles), DM30 (Sustainable Design), DM39 (The Setting of Designated Heritage Assets), DM42 (Archaeology), DM46 (Development and Landscape Impact) and DM53 (Renewable and Low carbon Energy Generation); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment); National Planning Policy Framework

- 5.5.1 The site is located just beyond the southern edge of Lancaster, on the opposite side of the road from Collingham Park from a care home and the residential suburbs of Lancaster around this. On the opposite side of the A6 to the west is Bailrigg Student Living, a four-storey block of student cluster flats, providing 168 bedrooms of student accommodation. To the south is Lancaster Health Innovation Campus, which is allocated for knowledge-based and research businesses. This employment allocation currently only contains the first building constructed as part of this allocation, but with road infrastructure to serve this unit and future developments. Further south is Lancaster University Campus. To the east is the village of Bailrigg, beyond which is the M6 motorway. High voltage 15-metre-tall electricity infrastructure visibly crosses above the site, with a tall pylon within the eastern field of the application site. Masterplanning for the Bailrigg Garden Village had placed the site within the Green Buffer, intended to prevent new garden village housing from amalgamating into existing settlements, but suggested this buffer could facilitate varied uses such as food production, before progress on this plan stalled.
- 5.5.2 Whilst the application site is agricultural land, the immediate surrounding context is not a rural landscape, and as not allocated as Open Countryside. For those experiencing the site from the A6, the proposed is positioned to the south of suburban Lancaster, east of a visually imposing student accommodation block, and north of a knowledge-based employment site. As such, the site and surroundings are not experienced as rural, but a transitional space in the immediate setting of south Lancaster, with associated accommodation, employment and educational functions immediately surrounding. Those experiencing the site via the public right of way via sustainable walking or cycling transport will likely be more observant of surroundings at pedestrian pace. However, even from this perspective, the site forms a tree-lined avenue transitioning between the Lancaster suburbs to the Health Innovation Campus, and to the University beyond, similar to the continued path towards Hala, but not particularly rural in character. The greater sensitivity is travelling along Bailrigg Lane, and particularly towards Bailrigg. Following turning off the A6, the character of this lane is lined by established trees and feels much more rural within a short distance. The same experience is somewhat diluted in the reverse by the visibility of tall student accommodation towards the western head of Bailrigg Lane. There are no local or national landscapes associated with the site, nor is the site within the setting of any such designated landscapes.
- 5.5.3 The proposed development will result in a medium-term change in land cover across the site, from an agricultural land appearance to a solar development for 25 years. Land cover across the site would change from pasture fields to a solar panel array, including small substations, with associated security fencing and CCTV poles. The low profile and pattern of rows of the proposed solar panels would follow the changes in the contours of the undulating site, reflecting the topography of the site, although partially masking the underlying landform. Amendments to the proposed 3x substations will alter land levels through cut/fill to provide a level platform for these development, cut into the sloping topography and build up with sloping grassland at the lower end, reducing the prominence of this aspect of the proposal.
- 5.5.4 Both Scotforth Parish Council and Bailrigg Village Residents Association raise objection due to the visual impacts of the proposal and limitations of screening of the development. The visual impacts of renewable energy schemes can be subjective, particularly in more developed settings such as this, as whilst some may see the loss of agricultural fields, others may see this as low height renewable energy in the context of existing surrounding developments, the above ground electricity lines and pylons. Such development would provide a clear visible intention of practical intervention to addressing the climate emergency. Notwithstanding that there may be mixed opinions as to where visibility of renewable energy infrastructure is inherently harmful or not, mitigation is proposed through the retention of boundary vegetation, which provides a mature landscape setting to the site, and seeks to be supplemented by areas of new hedgerow planting to offer greater screening.
- 5.5.5 A Landscape and Visual Impact Assessment (LVIA) has been submitted with this application, detailing that landscaping could mitigate most viewpoints, other than from upper floors of the recently constructed student accommodation. Mitigation in the form of landscaping would take time to establish, so there would be short-term moderate visual impacts of the proposal. However, these are primarily to those passing along the A6, which is considered to be lower sensitivity given the surrounding built context and location on the edge of Lancaster. The LVIA identifies a short-term

moderate impact from a dwellinghouse within Bailrigg. Whilst this is a private view from a house sought to be demolished as part of a recently refused large housing scheme, landscaping should be focused towards this corner, and other potential viewpoints of the site, through planning condition.

- 5.5.6 It is considered that Bailrigg Lane eastbound is the most sensitive public viewpoint due to the character of this approach to the village. Fortunately, the existing mature protected trees and established hedgerows offer significant existing screening, and immediate mitigation from visual impacts. Fleeting views through this vegetation boundary can be bolster further through additional landscaping where required. Whilst existing access points will provide some visibility, these are not widened through this proposal. The submitted LVIA concludes that within Bailrigg itself there would be very limited views of the proposed development, and the effect on views from Bailrigg village more generally would be no greater than minor. Whilst Burrow Road further west is also rural in character, views to the site have the foreground of the A6 and large student accommodation, which already exerts a developed and institutional character view.
- 5.5.7 It is considered that the most sensitive viewpoints of the proposed development along Bailrigg Lane benefit from existing screening, and where viewpoints are currently more open, such as along the A6 and the adjacent student accommodation, these have lower sensitivity to change given the surrounding context. As such, and subject to planning conditions to control landscape mitigation and details of boundaries and security developments, whilst the site would be visible from some viewpoints in the short-term, this results in only limited harm to the streetscene and the landscape in a location at the edge of the city of Lancaster. Impact could be mitigated further in the medium term upon establishment of additional landscaping through planning condition.
- 5.5.8 The nearest Listed Building is over 450 metres from the site, at the far end of Bailrigg village with no intervisibility to the proposed development. Bailrigg House Grade II Listed Building is a similar distance and in an elevated position. Due to this elevated position, the development would be visible from Bailrigg House and the grounds to this national heritage asset. However, the setting of Bailrigg House is already now formed by Lancaster University, the Health Innovation Campus and student accommodation as existing. Given this intervening visual context and the separation distance, the proposed development is considered to have no adverse impact on the setting of Listed Buildings, with no adverse comment received from Conservation consultees. There may be archaeological interest in the site, with the subterranean infrastructure and cut/fill aspects that may disturb the ground. These impacts can be mitigated through a planning condition for an archaeological written scheme of investigation, as requested within the consultation response from County Archaeology through a pre-commencement planning condition.
- 5.6 **Residential amenity, glare and contamination** Development Management (DM) DPD policies DM29 (Key Design Principles), DM32 (Contaminated Land) and DM53 (Renewable and Low Carbon Energy Generation), DM57 (Health and Well-Being); and National Planning Policy Framework (NPPF) Section 8. (Promoting healthy and safe communities), Section 12. (Achieving well-designed and beautiful places) and Section 15. Conserving and enhancing the natural environment
- 5.6.1 A Glint and Glare Assessment has been carried out and submitted by a specialist consultant. This concludes no impact on train drivers from the railway west of and parallel to the A6, and no significant impact upon aviation activity at Cockerham Airfield. Solar reflections are geometrically possible towards a 300-metre section of the A6 and a 600-metre section of the M6. However, all predicted solar reflections occur outside of a road user's primary field of vision, with no significant impacts upon road user even without mitigation.
- 5.6.2 The majority of surrounding residential properties will not be impacted by glint and glare from the proposed development. The dwellinghouse immediately southeast of the application site, recently sought but refused for demolition, has an impact from an upper floor bay window facing into the application site. This would be between the end of February to middle of October, but for less than an hour, and nearer 30 minutes per day between 5pm and 6pm for this period to the upper floor side west facing window. Another property over 200 metres east of the application site has also been identified as impact from upper floor windows, likely due to the elevated position of this property. These impacts are from geometrically possible solar reflections from April to the middle of September, similarly for circa 30 minutes per day between 5pm and 6pm. Given existing screening limiting impacts to upper floor windows only, separation distances, the effects coincide with direct sunlight, which appear less prominent, and landscaping scheme to mitigate further, these short

duration impacts are considered to be low, as concluded within the assessment submitted as part of this application. These low impacts do not require additional mitigation beyond landscaping, which can be controlled through planning condition, to ensure no undue adverse impact upon residential amenity to either of these residential properties. Whilst this aspect of the proposal was discussed with Environmental Health colleagues, impacts of reflected light are understood to be a private matter, rather than within the remit of this service, and as such there is no observation with this regard from this consultee.

5.6.3 There are further residential impacts to the upper floors of the student accommodation to the west of the site. This impacts 66 bedrooms of student accommodation, along the eastern side of the block parallel to the A6. The submitted Glint and Glare assessment includes lack of permanent residence across the year, and typically only living in such accommodation for a single year, as relevant factors in concluding this does not have an impact upon residential amenity. Officers do not concur with this view, particularly as student will frequently occupy their bedrooms as the only entirely private space available to them, with only a shared living/kitchen within cluster flats as alternative space in their accommodation. The impact would be similar to those to previously assessed residential properties, with geometrically possible solar reflections possible for more than three months per year, but less than an hour on any given day. The separation distances would be at least 75 metres across the A6, but given the four-storey tall student accommodation, landscaping would not mitigate these impacts.

5.6.4 Fortunately, the design of the student accommodation block unusually contains two windows of differing aspects to the vast majority of impacted student bedrooms. This dual aspect reduces the impact of glint and glare, as natural light and outlook can still be obtained from an alternative window serving the room, even if glint/glare impacts up to one hour of the day to another window. There are three bedrooms with eastward facing windows that are only served by one window, but these are at the southern end of the southern building, directly opposing the northern end of the Health Innovation Campus and Bailrigg Lane, and benefits from improved screening from existing landscaping due to the location of these bedrooms. The timing and duration of any potential glint and glare to student accommodation is between mid-April and September, between circa 4:45am and 6am but for no more than one hour per day during this period. The time of year and time of day that glint and glare may direct to this student accommodation windows is considered to be mitigation in itself, because impact at such a time of the morning are less likely to harm amenity. As such, these mitigative factors within the neighbouring student development design are considered to limit the impacts to low levels, with no mitigation required to reduce these further for acceptable residential amenity standards. As such, it is considered that there is no undue adverse impact to residential amenity from glint and glare.

5.6.5 At a local level, during the construction phase there is likely to be some temporary noise and disturbance. A planning condition requiring a construction management plan (CMP) and access details will be required to establish how the construction phase will be managed to ensure that traffic, noise, dust and disturbance is kept to a minimum. During the operation phase, some noise would be generated from inverters and substations, however given the distance to the nearest dwelling and the location of the site close to the A6 and M6 roads, it is considered that this would have no undue adverse impact upon residential amenity. Environmental Health have reviewed other aspects of the scheme, beyond glint and glare, and raised no concerns, subject to a contaminated land assessment to protect construction workers and employees visiting the site, which can be controlled through planning condition.

5.7 **Sustainable transport and highways impacts** Development Management (DM) DPD policies DM29 (Key Design Principles), DM53 (Renewable and Low Carbon Energy Generation), DM60 (Enhancing Accessibility and Transport Linkages) and DM61 (Walking and Cycling); Strategic Policies and Land Allocations (SPLA) DPD policies: T2 (Cycling and Walking Network); and National Planning Policy Framework (NPPF) Section 9. (Promoting sustainable transport)

5.7.1 The cycle path and designated public right of way (PROW) dissects the two fields of the application site. Whilst the County PROW Officer returns no objection to the proposal, this response requests £46,200 of contributions to mitigate against the development and improve sustainable transport. However, it is unclear how development of fields either side of the PROW would directly impact the function of this, and as such there is no impact to mitigate. Such a contribution would not be compliant with relevant legislation required for such contributions, as these can only be secured

where necessary to make the development acceptable. The construction and deliveries would be via the existing field access to the site, and the PROW would be unsuitable for such deliveries. There is no reason for associated vehicle movements or storage of materials to this PROW outside of the development area. Whilst construction management arrangements would be necessary to ensure continued safe pedestrian/cyclist movements during site deliveries, this could be controlled through planning condition to ensure no adverse impact, diversion or temporary closure of this important and well used PROW.

5.7.2 Following construction, movements to and from the site would be infrequent and similar to existing, however construction phase movements would be far more intensive. A basic construction method statement has been submitted for consideration to address earlier County Highway concerns with the construction phase and scale of vehicles required to facilitate development, particularly given access is via the narrow Bailrigg Lane. The primary mitigation is construction deliveries via smaller vehicles, at a maximum size similar to a bin wagon. Warning signs of deliveries would be displayed, with bankspersons employed to guide site vehicles to the field access point, with no associated vehicle movements beyond the eastern field access point. Bankspersons should be used for site egress too, rather than removing hedgerows. Whilst the submitted construction method statement is light on precise details, such details can be controlled through planning condition. As such, highway impacts can be mitigated through such a planning condition, with no objection from County Highways. A condition survey to ensure Bailrigg Lane is restored to pre-development condition is also recommended to ensure no adverse impacts upon the public highway.

5.8 **Ecology, landscaping and trees** Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) DM45 (Protection of Trees, Hedgerows and Woodland), DM53 (Renewable and Low Carbon Energy Generation) and DM57 (Health and Wellbeing); Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 11. (Making effective use of land) and Section 15. (Conserving and enhancing the natural environment)

5.8.1 The development can be completed as proposed with the retention of all trees within the site, with just 15 metre length of hedging lost to facilitate access between the southern and northern ends of the eastern field. The submitted LVIA and 'Tree and hedge planting and management' document details a number of mitigation measures. These include planting circa 225 metres of mixed native double staggered hedgerows, grassland enhanced across the site through seeding of a species-rich grassland mix with management practices, planting 21 native trees. The creation of new hedges and improvement of existing hedges will introduce a total of approximately 456 metres of new hedging plants at a planting density of 6 plants per metre in a double staggered row. This is considered to be ample mitigation for the loss of a small length of hedgerow to ensure National Grid access to the pylon within the site is maintained. Whilst proximity of suggested fencing to tree root protection areas was a previous point of concern, the locations of fencing have been removed, and if still required through the proposal these can be controlled through planning condition. In order to improve the existing hedgerow network and reduce the impact of shading, hedge renovation works are proposed as detailed within the 'Tree and hedge planting and management' document. The hedgerow bordering the cycle track to the west will be layed, gaps filled and 16 new standard trees planted throughout its length. All other boundary hedgerows will be trimmed annually.

5.8.2 The NPPF encourages multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains, such as developments that would enable new habitat creation. Whilst the application was validated prior to the mandatory legal requirement to deliver biodiversity net gain (BNG), the proposal will create a program of ongoing management of proposed additional landscaping and planting. This will achieve the submitted biodiversity net gain assessment results of 23.48 habitat units (156.96%) and 5.01 hedgerow units (45.06%). Subject to the implementation of these through a pre-commencement condition for a BNG plan and maintenance/monitoring information for 30 years, in addition to the protection of trees and during construction, the proposal goes above and beyond policy compliance with this regarding.

5.8.3 The proposal offers a significant biodiversity enhancement. Tree protection measures should be submitted, agree and implemented prior to commencement, particularly incorporating the proposed drainage and measures of protection in proximity to trees. Full details, delivery and long-term maintenance of the above landscaping and BNG should be controlled through planning condition,

not just for visual screening but to provide full details of the ecological enhancements proposed, which weigh in favour of the proposal. Subject to such planning conditions, the proposal accords with national planning guidance to encourage biodiversity improvements for renewable energy schemes.

5.9 **Employment, infrastructure and mineral safeguarding** Development Management (DM) DPD policies DM28 (Employment and Skills Plans), DM29 (Key Design Principles), DM53 (Renewable and Low Carbon Energy Generation), DM58 (Infrastructure Delivery and Funding); National Planning Policy Framework (NPPF) Section 17 (Facilitating the sustainable use of minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals); and Employment and Skills SPD;

5.9.1 This proposed development meets the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP details how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. As such, and given mitigation would likely be met during construction phase of the development itself, this should be controlled through pre-commencement planning condition to ensure any consent granted delivers the ESP requirements.

5.9.2 The site contains existing subterranean and above ground infrastructures, with a National Grid power cables and a pylon located in the eastern field. No adverse comments have been received from most consultees with this regard, however a consultation response from National Grid provided a holding objection in April due to insufficient space and access to the pylon. Amendments have been proposed to accord with National Grid technical guidance on solar farms, with an extended maintenance work area to 15 metres around the pylon, at least 3 metre with vehicular access from the public highway to the pylon, and development under 4 metres tall, which is understood to be more than 5.3 metres from the lowest conductors. National Grid were reconsulted on these plans on 2nd July, and whilst amendments and positive discussion have been ongoing, there is no formal response addressing the much earlier holding objection, which remains in place.

5.9.3 Through planning conditions restricting height of development under pylons, ensuring a clear access and maintenance area under pylons that could be temporarily extended through moveable structure/development within the wider area under pylons, Officers are confident that this meets National Grid guidance and requirements. Progress on this and any updated consultation response from National Grid will be reported verbally at planning committee, and it is anticipated this matter can be satisfactorily addressed prior to determination. Subject to such planning conditions to ensure this space remains clear and available for such use by National Grid at all times thereafter, and a scheme to ensure vehicles can traverse proposed drainage swales/bunds, it is considered that the proposal will have no adverse impact upon existing infrastructure. No observations have been received from Fire Safety, however the National Grid access arrangements should be suitable for emergency vehicle too if necessary.

5.9.4 The site is partially located within a Mineral Safeguarding Area as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. The western and northern edges of the site fall 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, the small areas of mineral safeguard area that are largely undeveloped through the proposal, combined with the lack of 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. The proposed development would not prejudice mineral extraction in the area.

6.0 Conclusion and Planning Balance

6.1 The purpose of the planning system is to contribute to the achievement of sustainable development. The proposed solar development would contribute to the decarbonisation of electric energy in the district, contributing positively to both local and national climate mitigation targets, and clearly supports the Council's climate change targets of net zero by 2030. There are clearly environmental benefits from the proposal, not just in terms of mitigating the impacts of climate change and associated economic benefits, but significant biodiversity net gain and landscaping proposed as enhancements beyond mitigation. Whilst there will be views of the proposed development, these

would be screened and mitigated in the medium term through the additional landscaping proposed, and primarily affect less sensitive viewpoints. This landscaping and streetscene visual impacts have been attributed limited weight against the proposal, but conversely some may feel the visibility of solar panels provides tangible evidence of the seriousness of the climate emergency and declaration by the Local Authority on the southern approach to Lancaster city, and attribute less harm.

6.2 The presence of solar panels would not prohibit agricultural use of the site given the raise panels, but it would likely reduce such usability through the presence of solar panels and associated infrastructure across the site. Whilst there are minority areas of 'Good' agricultural land, given the lack of immediately adjacent linked use, and the ample supply of comparable agricultural land in the wider area, the harm from this impact upon agricultural land is considered to be limited. Given the nature of the development and proposed sustainable drainage system, the subterranean groundwater and surface water flood risk at the site is only attributed very limited harm, despite the failure of the flood risk sequential test. Impacts from glint and glare can be mitigated to have low impacts subject to mitigative landscaping. Impact upon the highway and neighbours during the construction phase can similarly be mitigated through a construction management plan, and as such are neutral in planning balance.

6.3 Whilst there are several limited harm impacts identified, which cumulatively weigh against the proposal, the cumulative social, economic and environmental benefits of a renewable energy development on the edge of the city delivering biodiversity enhancements are considered to be significant, despite the relatively modest scale of the 4MW solar development. These public benefits are considered to comfortably outweigh the identified harm, none of which are considered to be individually nor cumulatively significant adverse effects, which can be largely mitigate in the medium term with comprehensive landscaping to bolster the existing landscape and ecology value of the site. This would provide be longer term ecological benefits of a scheme with a 25-year lifespan and requirement for decommissioning following this period, and providing a sustainable renewable source of energy for the duration of this lifespan, decarbonising and improving security of energy generation. As detailed within NPPF paragraph 163, local planning authorities should approve applications for renewable and low carbon development if its impact are, or can be made, acceptable, as is considered to be the case with this proposal.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Accord with approved plans	Control
3	Contaminated land assessment	Prior to commencement
4	Construction management plan	Prior to commencement
5	Details of access point works for construction traffic	Prior to commencement
6	Archaeological investigation	Prior to commencement
7	Employment skills plan	Prior to commencement
8	Tree protection measures	Prior to commencement
9	Flood risk and drainage measures	Prior to commencement
10	Biodiversity Gain Plan, including management, maintenance and monitoring plans for at least 30 years	Prior to commencement
11	Scheme for facilitating access over drainage bunds	Prior to implementation of drainage
12	Verification report of implemented drainage	Prior to first use
13	Landscaping plan and maintenance	Prior to first use
14	Surveying and repair any damage to Bailrigg Lane	Prior to first use
15	Details and precise locations of fencing and security poles	Prior to installation
16	Scheme for provision of temporary moveable structures within 30 metre buffer of pylon, no development/structures within 15 metres	Prior to any installations within 30 metre buffer zone
17	25-year period (or 12mths of no electricity generation) and decommissioning plan	Prior to decommissioning

18	Implement ecology report mitigation	Control
19	Geotextile lined, grass seed and maintain level changes for drainage and substations	Control
20	Maintain access and easement to pylon	Control
21	Underground cabling	Control
22	No development/structures over 4 metres tall within buffer of electricity lines	Control

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

Officers have made this 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.

Background Papers

None