



Committee and date
Northern Planning Committee
4th April 2023

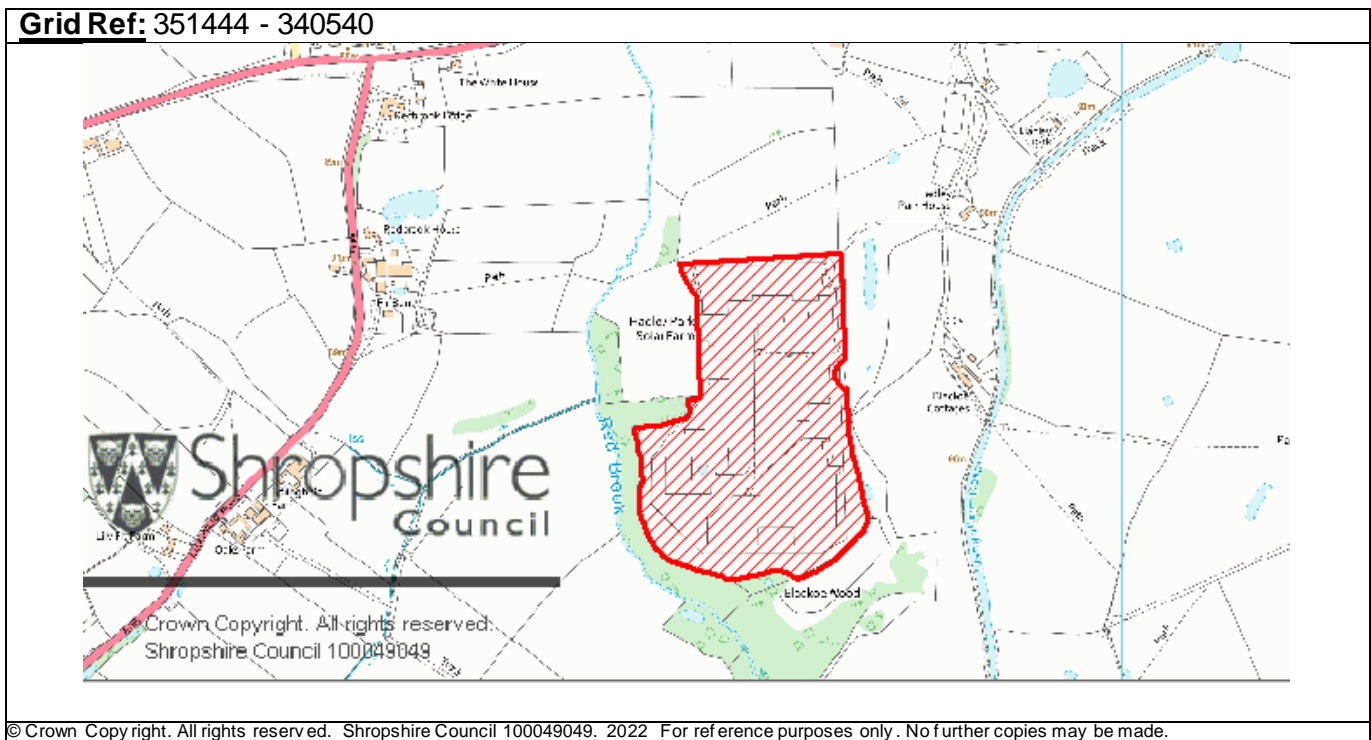
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/02559/VAR	Parish:	Whitchurch Urban
Proposal: Variation of condition 10 (cessation and removal) attached to permission ref. 18/00693/VAR to enable an extension to the operational life of the solar farm (amended description)		
Site Address: Solar Farm South West Of Hadley Farm Wrexham Road Whitchurch Shropshire		
Applicant: Lightsource SPV 74 Limited		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 351444 - 340540



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Recommendation:- Grant Permission subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 Planning permission for a solar farm on land at Hadley Farm near Whitchurch was granted in 2014 (ref. 14/02914/FUL). The site commenced generation of electricity at the end of 2015. One of the conditions of the permission (as varied by permission ref. 18/00693/VAR) is that electricity generation ceases by 10/6/2046, i.e. within 30.5 years of commissioning. The current application seeks to extend this period by 10 years to 10/6/2056. No other changes to the conditions of the planning permission are proposed.

2.0 SITE LOCATION/DESCRIPTION

2.1 The solar farm is located at Hadley Farm, approximately 1.5km to the southwest of the edge of Whitchurch. The solar farm covers an area of approximately 10ha and includes 19,596 pv panels in south-facing rows within a perimeter fence. The area is gently undulating, with the site itself relatively flat. Land to the southwest, south and southeast comprises woodland. A field to the northeast is used for horse riding and jumping. Other surrounding land is undeveloped and in agricultural use. Access to the site is from the A525 to the north, via an existing access which leads to a car park serving the horse riding area and a café.

2.2 The nearest residential properties are the dwellings known as Blackoe Cottages, located approximately 170 metres to the east of the solar farm boundary. Other individual properties in the vicinity are located approximately 310 metres to the north and 430 metres to the west. The Shropshire Union Canal runs in a generally north-south orientation to the east of the site. At its nearest point it is 95 metres from the application site. Public rights of way in the vicinity include a footpath to the north (approximately 15 metres from the northern boundary) and the Shropshire Way to the east (approximately 145 metres away). The site is crossed by two sets of overhead power lines.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application relates to land which forms the property of a Member of the Council. The Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Whitchurch Town Council** No response received.

4.1.2 **Bronington Community Council** (adjacent parish in Wrexham) No response received.

4.1.3 **Canal and River Trust**

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

Impact on Landscape and Amenity of the Llangollen Canal: The Trust provided comments for the original planning application in August 2014, and highlighted the following:

The Planting Plan shows areas of existing and proposed planting and the Landscape and Visual Assessment has reviewed the impact on the Llangollen Canal. We consider the proposals would be an intervention in a rural landscape. In summer time with trees/hedges in leaf, it should have a limited impact on the canal corridor. However, we do have some concern over the potential impact in winter and would therefore request the hedgeline to the east of the site is doubled in thickness in addition to the infilling of the existing hedge to ensure an appropriate degree of visual buffer is provided across the seasons.

Condition 11 of the subsequent planning permission 14/0219/FUL, and Condition 9 of 18/00693/VAR, required the implementation of the approved landscaping scheme within 12 months, which showed a proposed hedgerow and tree planting along the east boundary.

The Trust would reiterate the importance of the landscaping scheme to safeguarding the canal setting, and in connection with the solar farm operating until 2056, we request that the implementation of the approved landscaping scheme and bolstered eastern boundary is maintained.

4.1.4 **SC Conservation** No comment to make from a Historic Environment perspective.

4.1.5 **SC Drainage** We have no comment from the drainage and flood risk perspective, regarding the Variation of Condition 10 (cessation and removal).

4.1.6 **SC Ecology** No objection.

4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition 11 residential properties in the vicinity of the site have been directly notified. No representations have been received.

5.0 **THE MAIN ISSUES**

- Principle of development
- Relevant considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The original planning application for the solar farm stated that pv modules have an operational life of over 30 years, with most panels still working at 80% of the original capacity after their 25 year warranty period. The application proposed a temporary 30 year period based upon the expected life expectancy of the panels. The applicant states that the solar farm is expected to continue to operate efficiently well beyond the current approved 30-year term. Advice to local planning authorities set out in national planning practice guidance states that ground-mounted solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. The condition limiting the life of the site to 30 years was considered appropriate and reasonable on this basis.

6.1.2 There remains strong support in principle under national and local planning policy for renewable energy development, in particular NPPF Chapter 14 and Core Strategy policy CS8. It is considered that in principle an extension to the current operational period, to 40 years can be supported given that it would ensure that the benefits of the scheme in terms of the generation of renewable energy would continue for a longer period of time; in line with national and local planning policy.

6.2 Relevant considerations

6.2.1 The reason given for the imposition of the 30 year time limit is to ensure that the solar farm development is removed from the site following the end of its operational life or within a reasonable period of time to protect the landscape character of the area. The relevant considerations in relation to the proposal to increase this period to 40 years are discussed below.

6.2.2 Landscape impact and visual effects: The relevant landscape and visual impact considerations in relation to the solar farm were included in the committee reports for applications 14/02914/FUL and 18/00693/VAR, particularly in relation to Core Strategy policies CS6 and CS17. The committee report relating to the original planning application for the solar farm noted that the existing and proposed hedgerow planting would mitigate impacts on landscape character and on visual receptors, and concluded that “in overall terms it is considered that the impact of the proposed solar farm on the character of the local landscape and on visual receptors generally would be limited, and would not be unacceptable particularly given the wider environmental benefits of the proposal”. The applicant has confirmed that the approved landscaping works have been carried out. It is not considered that the current proposal raises any significantly different issues in relation to landscape and visual matters to those previously assessed. It is considered that the renewable energy benefits of the proposal would outweigh the limited adverse impact on landscape and visual character in the area.

6.2.3 Other benefits: In addition to the continuation of the renewable energy benefits as referred to above, the proposal would extend the timeframe of the biodiversity enhancements that were approved under the existing planning permission and this

includes the provision of wildflower meadow areas, bat and bird boxes, and badger access gates, along with the landscaping measures which include new hedgerow planting. The agreed scheme includes the requirement to undertake maintenance and management of the works for a period of 25 years. A condition can be imposed to require that this also applies to the current proposal to extend the life of the solar farm. The retention of the ecological enhancements for a longer period is a further benefit of the proposal.

6.2.4 It is not considered that the proposal raises any further significant land use issues.

7.0 **CONCLUSION**

7.1 The solar farm at Hadley Farm has been permitted for a temporary period following which there is a requirement that it is removed from the land. The lifespan of the panels is expected to extend beyond the permitted 30 year period. The proposed extension of this operational life by ten years would elongate the period of time that the solar farm remains within the landscape, and also extend the time before which the land would be returned to its previous use as open agricultural land. Nevertheless it is considered that these negative elements of the proposal are outweighed by the benefits of the proposal in terms of the continuation of the renewable energy production at the site and the retention of its biodiversity value. It is therefore considered that the proposal is in accordance with the Development Plan and national planning policy, including Core Strategy policies CS5, CS6 and CS17; and SAMDev Plan policies MD2 and MD12. Subject to the imposition of the conditions listed in Appendix 1 below it is recommended that planning permission is granted.

8. **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9. Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS8 - Facilities, Services and Infrastructure Provision
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

14/01807/SCR Proposed solar farm EAN 4th July 2014
 14/02914/FUL Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras. GRANT 24th October 2014
 15/02173/DIS Discharge of conditions 4, 5, 6, 7 and 8 attached to planning permission
 14/02914/FUL DISPAR 30th June 2015
 16/03515/AMP Non Material Amendment attached to Planning Permission 14/02914/FUL for the installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras GRANT 8th September 2016
 18/00693/VAR Variation of Condition no 2 (approved drawings) and 9 (external colour of the buildings) attached to planning permission ref 14/02914/FUL to regularise the change in the colour of two inverters GRANT 30th May 2018

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QTD8OVTDFJ00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Thomas Biggins Cllr Peggy Mullock

Appendices APPENDIX 1 - Conditions

APPENDIX 1 - Conditions**STANDARD CONDITION(S)**

1. The development shall be carried out strictly in accordance with the following approved plans and drawings.

- drawing no. 10.5 Overall Layout, Date 22/12/15
- Camera Elevation Design, Date 13/4/16
- Access Gate Elevation Design, Date 13/4/16
- Panels Elevation Design, Date 13/4/16
- FIG 1, UA007147-06 Planting Plan, Date 30/11/15
- 03 1/1, Rev. Drainage System Proposed Layout, Date 10/9/15
- 3.15.2, Security System Layout, Date 22/12/15
- 3.24.2, Plans and elevations Sheet 1/3 Date, 22/2/16
- 3.24.5 rev. 01, Plans and elevations Sheet 2/3, Date 17/1/2018
- 3.24.2, Plans and elevations Sheet 3/3, Date 22/2/16
- Fence elevation design, Date 22/2/16
- 3.24.3.2, Rev. 01 Foundations and footings, Date 4/8/16
- HDF_02 Site location plan, Date 1/6/14

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

2. Work shall be carried out strictly in accordance with the Reasonable Avoidance Measures (RAMS) Method Statement for Great Crested Newts by Hyder dated October 2014.

Reason: To ensure the protection of great crested newts, a European Protected Species.

3. The development shall be carried out in accordance with the approved Written Scheme of Investigation (WSI) by Clwyd-Powys Archaeological Trust.

Reason: The site is known to hold archaeological interest.

4. The approved sustainable urban drainage scheme, comprising the documents set out below, shall be adhered to throughout the lifetime of the development:

- Drainage Strategy report dated 15th May 2015;
- drawings 'Drainage Strategy Plan' no. 0100 01;
- drawings 'Existing Contours and Indicative Overland Flow Paths' no. 0200 01.

Reason: To ensure the appropriate implementation and management of the surface water drainage scheme.

5. The badger protection measures set out in the following approved documents shall be adhered to throughout the lifetime of the development:

- Pre-Construction Badger Survey dated May 2015;
- addendum dated 30th June 2015 prepared by Hyder Consulting (UK) Ltd.;
- drawing Fig 1 (Badger Sett Location (Confidential)) ref. UA007147-01;
- drawing Fig 1 (Planting Plan) ref. UA007147-04;
- drawing Fig 2 (Biodiversity Plan) ref. UA007147-02.

Reason: To ensure the protection of badgers.

6. Within two months of the date of this planning permission a landscape and biodiversity management plan shall be submitted in writing for the approval of the Local Planning Authority. The plan shall include details of the biodiversity enhancement measures proposed for the site, and set out the management regime to develop and maintain biodiversity throughout the operational life of the development.

Reason: To ensure the protection and enhancement of species and habitats on site, in accordance with Core Strategy policies CS6 and CS17 and SAMDev Plan policy MD12.

7. The external colour of inverters no. 4 and 5, as shown on Drawing 3.24.5 Elevations and Plans, shall be white. All other buildings shall be RAL 6005 Moss Green.

Reason: To maintain an acceptable appearance in order to protect the visual character of the area.

8. The security fence and CCTV cameras, as detailed on the approved plans entitled Camera Elevation Design and Fence Elevation Design, shall be supported by wooden poles. Any replacement poles required shall be replaced like for like with wooden poles for the lifetime of the development.

Reason: To ensure that the external appearance of the development is satisfactory.

9. The landscape planting as shown on approved drawing Fig.1 (Planting Plan) shall be completed within 12 months of the date of this planning permission. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

10. Within 6 months of the cessation of energy generation from the site, or by 10/6/2056, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site, and the land shall be reinstated to its former agricultural use.

Reason: Notification was given to the local planning authority by Lightsource Renewable Energy Holdings Ltd. on 12/1/2016 that the date of completion of construction was 10/12/2015. This condition is to ensure that the solar farm development is removed from the site following the end of its approved operational life or once no longer required in order to protect the landscape character of the area.