

Development Control Committee
Meeting to be held on 7th March 2018

Electoral Division affected: Fylde South

Fylde Borough: Application number LCC/2017/0090
Erection of a solar photo voltaic array, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

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Executive Summary

Application - Application – Erection of a solar photo voltaic array, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

The application is accompanied by an Environmental Statement and Non-Technical Summary prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to a section 106 agreement relating to the establishment, funding and working arrangements of a biodiversity steering group, planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, building materials, site operations, noise, dust, lighting, highway matters, safeguarding of watercourses and drainage, landscaping, ecology and restoration.

Applicant's Proposal

Planning permission is sought for an array of ground mounted solar photovoltaic (PV) panels on a field on the north side of Preston Waste Water Treatment Works (WwTW) with an electricity generating capacity of up to 3MW. The development would also include 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to an existing substation at Preston WwTW. Cabling within casings located on top of the ground would connect the solar panels to the switchgear housing, and underground cabling would connect the

switchgear housing to the substation. The development would have a lifespan of 25 years.

The development would consist of 31 rows of solar PV panels on an east / west orientation across the site. The rows would be 5m apart. The panels would be angled and mounted on metal frames that would be attached to concrete ballasts laid onto the ground with the higher edge of the panels up to 2m above ground level and the lower edge 0.6m above ground level. The solar panels would have a dark blue finish mounted on metal frames.

The 2 x switchgear housings would each be contained within shipping containers coloured green each measuring 4.6m x 2.4m x 2.6m high. The overall height would include the raising off the ground on 0.6m high concrete piles.

The site would be surrounded by 2m high mesh security fencing with ballasted post bases, to be coloured either Moss Green (RAL6005) or Fir Green (RAL6009). The fencing would incorporate 4m wide double leaf gates.

The application is accompanied by an Environmental Statement.

This application site is known as Site A. A separate (Site 'B') further to the east is the subject of Planning Application No. LCC/2017/0074 that is also on the agenda for this Committee.

Construction of the two sites would take around 12 weeks, with the first 2 months comprising preparation and installation works, and the final month involving testing and commissioning prior to full operation. The working hours would be limited at weekends with no working on Sundays or bank holidays.

Description and Location of Site

The site (6.3 ha in area) is on land reclaimed from former saltmarsh to its current use for rough grazing. It is bound by wire mesh fencing to contain livestock. It is located adjacent to the north boundary of Preston WwTW, along which are sited numerous pieces of waste water treatment plant and equipment, some of which are of a considerable height and scale. The WwTW separates the site by a distance of 500m from the northern bank of the River Ribble. The application site is approximately 8km west of Preston town centre, 1.5km south-east of Freckleton and 2km south-west of Clifton. Access is via a private road that runs south from the A584 Preston New Road and that also provides access to Preston WwTW. Immediately to the north and east is a restored landfill site, while to the immediate west is arable and pasture land.

The nearest residential properties to the proposal are located approximately 800m to the west at Grange Farm. The site is not itself within an area of higher tier ecological designation but there are such designations nearby: the River Ribble, forming part of the Ribble and Alt Estuaries SPA and Ramsar site and also designated as an SSSI, is located approximately 580m to the south of the site. The River Ribble, Lower Tidal Section Biological Heritage Site (BHS) is located approximately 320m to the south-east of the site. The site is not within or near a higher tier landscape designation.

Newton Marsh SSSI designated for its value for wading and migratory birds is located approximately 270m to the north of the site. One of the species for which the SSSI is noted is the Black tailed godwit, a rare wading bird. A core area has been designated for the area of land that is used by the bird - the site is located on the eastern side of the Black-tailed Godwit Core Area.

The development site would be located wholly within Flood Zone 3.

The PV panels would be connected by cabling to the 2 switchgear, transformers and inverters to be located near the north/ north-east boundary within the Preston WwTW, and then connected by underground cabling to an existing nearby substation also within the Preston WwTW.

Background

There is no planning history for the application site.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 28, 56 - 66, 93 – 98, 100 – 104, 109, 112, 118 – 119, 123 and 125 are relevant with regard to the following: the requirement for sustainable development; core planning principles; building a strong competitive economy; supporting a prosperous rural economy; the requirement for good design; meeting the challenge of climate change and flood risk; conserving and enhancing the natural environment; agricultural land quality; noise and light pollution.

National Planning Practice Guidance

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas
Policy EP11 Building Design and Landscape Character
Policy EP15 European Designated Nature Conservation Site
Policy EP16 Sites of Special Scientific Interest
Policy EP18 Natural Features
Policy EP19 Protected Species
Policy EP22 Protection of Agricultural Land.3
Policy EP23 Pollution of Surface Water
Policy EP27 Noise Pollution
Policy EP28 Light Pollution
Policy EP30 Development within Floodplains

Submission Version to the Fylde Local Plan to 2032

Policy NP1 Presumption in favour of sustainable development
Policy GD4 Development in the Countryside
Policy GD7 Achieving Good Design in Development
Policy CL1 Flood Alleviation, Water Quality and Water Efficiency

Policy CL2 Surface Water Run-Off and Sustainable Drainage
Policy CL3 Renewable and Low Carbon Energy Generation – excluding onshore
wind turbines
Policy ENV1 Landscape
Policy ENV2 Biodiversity

Consultations

Fylde Borough Council – No objection and suggest the following:

- Consideration is given to whether the applicant has adequately demonstrated if other alternative sites of previously developed land or land of a lesser agricultural quality are available.
- Consultation be undertaken with South Ribble Borough Council as a neighbouring authority that the site may well be visible from.
- Consultation be undertaken with The Ramblers due to the visibility of the site from public rights of way in the area and South Ribble.
- Consideration be given to the ecological issues in consultation with Natural England and specialist ecological advisers, including the completion of any Habitats Regulation Assessment that is necessary.
- Consultation be undertaken with BAE and MOD due to possible interference with aviation due to displacement of birds and/or interference with radar.
- The application should be determined having given due weight to Policy CL3 of the Submission Version to the Fylde Local Plan to 2032.

Freckleton Parish Council – No objection and make the same comments as Fylde Borough Council.

Newton-with-Clifton Parish Council – No objection.

LCC Highways Development Control – No objection.

Environment Agency – No objection and comment that any planning permission should include a condition to require that the proposed development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified therein. An advice note should also be recommend that any sensitive equipment should be raised and that the switch gear housing units should be anchored to the ground so as to reduce the impact of flooding.

LCC Specialist Advisor (Ecology) – The mitigation measures that are proposed would appear to be adequate to rule out impacts on the Ribble Estuary SPA and Ramsar Site. The mitigation measures should be secured through conditions. The site is located close to Newton Marsh and to the black tailed godwit natal feeding area. The passage route between Newton Marsh and the natal feeding area is of vital importance to the species. Whilst there will be no direct impacts on the SSSI or the natal feeding area, the development will result in the loss of part of the godwit core area and may result in some displacement of this species. There is considerable uncertainty about the impacts due to a lack of knowledge of the ecology of the species. However, given the uncertainty it would be appropriately precautionary to provide some mitigation measures to off set impacts and support

godwit conservation in the local area. Conditions should be imposed relating to the following: acoustic and visual screening; agreed pollution prevention measures; silt fencing; construction to avoid the bird nesting season; checks for ground nesting birds, amphibians, reptiles and brown hare; details to be provided of any temporary construction or lay down areas; and construction works should be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area.

LCC Specialist Advisor (Archaeology) - No objection.

LCC Specialist Advisor (Landscape) – No observations received.

Lead Local Flood Authority (LLFA) - No observations received.

Natural England – Initially were concerned that insufficient information had been submitted regarding the impacts on the godwit population in the Newton Marsh SSSI. However NE consider that the proposal to create a working group to consider habitat improvements would be an appropriate option for enhancement. NE consider that conditions are required relating to the following: acoustic fencing shall be provided so as to prevent noise and visual disturbance to any birds utilising the surrounding fields, and should remain in place until all constructions works are completed; silt fencing should be in-place prior to commencement of works to prevent run-off contaminating nearby water courses/the marsh, and should remain in place until all constructions works are completed; pollution prevention measures during construction; construction works should be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area; and securing the enhancement measures as contained in the submitted Biodiversity Management Plan.

In addition, it is commented that the development would encroach into the Black-tailed Godwit Core Area and so may displace fledging Godwits migrating from Newton Marsh SSSI to the natal feeding area. To address uncertainty from the potential displacement impacts from the development, the conservation enhancement measures (in the form of the payment of £30,000, preferably in three equal payments of £10,000 over a three year period, by the applicant) as contained in Section 3.5 of the submitted Biodiversity Management Plan should be secured by the use of a legal Section 106 agreement.

It is also commented that, while the applicant has produced a Habitats Regulations Assessment (HRA), it is the responsibility of the competent authority, in this case LCC, to produce the HRA.

RSPB – Initially raised objection to the application due to the impacts on the godwit population with the Newton Marsh SSSI and adjacent areas and a lack of information on potential impacts. However following further information being submitted, the RSPB have removed their objection subject to the imposition of the conditions relating to the following: no construction works and maintenance should be carried out on during May to June inclusive, and securing the enhancement measures as contained in the submitted Biodiversity Management Plan. It is recommended that

the conservation enhancement measures for the Black-Tailed Godwit should be reinforced through a steering group to be supported by payment of £30,000 from the applicant over a three year period, as contained in a Draft Newton Marsh Habitat & Landscape Improvement Plan which should be secured by the use of a Section 106 agreement.

Shell UK Ltd. – No observations received.

Health and Safety Executive - No objection.

Canal and River Trust – No objection.

BAE Systems – No objection.

Ministry of Defence Lands – Safeguardings – No observations received.

National Air Traffic Services - No observations received.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. No representations have been received.

Advice

Planning permission is sought for a solar panel array covering an area of nearly 6.3 hectares in a field adjacent to the north-east side of Preston WWTW.

Preston WWTW treats waste water arising from the urban areas of Preston. The equipment used to power pumps and other treatment infrastructure is electrical and hence the site is a major consumer of electricity. The solar panels would allow this plant to be powered by electricity that is generated from renewable sources on site rather than having to draw electricity from the national grid. The panels would allow the generation of up to 3027MWh electricity per annum, based on an estimated capacity factor of 10.8%. The development would have a lifespan of 25 years after which time it could be removed or, of the lifetime extended subject to further planning controls.

A planning application for the development of a solar panel farm on land on the west side of the existing waste water treatment works was previously submitted in January 2016 (planning application ref LCC/2016/0007). However this application was refused due to the impacts on ecological interests, specifically birds, associated with the Newton Marsh SSSI, and the Ribble and Alt Estuaries SPA. This application and the related application for Area A is the applicant's attempt to develop a source of renewable energy to serve the treatment works without impacting upon local ecological interests.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant

policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Fylde Borough Local Plan. The current Local Plan will be replaced by the emerging Local Plan in due course. It is anticipated that the emerging Local Plan will be adopted in 2018. It is therefore considered that proportionate weight should be attached to the emerging policies.

The main issues associated with the application are the acceptability of the site to be used for this purpose, climate change issues, landscape/ visual impact, glare, traffic, flood risk and pollution of surface water, residential amenity, aviation and nature conservation interests.

Climate change issues

Paragraph 93 of the NPPF states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing reliance to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for renewable energy development should be approved if impacts are (or can be made) acceptable.

The electricity produced is proposed to be used at Preston WWTW which has an electricity consumption of approximately 11.3MW. The solar farm on Area A would generate up to 3MW of electricity per annum which equates to approximately 27% of the annual electricity use of the WWTW. Any surplus electricity produced would be fed into the national grid. The solar farm would reduce reliance on electricity generated by conventional means and so reduce the greenhouse gas emissions associated with such generation. The proposal is therefore considered to accord with National Planning Policy regarding the need for renewable energy generation.

Policy CL3 of the emerging Local Plan refers to renewable and low carbon energy generation. The policy permits such development providing the following impacts are acceptable (in relation to solar farms): the cumulative and visual impact with other such types of development; impacts on local residents from noise and reflected light; biodiversity impacts; type of land on which it is located; heritage assets; community, economic and environmental benefits of the proposal; aviation; highway safety and capacity; and impacts on flood risk and drainage. The development would be acceptable on the grounds of type of land on which it is located and the community, economic and environmental benefits of the proposal, as explained already. The other potential impacts will be assessed below in this report.

Acceptability of the site to be used for this purpose

A number of alternative sites in the vicinity of the Preston WwTW have been considered: two areas of restored landfill, one of which is adjacent to the application site and another that is located 270m to the east of the application site, and two areas of agricultural land that are located to the north of the application site and on the east side of the private access road from the A584 Preston New Road to Preston WwTW. However, these were discounted for a number of reasons: the restored landfills are raised and are more visually prevalent; while the agricultural locations are too small, one is partially shadowed by adjacent higher land, the connection distance to Preston WwTW is too great, and are close to the Newton Marsh SSSI. It was therefore considered that the low lying land closer to the WwTW would be more suitable and hence this application for Site A, along with Site B the subject of Planning Application No. LCC/2017/0074, have been proposed.

The site is designated as countryside area within Policy SP2 of the Fylde Borough Local Plan. The policy permits various development in countryside areas where proposals properly fall within one of a number of categories, including uses appropriate to a rural area. The development of solar farms would not normally be a type of development considered acceptable in terms of Policy SP2. Policy GD4 of the emerging Local Plan has similar requirements. However, large scale solar farms will invariably need to be located in countryside locations and all the land surrounding the applicant's treatment works is designated as countryside area. It will therefore be necessary to balance any impacts on the countryside against the benefits of provide low carbon forms of energy generation.

The site is located within Grades 3 and 4 of agricultural land. Policy EP22 of the Fylde Borough Local Plan seeks to resist development that would involve the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. The application site was previously a saltmarsh that has been reclaimed to its current use for rough grazing. The use of the site as a solar farm therefore accords with Policy EP22 of the Fylde Borough Local Plan.

The NPPF seeks to promote a strong local economy by supporting sustainable economic growth and the expansion of all types of business and enterprise in rural areas in order to create jobs and prosperity. The proposal would accord with paragraphs 18, 19 and 28 of the NPPF.

Landscape/ visual impact

A landscape and visual assessment has been submitted. The site is in a flat countryside area that is not covered by any special landscape designations and is a considerable distance from sensitive receptors. The development would cover 6.3 hectares of land but its height would be relatively low as the top edge of the panels would only be 2m above ground level. In terms of the array design, this is influenced by the engineering requirements of the array, with associated structures located to minimise the amount of cabling required to operate an efficient solar array. The panels are aligned to face south, which allows for the maximum amount of solar energy to be collected. The 2 x switchgear housings would be 2.6m high.

The solar farm site is screened from the immediate north by a restored landfill site, and to the south by the Preston WwTW. To the west, the farmland is flat towards the village of Freckleton. There are views of the application site from some properties and a public footpath on the edge of Freckleton but a combination of vegetation along the east side of Freckleton, and the presence of Grange Farm and an associated belt of trees (that are sited halfway between the application site and the village), helps to largely screen the site. The landscape and visual impacts of the solar farm would therefore be limited to the immediate site surroundings, with there being limited medium and long distance views. The switchgear housings would be located within the Preston WwTW and hence their visual impact would be absorbed by the considerable treatment infrastructure on this site.

The solar panels would have a dark blue glass finish with metal frames. The proposed colours of the switchgear housing and mesh security fencing are acceptable. Subject to a condition to require that the plant and equipment be finished in accordance with the submitted details, it is considered that the development would have an acceptable visual impact within the local landscape and would therefore accord with Policy EP11 of the Fylde Borough Local Plan and Policy ENV1 of the emerging Local Plan.

No vegetation is proposed to be removed from the site boundaries but to ensure this is the case, a condition should require the retention of any trees, hedges and scrub along the site boundaries. This would accord with Policy EP18 of the Fylde Borough Local Plan.

Glare

The solar panels are designed to absorb light but there is the potential that sunlight reflecting off the panels and frames could have an impact upon residential amenity and aviation, given the proximity to Warton Aerodrome. Weather conditions will influence when glare could potentially occur.

An assessment has been undertaken which concludes that there is some potential for glare, particularly at receptors to the south, southeast and west of the site, although this is limited to March-May and August-October at times between either 05:00-07:00 or 18:00-19:00. Incidences of glare would not occur for the entire duration of these time periods, with glare likely to be for short periods of a few minutes at most. The assessment does not consider the screening effect of intervening vegetation and buildings, and does not take into account the orientation of buildings or views as it assumes that all would face directly towards the site which, of course, would not be the case.

In every case, including a projected flight path from Warton Aerodrome, the predicted incidences of glare are considered to have a low potential for an after image to be present in a person's vision i.e. the yellow spots that can persist in an individual's vision after viewing a bright object. Additionally, during the periods of potential glare, the sun will generally be low in the sky and viewed behind the solar array, relative to the receptor location. As such, it is likely that in many cases the sun itself would be a more prominent source of glare than the solar PV array.

It is therefore considered that the limited instances of predicted glare arising from the proposed development would not result in any demonstrable adverse effects.

Traffic

Access to the solar park site is required primarily for the purposes of construction when the majority of vehicle movements would occur. Occasional access would be required during the operational phase of the development, limited to relatively few movements for maintenance and cleaning purposes.

Access to the site would be taken via the existing wastewater treatment works junction with the A584 and existing track which runs south from the junction to the works. The A584 and junction is already used by large numbers of HGV's and is capable of accommodating the HGV traffic that would be generated by the development. A temporary construction compound for the development would be located on the north east side of Preston WwTW/ south side of the proposed solar farm the subject of Planning Application LCC/2017/0074.

The construction of the solar park would take approximately 12 weeks to complete. The solar panels, supporting frames and all other necessary construction components and materials would be delivered to site by standard HGV articulated lorries, with no abnormal loads anticipated for the proposed construction phase. It is estimated that the maximum daily deliveries by HGV is estimated to be nine, occurring during week three associated with the delivery of the array components. Following this the daily delivery would drop significantly to an average of two HGV movements per day.

The applicant proposes that construction transport hours would be limited to between 07:00 and 19:00 hours Monday to Friday, 09:00 and 12:00 hours Saturdays with no deliveries on Sundays or bank holidays. These hours would provide flexibility in delivery times to allow peak times to be avoided thereby minimising effects on local road users. It is not considered necessary to restrict construction transport hours given the lack of residential properties near the access junction to the site with the A584.

LCC Highways Development Control has raised no objection and considers the proposal to be acceptable on highway safety grounds. To prevent material from being dragged onto the public highway, a condition can be imposed to address this issue.

Flood risk and Pollution of surface water

The solar farm would be located entirely within Flood Zone 3. The Environment Agency (EA) have not objected.

In line with the comments from the EA, a condition is recommended that the proposed development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified therein. An advice note should also be included on the permission that any sensitive equipment should be

raised and that the switch gear housing units should be anchored to the ground to reduce the impact of flooding. The proposal therefore accords with Policy EP30 of the Fylde Borough Local Plan, and Policy CL1 of the emerging Local Plan.

Natural England have commented that ground disturbance associated with the construction phase of the development may increase the chance of sediment run-off from the site. To prevent this, a condition is recommended to require silt fencing to be in-place prior to commencement of works to prevent run-off contaminating field drains and ditches surrounding the application site, and should remain in place until all construction works are completed. Pollution prevention control and construction waste collection measures should also be adopted at all times. Subject to these conditions, the proposal would therefore accord with Policy EP23 of the Fylde Borough Local Plan, and Policy CL2 of the emerging Local Plan.

Residential amenity

The nearest residential properties to the proposal are located approximately 800m to the west at Grange Farm. Traffic using the existing access would generate noise and increase emissions in the immediate and surrounding locality. Construction operations may produce limited dust and noise. However, the distance of the development from properties would ensure that the impacts of the proposed development would not affect the amenities of residents in the vicinity and the development is therefore considered acceptable in terms of residential amenity.

Aviation

The application site would be located approximately 640m south-east of the '25 approach' that is an area that has to be safeguarded for aircraft that utilise and approach the BAE Systems Warton airfield over Newton Marsh and Freckleton Marsh.

BAE Systems have not objected and hence it is considered that the development would not pose a danger to flight safeguarding.

Nature conservation interests

The proposed development site would not directly affect any site with statutory or non-statutory ecological designations. The site is not itself within an area of higher tier ecological designation but there are such designations nearby: the River Ribble part of which is designated as SPA and Ramsar site and SSSI is located approximately 580m to the south of the site. The SPA is of European importance for a range of breeding, migratory and wintering bird species. Newton Marsh SSSI is also located approximately 200 metres to the north of the site and is designated for its grazing habitat and value for a range of wading and migratory wetland birds and other saltmarsh and farmland species.

Regulation 63 of the Conservation of Habitats and Species Regulation 2017 requires a competent authority, before permitting a project which is likely to have a significant effect (alone or in combination) on a European site, and is not directly connected with or necessary to the management of that site, to make an appropriate

assessment of the implications for that site in view of that site's conservation objectives.

Paragraph 119 of the NPPF states that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Policy EP15 of the Fylde Borough Local Plan refers to European Designated Nature Conservation Sites and states that development proposals which may affect a European site will be subject to the most vigorous examination. Development proposals not directly connected with or necessary to the management of the site and which would affect the integrity of the site as a whole, will not be permitted unless the developer can demonstrate that there is no alternative solution and there are imperative reasons of over-riding public interest for the development. Policy ENV2 of the emerging Local Plan has very similar criteria.

When assessing projects for the purposes of the Habitats Regulations, the precautionary principle must apply and case law has established that projects should not be authorised where there would be a significant adverse effect on the European site or where there is uncertainty as to effects. Regulation 63(2) clearly states that a person applying for permission must provide such information as is reasonably required for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

With regard to the potential effect/s of a development proposal on a European protected site, it is the responsibility of the competent authority, who in this case are the Local Planning Authority, to carry out a Habitats Regulations Assessment (HRA) to assess the potential effect/s and conclude via a screening process if there would be a likely significant effect on the European protected site. If it is concluded that there would be a likely significant effect, then an appropriate assessment has to be undertaken by the competent authority to assess the extent and effects of the likely significant effect/s.

The applicant has undertaken and submitted their own assessment, which is called a 'Shadow Habitats Regulations Screening Assessment', which concludes that there would be no likely significant effect on the Ribble and Alt Estuaries SPA, and therefore there is no requirement for appropriate assessment. Despite the submission of the Shadow HRA, the competent authority, still have to carry out their own screening (HRA) assessment.

In response, LCC's Specialist Advisor (Ecology) has commented that the application site is not used by SPA birds, and so there is no direct loss of functionally-linked land. There is potential for SPA birds to use the land to the west of the application site. However, surveys did not report significant or regular use by SPA birds within the zone of influence of the proposals. The construction phase is relatively short, and the potential noise would be to an acceptable level due to the design to attach the metal solar panel frames to concrete ballasts fixed laid onto the ground. Potential noise would be further attenuated by the embedded noise mitigation measures. There is obviously some potential for visual disturbance, but again there

is no evidence to suggest that large flocks of SPA birds would be present on a regular basis or in such large numbers such that significant disturbance would be likely. In terms of potential contamination/ pollution, the risk is low due to the absence of intrusive ground works. The shadow HRA and the Construction Environmental Management Plan also outline pollution prevention measures that would be implemented during construction (these have already been covered above). The County Council has undertaken its own Habitats Risk Assessment which concludes that the proposed development with the embedded mitigation measures and additional control through planning conditions would not have a likely significant effect on the Ribble and Alt Estuaries SPA. An appropriate assessment therefore does not have to be undertaken by LCC.

With regards to the Newton Marsh SSSI, it is just one of five sites in the UK and the only site in NW England where one of the UK's rarest wading birds, the Black-tailed Godwit, breeds. The UK population of Black -tailed Godwits is currently estimated at 100 pairs (based on February 2015 numbers) with the pair nesting on Newton Marsh representing around 1% of the UK population. European breeding Black-tailed Godwit numbers have declined significantly over the past 25 years. In consequence the species is Red-listed by the International Union for the Conservation of Nature (IUCN) which classifies its status as Near Threatened. The species is also Red-listed in the UK (Birds of Conservation Concern) and given special protection during the breeding season under Schedule 1 of the Wildlife & Countryside Act (as amended).

Black-tailed Godwits have nested (with variable success) in the vicinity of Newton and Clifton Marshes since at least 1984. The birds nest on the Newton Marsh SSSI, and then lead their young onto a natal feeding area, located 180m to the south-east of the application site which is a feeding site for newly-hatched chicks and a location for them to be reared until they have fledged. The natal feeding area is considered to be essential habitat for the species to complete its breeding cycle.

The application site is located on the eastern side of a substantial area of land referred to as the Black-tailed Godwit Core Area. The core area is the entire area located between the east of Freckleton, the south side of the A584 Preston New Road, the access road to the Preston WwTW and Clifton Marsh Landfill Site, and the River Ribble.

The main concern of the RSPB, Natural England and LCC's Specialist Advisor (Ecology) relates to the location of the application site within the Black-tailed Godwit Core Area. Godwits as a species require open areas of land to ensure that they have an unobscured view of any potential predators. Natural England initially stated that the extent of the open view is up to 200m, but have since increased this up to 500m, so as to be in line with the RSPB, who take a precautionary approach. It is stated that the development could therefore impact on the Godwits as the reduction in open area due to the proposal would have the potential to significantly reduce the available land through which the fledgling Godwits can move from Newton Marsh SSSI to the natal feeding area closer to the River Ribble. It is therefore appropriate to take a precautionary approach when dealing with this development given the inherent uncertainties associated with predicting impacts on such a rare breeding species.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, all public authorities have a duty to have regard to the conservation of biodiversity in the exercise of functions. The section 41 list (species and habitats which are of principal importance for the conservation of biodiversity in England) has been published by the Secretary of State to identify those particular species (and habitats) which are priorities for conservation and thus for which public authorities need to have special regard. The Black-tailed Godwit is one of those species.

Regulation 10 of the Conservation of Habitats and Species Regulations 2017 places a duty on public authorities to take appropriate steps in the exercise of their functions to preserve, maintain and re-establish a sufficient diversity and area of habitat for wild birds, including by means of the upkeep, management and creation of such habitat; and also, in exercising any function, to use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSI;
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Policy EP16 of the Fylde Borough Local Plan refers to SSSI's and states that development proposals within or likely to prejudicially affect SSSI's will be subject to special scrutiny, and will not be permitted unless the use of conditions or planning obligations would prevent damaging impacts on the nature conservation interest of the site, or the reasons for the development clearly outweigh the nature conservation value of the site itself.

Policy EP19 of the Fylde Borough Local Plan refers to protected species and states that development that would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the Wildlife & Countryside Act (as amended),

or their habitat, will not be permitted. Where development is permitted which would affect these species or their places of shelter and breeding, the use of planning conditions and/or planning obligations will be used to facilitate the survival of individual members of the species, reduce disturbance to a minimum, and provide adequate alternative habitats to sustain the current levels of population.

The RSPB, Natural England and LCC's Specialist Advisor (Ecology) initially objected to the application. However, the applicant has provided further information as to impacts and mitigation of such and the nature conservation bodies now do not object to the application subject to the imposition of the conditions relating to the following: acoustic and visual screening so as to prevent noise and visual disturbance to any birds utilising the surrounding fields; agreed pollution prevention measures including silt fencing; checks for ground nesting birds, amphibians, reptiles and brown hare; details to be provided of any temporary construction or lay down areas and construction works to be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area.

The applicant has also submitted a Biodiversity Management Plan. This provides for various works to be undertaken to improve habitat for Black Tailed Godwits and other bird species including removal of hedgerow within the core area to provide a more open landscape, replacement planting elsewhere and other land management proposals. To support the Biodiversity Management Plan, the applicant is proposing to establish a steering group comprised of the RSPB, NE, LCC and landowners within the core area in order to investigate land management measures that could be implemented to improve bird habitats including for black tailed godwits. The applicant is proposing to provide a financial contribution of £30,000 over a three year period to support the work of the steering group. The establishment and payment of money and preparation of management proposals through the steering group should be the subject of a Section 106 agreement. It is considered that the requirement to enter into the section 106 agreement would meet the tests in paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Regulations 2010 in that it is necessary to make the development acceptable, is directly, fairly and reasonably related in scale and kind to the development

The above concerns can be addressed by the imposition of suitable conditions. A condition to require that the application site is checked for ground nesting birds prior to the commencement of development can be imposed. However, in relation to Godwits, the RSPB have commented that, while the application site is not located along the typical migration route from the Newton Marsh SSSI to the natal feeding area, it is not the only route used by Godwits and they could pass over or close to the application site.

NE request that a condition is imposed to avoid construction works during the period May – June. Whilst the applicant has proposed acoustic fencing around the site boundary, it is not known how effective such fencing would be in preventing disturbance. It is therefore considered that a condition should require that the development shall not commence or be undertaken in the months May – June when the godwits are likely to be close to the site.

The concerns about securing the conservation enhancement measures as contained in the submitted approved Biodiversity Management Plan, can be addressed through a condition and also through the proposed section 106 agreement. It is also considered that conditions should restrict the use of lighting, and for the treatment of any invasive plant species on the site.

Subject to the imposition of the above recommended conditions, the proposal accords with Policies EP15, EP16, EP19, EP27 and EP28 of the Fylde Borough Local Plan, and Policy ENV2 of the emerging Local Plan.

Other matters

The site does not have any heritage assets. Conditions should require that the site is restored at the end of the operational life of the solar farm, and that there is a period of aftercare. Subject to these conditions, the proposal accords with Policies NP1, GD7 and CL3 of the emerging Local Plan.

Conclusion

The proposed solar park is a renewable energy development that would produce electricity to allow Preston WWTW to reduce its reliance on electricity produced from fossil fuels. The development would therefore contribute towards meeting the UK's renewable energy targets and would comply with the policy in the NPPF relating to the contribution of renewable energy projects.

The development is not of a type that is normally considered acceptable within the countryside. However, solar farms of this scale require large areas of land and therefore invariably have to be located in countryside area. There are no suitable areas of land elsewhere around the waste water treatment works that are not located within areas designated as 'countryside'. Given the benefits of the proposal in terms of meeting climate change objectives, the development is considered acceptable in terms of policies to protect countryside areas. The impacts of the development in terms of the acceptability of the site to be used for this purpose, climate change issues, landscape/ visual impact, glare, traffic, flood risk and pollution of surface water, residential amenity, aviation and nature conservation interests are acceptable or can be made so by planning conditions or planning obligations.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to a section 106 agreement relating to the establishment, funding and working arrangements of a biodiversity steering group, planning permission be **granted** subject to the following planning conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy SP2 of the Fylde Borough Local Plan, and Policies GD7 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 23 November 2017, and the emails from the applicant dated 02 January 2018, two on the 31 January 2018, 06 February 2018, and 19 February 2018.

b) Submitted Plans and documents:

Drawing No. WIPL/UU/SLP/WA - Location Plan

Drawing No. WIPL/UU/SLP/CA - Location Plan

Drawing No. 2001/770000002709/01/97/10002 Rev. I -PRESTON, CLIFTON MARSH WwtW, SITE PLAN PV SOLAR ARRAY A LAYOUT

c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies SP2, EP11, EP15, EP16, EP18, EP19, EP22, EP23, EP27, EP28 and EP30 of the Fylde Borough Local Plan, and Policies NP1, GD4, GD7, CL1, CL2, CL3, ENV1 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

Hours of Working

4. No construction works or site restoration works shall take place outside the hours of:

0800 to 1800 hours Mondays to Fridays

08.00 to 13.00 hours on Saturdays

No construction works or site restoration works shall take place on Sundays or public holidays.

This condition shall not however operate so as to prevent the internal fitting out of the building and the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Building Materials

5. The fencing and switchgear housing shall be coloured either Moss Green (RAL6005) or Fir Green (RAL6009), and retained in those colours throughout the duration of the development.

Reason: To protect the visual amenities of the area and to conform with Policy EP11 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Site Operations

6. A copy of this permission and all the documents referred to in condition 4 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

7. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To prevent any potential noise and visual disturbance to any birds utilising the surrounding fields and to conform with Policy EP27 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

8. No development shall commence until a scheme and programme for visual and acoustic fencing to be erected around the perimeter of the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of those parts of the site boundary that are to be fenced and the constructional details for the fencing.

The fencing shall be erected in accordance with the approved scheme and programme prior to any other development commencing on the site and shall be removed within one month of completion of site construction works.

The approved fencing shall not be erected between the dates of 1st May to 30th June in any one year

Reason: In the interests of mitigating the impacts of the development on birds utilising the surrounding fields and to conform with Policy EP27 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

9. No site construction operations or site restoration works shall be undertaken in the period between 1st May to 30th June in any one year.

Reason: In the interests of mitigating the impacts of the development on birds utilising the surrounding fields and to conform with Policy EP27 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

10. Measures shall be taken at all times during the construction phase of the development to minimise the generation of dust and prevent its migration off site.

Reason: In the interests of local amenity and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Floodlighting

11. No external lighting and floodlighting shall be erected on the site unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Type and intensity of lights
- b) Types of masking or baffle at head
- c) Type, height and colour of lighting columns
- d) Number and size of lighting units per column
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties
- f) Phasing of the implementation of the approved scheme
- g) Times of use of lighting.

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy EP28 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

12. Any lighting used on the site during the construction period shall only be illuminated during the hours of working specified in condition 4 above.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy EP28 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Highway Matters

13. Measures shall be taken throughout the construction and restoration phases of the development to ensure that no mud, dust or other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: To avoid the deposit of mud and / or loose materials on the highway and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Safeguarding of Watercourses and Drainage

14. The development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified therein.

Reason: To safeguard against flood risk and to conform with Policy EP30 of the Fylde Borough Local Plan, and Policies GD7 and CL1 of the Submission Version to the Fylde Local Plan to 2032.

15. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

16. The construction and restoration of the site shall be undertaken in accordance with the submitted Construction Environmental Management Plan received on 2nd January 2018. In particular measures shall be taken during all construction and restoration works to control run off from the site to ensure that there is no pollution of adjacent water courses

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to

conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

17. Waste from welfare facilities and other sources shall only be directed to sealed tanks which shall be regularly emptied off-site in an authorised manner. All other construction waste shall be deposited in skips and removed from site at appropriate intervals to an authorised site.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

Landscaping

18. Any hedges and trees forming part of the site boundaries shall be protected from any damage and maintained throughout the development.

Reason: In the interests of visual and local amenity and the local environment to conform with Policy EP18 of the Fylde Borough Local Plan, and Policies GD7 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

Ecology

19. A pre-construction check of the site by a suitably qualified and experienced ecologist shall be made prior to commencement of the development to ensure the absence of breeding / nesting birds and avoid any potential for an offence under the Wildlife and Countryside Act 1981 (as amended). In the event that a nest is identified, the ecologist shall ensure appropriate measures are implemented to avoid any offence including by protecting the nest and surrounding area.

Reason : In the interests of ecology and to conform with Policy EP19 of the Fylde Borough Local Plan, and Policies GD7 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

20. The Reasonable Avoidance Measures (RAMS), as presented in Appendix 1 of the submitted and approved Construction Environmental Management Plan received on 2nd January 2018 shall be implemented at all times during site construction and restoration works.

Reason : In the interests of ecology and to conform with Policy EP19 of the Fylde Borough Local Plan, and Policies GD7 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

Restoration

21. The use of the solar panels shall cease not later than 25 years from the date of the commencement of development as notified to the County Planning Authority under the provisions of condition 2 above. The site shall then be

restored with a further period of one year in accordance with a scheme and programme of restoration to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall include details of:

- a) the removal of all solar panels, supporting frame works, electrical equipment and cable trunking
- b) the removal of all foundations or ballast materials
- c) any cultivation or reseeded works necessary to remediate land that has been affected by the removal of any foundations or ballast materials
- d) the removal of the perimeter security fencing.
- e) the removal of any other materials or plant and equipment in order to ensure that the site is free of impediments to normal agricultural operations.
- f) the aftercare works to be carried out for a period of five years following the completion of the restoration works under a) and e) above to ensure that the site is restored to a standard that is suitable for normal agricultural operations.

Reason: To secure the proper restoration of the site and to conform with Policies SP2 and EP11 of the Fylde Borough Local Plan, and Policies GD4, GD7, GD9, CL3 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

Notes

Any electrical equipment should be raised from the ground, and the switch gear housing units should be anchored to the ground so as to reduce the impact of flooding.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2017/0090	23/11/2017	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A