

**Development Control Committee**  
Meeting to be held on 7<sup>th</sup> March 2018

Electoral Division affected:  
Fylde South

**Fylde Borough: Application number LCC/2017/0074**  
**Erection of solar photo voltaic panels, 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 - Erection of solar photo voltaic panels, 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, 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 measuring approximately 350m by 84m (2.6 hectares) on the north-east side of Preston Waste Water Treatment Works (WwTW) with a generating capacity of up to 1.1MW. 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 housings, and underground cabling would connect the switchgear housings to the substation. The development would have a lifespan of 25 years.

The solar PV array would consist of 34 rows of solar PV panels on an east to west orientation. Each row would be 5m apart. The panels would be angled and mounted on metal frames that would be attached to concrete ballasts laid on 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 be contained within shipping containers coloured moss 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 to be coloured either Moss Green (RAL6005) or Fir Green (RAL6009). The site entrance to the solar park would be incorporated into the fencing by 4m wide double leaf gates.

The application is accompanied by an Environmental Statement.

This application site is known as Site B. A separate area of proposed solar panels further to the west known as Site A is the subject of Planning Application No. LCC/2017/0090 and 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 bank holidays.

### **Description and Location of Site**

The site is a rectangular area of former landfill which has been restored to its current use for sheep grazing. It is located adjacent to the north-east side of Preston WwTW: the WwTW separates the site by a distance of 500m from the northern bank of the River Ribble. The application site is approximately 7.7km west of Preston town centre, 2km south-east of Freckleton and 1.6km 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 east is part of the restored Clifton Marsh Landfill Site.

The nearest residential properties to the proposal are located approximately 700m to the north along the A584 and to the north-east at Clifton Marsh Farm. The site is not itself within an area of higher tier ecological designation but there are such designations nearby: part of the River Ribble consists of the Ribble and Alt Estuaries SPA and Ramsar site, and the Ribble Estuary SSSI. The site is not within or near a higher tier landscape designation. The River Ribble, Lower Tidal Section Biological Heritage Site (BHS) is located approximately 200m to the south of the site.

The south-eastern corner of Newton Marsh SSSI is located approximately 70m to the north of the site. The Newton Marsh SSSI is designated for its importance for over-wintering and migrant birds including for a rare wading bird named the Black

tailed Godwit. The site is located on the eastern edge of a general area of importance for this species called the Black-tailed Godwit Core Area.

The development site would be located mostly within Flood Zone 2, except for the north-eastern corner and the western edges which are within Flood Zone 3.

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

## **Background**

There is no planning history for the application site but the Environment Agency have advised that waste has been deposited at the site under an historic licence, the waste being some or all of the following: construction and demolition waste, cesspool and sewage sludge, factory waste (including waste likely to be toxic) and low level radioactive waste from Springfields.

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 28, 56 - 66, 93 – 98, 100 – 104, 109, 111 – 112, 118 – 121, 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; brownfield land; agricultural land quality; pollution and contaminated land, 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
- Policy EP23 Pollution of Surface Water
- Policy EP27 Noise Pollution
- Policy EP28 Light Pollution
- Policy EP29 Contaminated Land
- 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 GD9 Contaminated Land  
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 advise that Policy CL3 of the Submission Version to the Fylde Local Plan to 2032 provides an emerging policy test for such applications alongside the guidance in the NPPF.

Freckleton Parish Council – No observations received.

Newton-with-Clifton Parish Council – No observations received.

LCC Highways Development Control – No objection.

Environment Agency – No objection and have requested that they should be contacted if any evidence of contamination is identified during the development of the site to ensure that the risks to controlled waters receptors are appropriately managed.

LCC Specialist Advisor (Ecology) – The proposals are not expected to result in impacts on the Newton Marsh SSSI but could adversely affect black tailed godwits that breed on the marsh but which use habitats outside of the designated site to rear their young. However, it appears that area B will not result in any direct or indirect effects on the known natal feeding area and will not disrupt migration routes between the SSSI and the natal feeding area. Therefore no objection is raised subject to the imposition of the conditions relating to the following: control of lighting and noise; pollution prevention measures during construction; checks for ground nesting birds, amphibians and reptiles, and measures for the avoidance of harm, if present; protection and retention of trees and vegetation on the site boundaries; and the treatment of any invasive plant species.

LCC Specialist Advisor (Archaeology) - No objection.

LCC Specialist Advisor (Landscape) – No observations received.

Lead Local Flood Authority (LLFA) - No objection but comment that the use of steel pads and cable troughs is likely to increase surface water runoff from the site due to less available ground for natural infiltration. If the developer intends to allow any additional surface water runoff to discharge naturally or controlled in to the main river then the LPA may want to consult with the Environment Agency.

Natural England – Natural England consider that without mitigation the site could have an adverse impact on the Ribble Estuary Ramsar and Newton Marsh SSSI. However, with the measures contained in the Construction and Environment Management Plan, NE consider that the impacts of the development can be controlled to acceptable levels. Conditions should therefore be imposed 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 construction 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; 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. 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 – Object due to inadequate proposals for mitigation and enhancement on land functionally linked to Newton Marsh SSSI vital to the continued breeding success of Black-tailed Godwit.

Shell UK Ltd. – No observations received.

Health and Safety Executive - No objection.

Canal and River Trust – No objection.

BAE Systems – No observations received.

Ministry of Defence Lands – Safeguardings – No observations received.

National Air Traffic Services - No objection.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. An objection was received from the operator of Clifton Marsh Landfill Site to the original submitted site layout for the following reasons:

- The layout of the solar array would have restricted maintenance access to the underground pipe that carries leachate from the adjacent Clifton Marsh landfill site to Preston WWTW treatment works.
- Safety issues from potential conflict between the pile-driven frames of the solar panels with the underground leachate pipe.
- No assessment to both the risks to the proposed development from fugitive landfill gas from Clifton Marsh Landfill Site, and the need for mitigation measures to be incorporated into the solar farm, and to describe what the mitigation measures would be.

However, the revised foundation design for the solar array to be “ballasted” rather than using conventional metal frames driven into the ground, and the amended site layout, addresses their concerns and their objection has been withdrawn.

## **Advice**

Planning permission is sought for a solar panel array covering an area of nearly 2.6 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 on site rather than having to draw electricity from the national grid. The panels would allow the generation of up to 1.1MWh 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 applicants attempt to develop a source of renewable energy to serve the treatment works without impacting upon local ecological interests.

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.

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 comprised of the Fylde Borough Local Plan. The current Local Plan will be replaced by the emerging Local Plan in due course. In December 2016, the emerging Local Plan was submitted for independent examination to the Secretary of State. 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 planning policies.

### *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 that has an electricity consumption of approximately 11.3MW. The solar farm would generate up to 1.1MWh of electricity per annum which equates to approximately 10% 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.

#### *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 including two areas of restored landfill adjacent to the east and west of the application site and two areas of agricultural land located to the north of the application site 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 landfill locations are raised and are more visually prominent; 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 on the opposite (west) side of the private access road is 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 B, along with Site A (the subject of Planning Application No. LCC/2017/0090), 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 providing low carbon forms of energy generation.

The site is on agricultural land of Grades 3 and 4. 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 landfill site that has been restored to poorer quality agricultural land that is used for 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.

The original planning application was for a 1.3MW solar farm with the metal frames for the solar panels being pile-driven into the ground to secure the structures. However, two objections were received to this design.

The first objection was from the EA due to possible impacts on the former landfill from the intrusive ground works that would be required. The EA considered that a site intrusive investigation be undertaken and, if necessary, a remediation strategy.

The second objection was from SUEZ, operator of Clifton Marsh Landfill Site, because the solar array layout would have restricted maintenance access to the underground pipe that carries leachate from the adjacent Clifton Marsh landfill site to Preston WWTW. SUEZ were also concerned about the impacts of the pile driven frames of the solar panels on the underground leachate pipe and a lack of assessment regarding fugitive landfill gas from Clifton Marsh Landfill Site, and the need for mitigation measures to be incorporated into the solar farm, and to describe what the mitigation measures would be.

In response, the applicant submitted an amended design whereby the frames for the solar panels would be "ballasted" (weighted down) with concrete blocks rather than pile-driven into the ground thereby minimising any intrusive operations that would have disturbed the former landfill. The layout of the solar panels has also been amended to allow adequate access to the underground pipe infrastructure. The amendment reduces the number of solar panels on the site so that the electricity generating capacity is reduced from 1.3MW to 1.1MW. A Geo-Environmental Site Assessment was also submitted.

The amended design to secure the metal frames for the solar panels to the ballasted blocks and, the altered layout to allow adequate access to the underground pipe infrastructure, has addressed the concerns of both the EA and SUEZ, and their objections have now been withdrawn. The development therefore accords with

Policy EP29 of the Fylde Borough Local Plan and Policy GD9 of the emerging Local Plan in relation to issues of contaminated land.

### *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 2.6 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 engineering requirements, 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 all sides by the higher land of various restored landfill sites and from the south by the Preston WwTW. The landscape and visual impacts of the development are therefore limited to the immediate site surroundings, with there being no medium or long distance views. The switchgear housings would be located within the Preston WwTW and would therefore be absorbed within the considerable infrastructure on that 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 colour 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 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 sites proximity to Warton Aerodrome. Weather conditions will influence when glare could potentially occur.

An assessment of the potential for glare has been undertaken that 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 each year 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 seen 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 access road 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.

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 deliveries would drop significantly to an average of two HGV movements per day.

The applicant has suggested that construction transport hours would be limited to between 07:00 and 19:00 hours Monday to Friday, 09:00 and 13:00 hours Saturdays and 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 could require the provision of wheel cleaning facilities.

### *Flood risk and Pollution of surface water*

The solar farm would be located mostly within Flood Zone 2, except for the north-eastern corner, and the western edges which are within Flood Zone 3. The Environment Agency (EA) and Local Flood Authority (LLFA) have not objected. The proposal therefore accords with Policy EP30 of the Fylde Borough Local Plan, and Policy CL1 of the emerging Local Plan.

While the Lead Local Flood Authority (LLFA) have not objected, they have commented that the use of steel pads and cable troughs is likely to increase surface water runoff from the site due to less available ground for natural infiltration.

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. The applicant has prepared a Construction Environmental Management Plan which details a range of measures to control the impacts of construction operations including silt pollution of water courses. However, the revised construction method will minimise ground disturbance and therefore reduce the likelihood of site run off contaminating adjacent water courses. A condition is recommended to require the measures in the CEMP to be implemented including silt control measures to be employed to prevent run-off contaminating nearby water courses/the marsh, and should remain in place until all construction works are completed. Pollution prevention control measures should also be adopted at all times. In addition, waste from welfare facilities and other sources will be self-contained. 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.

In line with the comments from the EA, an advisory note should be included on the permission that the EA should be contacted if any additional evidence of contamination is identified during the development of the site to ensure that the risks to controlled waters receptors are appropriately managed.

### *Residential amenity*

The nearest residential properties to the proposal are located approximately 700m to the north along the A584 and to the north-east at Clifton Marsh Farm. Traffic using the existing access would generate noise and increase emissions in the immediate and surrounding locality. Construction operations may produce 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 proposed development would be located close to the '25 approach' for aircraft that utilise the BAE Systems Warton airfield.

BAE Systems did not respond but, National Air Traffic Services have not objected and comment that the proposed development does not conflict with their safeguarding criteria.

### *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: part of the River Ribble consists of the Ribble and Alt Estuaries SPA and Ramsar site and the Ribble Estuary SSSI and the eastern edge of Newton Marsh SSSI is located approximately 70m to the north of the site.

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 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 surrounding land, most particularly to the west of the site that is the subject of Planning Application No. LCC/2017/0090. 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 is much reduced now that there would be no intrusive ground works. Potential noise would be further attenuated by the embedded noise mitigation measures and the contours of adjacent. There is 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 large numbers such that significant disturbance would be likely. In terms of potential contamination/ pollution, again the risk is reduced now that intrusive ground works are avoided. The HRA and Construction Environmental Management Plan also outline pollution prevention measures that would be implemented during construction (these have already been covered above). On this basis, there is agreement with the Shadow HRA, that direct/ indirect impacts to SPA species would not be likely and it is considered that the proposed development would not have a significant effect on the Ribble and Alt Estuaries SPA. An appropriate assessment therefore does not need to be undertaken by LCC.

With regards to the Newton Marsh SSSI, it is just one of five sites in the UK where one of the UK's rarest wading birds, the Black-tailed Godwit, breeds. The RSPB object to the application because of inadequate proposals for mitigation and enhancement on land functionally linked to Newton Marsh SSSI vital to the continued breeding success of Black-tailed Godwit. The functionally linked land referred to is a natal feeding area where Godwits, that nest on the Newton Marsh SSSI, rear their young until they have fledged. However, the functionally linked land in question is located approximately 700m south-west of this application site and so will not be affected in any way by this proposal. Importantly, the application site is not along the route that the birds would take from Newton Marsh SSSI to reach the natal feeding area. The solar farm proposals for site B would therefore not affect the Black-tailed Godwit.

LCC's Specialist Advisor (Ecology) has not objected to the application providing that conditions are imposed relating to the following: control of lighting and noise; checks for ground nesting birds, amphibians and reptiles, and measures for the avoidance of harm, if present; and the treatment of any invasive plant species. These can be the subject of conditions.

Natural England has not objected providing that subject to the imposition of the conditions 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; 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. A general condition can be imposed to require the silencing of plant and machinery. With regards to Natural England's request for conditions controlling the timing of development and the need for acoustic fencing, the site is at some distance from the SSSI and the areas of land used by the godwits and is enclosed by higher land comprised of the former landfill site. Construction operations on this particular site would therefore not be particularly prominent or noisy such that they would cause disturbance issues to protected birds using the SSSI particularly given the construction methods now proposed. The conditions controlling timing of development and perimeter noise fencing on this site are therefore not considered necessary. However, a condition should be imposed requiring that the site is checked for ground nesting birds prior to the commencement of development. As covered above, the application site is not along the route that the Black-tailed Godwits would take from their nesting area to the natal feeding area.

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.

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, 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 14 September 2017, and the emails from the applicant dated 03 October 2017, 20 December 2017, 02 January 2018, 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. 2001/770000002709/01/97/100003 Rev K

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, EP29 and EP30 of the Fylde Borough Local Plan, and Policies NP1, GD4, GD7, GD9, CL1, CL2, CL3, ENV1 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.*

### **Hours of Working**

4. No construction development 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 operations or site restoration works shall be undertaken 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 3 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.*

### **Control of Noise**

7. All plant, equipment and machinery used in connection with the construction, restoration, 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.*

### **Dust**

8. 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**

9. 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.*

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

*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**

11. Measures shall be taken throughout the construction and restoration phases of the development to ensure that no mud, dust and 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**

12. 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.*

13. 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.*

14. 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 the 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**

15. All hedges and trees forming part of the site boundaries or to be retained within the site shall be protected from any damage and maintained throughout the development.

*Reason: In the interests of visual and local amenity and the local environment and 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**

16. A pre-construction check of the site by a suitably qualified and experienced ecologist shall be made prior to commencement to ensure that there are no breeding birds present and avoid any potential for an offence under the Wildlife and Countryside Act 1981 (as amended). In the event that a nest is identified, appropriate measures shall be implemented to avoid any offence including creation of an appropriate standoff around 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.*

17. The Reasonable Avoidance Measures (RAMS), as contained in Appendix 1 of the submitted Construction Environmental Management Plan received on 2nd January 2018 shall be implemented by all site personnel 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.*

18. If any invasive plant species are discovered at the application site, then works at the location shall cease and specialist advice will be contacted immediately in order to prevent the accidental spread of such species.

*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**

19. 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 that will be carried out for a period of five years following completion of the restoration works in a) to e) to ensure that the site is restored to a standard where it can be used 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**

The Environment Agency should be contacted if any additional evidence of contamination is identified during the development of the site to ensure that the risks to controlled waters receptors are appropriately managed.

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

Paper	Date	Contact/Directorate/Ext
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LCC/2017/0074 14/09/2017 Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A