

**Development Control Committee**  
Meeting to be held on 19 January 2022

Electoral Division affected: Lancaster Central
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**Lancaster City : application number. LCC/2021/0060**  
**Variation of condition 1 of permission LCC/2016/0065 to extend the operational lifetime of the solar farm until the 31 December 2055, Lancaster Wastewater Treatment Works, Stodday Lane, Lancaster**

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**Executive Summary**

Application - Variation of condition 1 of permission LCC/2016/0065 to extend the operational lifetime of the solar farm until the 31 December 2055, Lancaster Wastewater Treatment Works, Stodday Lane, Lancaster.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, noise, landscaping and management and site restoration.

**Applicant's Proposal**

The application is for an amendment to condition 1 of planning permission LCC/2016/0065 to extend the date for the removal of the solar panel array and associated equipment from its permitted end date of 30 June 2041 to 31 December 2055.

**Description and Location of Site**

The application relates to an existing solar panel array located within an area of agricultural pasture measuring 100 metres by 100 metres which is immediately north of Lancaster Wastewater Treatment Works. The works is 3km south west of Lancaster city centre and 700 metres northwest of Stodday. The treatment works is accessed via a number of minor roads that link with the A588.

To the west of the application site is the Condor Green to Lancaster Cycle path beyond which is the Lune Estuary which is designated as a Site of Special Scientific Interest (SSSI) and a Special Protection Area.

There are two residential properties at Low Wood which immediately adjoin the application site to the north east.

Part of the site lies with flood zone 2 and 3.

## **Background**

History: Planning permission for the solar array on this site was granted in 2017 (planning permission ref LCC/2016/0065).

## **Planning Policy**

National Planning Policy Framework (NPPF): The following paragraphs are particularly relevant: 11 (definition of sustainable development) and 158 (renewable and low carbon energy).

Lancaster City Local Plan Part One (Strategic Policies and Land Allocations DPD):

Policy SP1: Presumption in favour of sustainable development

Lancaster City Local Plan Part Two (Development Management DPD):

Policy DM53: Renewable and low carbon energy generation

## **Consultations**

Lancaster City Council; No observations received.

Aldcliffe-with-Stodday Parish Council: Object to the application. The existing permission is time limited until 2041 and is therefore a temporary installation. The current proposal would considerably extend the duration of the development beyond that which can be considered as temporary. Under the current permission, the developer would be able to apply for a time extension in 2041 which could be considered against the planning policies in existence at that time. Extending the permission at this stage would deprive the planning authority and community of this opportunity.

There is also a much larger solar farm at Arna Wood directly to the north of the application site. If a time extension for the wastewater treatment works solar farm were agreed, it would set a precedent for the Arna Wood site.

The application appears to be based on commercial reasons only and should be rejected.

Environment Agency: No comments to make.

Lancashire County Council (LCC) Ecology: The site lies within a Site of Special Scientific Interest (SSSI) impact zone and the scale of the solar farm has the potential to result in adverse impacts on statutory designated ecological sites. Natural England should therefore be consulted on the proposal.

National Grid Gas and Electricity: The application would not affect any National Grid infrastructure.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations objecting to the application have been received which are summarised as follows:

- The proposed time extension goes beyond the realms of temporary.
- Approval of the application would set a precedent for the adjacent Arna Wood solar farm which is limited to a 25 year lifetime.
- The proposal would extend the life of the current consent by 14 years and is driven by commercial considerations. There is no reason in planning terms to extend the life of the permission.
- The proposal contravenes the policies of the local plan.
- The proposal contravenes the assessment of landscape impacts and visual effects that was undertaken as part of the original planning application.
- The wording of the existing permission provides a facility for the local community to review the installation after 25 years. Approval of the current proposal would remove this opportunity.

## **Advice**

Planning permission was granted in 2017 for a solar panel array on land immediately to the north of Lancaster Wastewater Treatment Works. The purpose of the panels was to provide a source of renewable electricity to support the operation of the treatment works.

Condition 1 of the permission requires the panels to be removed from the land by not later 30 June 2041. The applicant wishes to amend condition 1 to allow the solar panels to be retained until 31 December 2055.

The solar array at Lancaster Wastewater Treatment Works was one of a number of renewable energy installations developed by a subsidiary of United Utilities at its wastewater treatment sites. Some of these renewable energy assets were developed under permitted development whilst some required planning permission.

At present many of the renewable energy sites have different end dates as those developed under permitted development rights have no end date whilst those developed under a planning permission all have different end dates depending on the date of the individual permissions. United Utilities now propose to divest all their renewable energy assets to a specialist company whilst retaining access to the energy required to operate each treatment works. Potential purchasers of the renewable energy installations require a suitably long lifespan and a consistent end date to all the assets. The applicant therefore proposes to have an end date for all facilities including the solar array at Lancaster Wastewater Treatment Works of 31 December 2055, approximately fourteen years longer than provided for by the current permission.

The main issues relate to the visual and other environmental impacts arising from retaining the solar farm over a longer period than previously permitted.

Paragraph 158 of the National Planning Policy Framework (NPPF) states that authorities should recognise that proposals even for small scale renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions and that such proposals should be approved if the impacts are (or can be made) acceptable. Although the life of the solar array is at present limited until 2041, the need to generate electricity by renewable means is expected to continue past this date in order to meet the targets for greenhouse gas emissions within the Climate Change Act 2008. This legislation requires that the net UK carbon budget in 2050 is at least 100% lower than the 1990 baseline. Whilst it is acknowledged that the application is driven by the commercial considerations of the applicant, it is nevertheless considered that there is justification for a time extension until 2055 in terms of permitting the production of renewable energy over a longer timescale to meet climate change targets.

The Parish Council and three local residents have objected to this application. One of the issues raised is that this application is premature and that a decision to extend the lifetime of the permission should only be made shortly before the permission is about to expire. In response, it is considered that renewable energy policy is unlikely to change before 2055 for the reasons set out above and that the presumption in favour of such development will continue. In terms of the local environment, the solar array at this site has now been operational for five years and therefore the impacts in terms of landscape, ecology and local amenity are well understood. No changes to the layout or operation of the site are proposed over the remaining period of the development. The solar array was subject to a landscaping and habitat management scheme which is now well established. Parts of the solar array are quite close to a property at Low Wood but amendments were made to the layout of the site to address visual impacts on the property and noise from the inverters in order to make these aspects of the development acceptable. It should be noted that no objections to this application have been received from the occupiers of Low Wood. For these reasons, it is considered acceptable to take a decision at the current time to extend the life of the development until 2055.

Whilst the application would allow the facility to be retained for a further 14 year period it would continue to be subject to an end date and therefore would still be a temporary permission. As required by Policy DM53 of the Lancaster City Local Plan, a condition can be attached to any new permission requiring the solar array to be removed if no electricity has been generated from the site for a period of at least one year.

There is a much larger solar array complex to the north east of the application site at Arna Wood. This development was granted permission by the City Council in 2017 and contains a condition restricting the life of the development to 25 years. Any application to extend the duration of that permission would have to be considered on its own merits and it is not considered that extending the lifetime of the treatment works solar array would set a precedent which would have to be followed.

It is recommended that any new permission is subject to same conditions as were attached to permission LCC/2016/0065 modified as necessary to account for the amended timescale and the details of landscaping and habitat management that have been approved under the conditions to that permission.

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

## **Recommendation**

That planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The solar panels, supporting framework, all other electrical equipment and perimeter security fencing shall be removed from the site by not later than 31 December 2055 or within six months of the cessation of electricity export from the site as defined in this permission whichever is the earlier.

Within six months of the removal of the equipment, any land disturbed through the removal of the development shall be cultivated and graded to a condition suitable for agricultural grazing land.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

### **Working Programme**

2. 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 and supporting statement received by the County Planning Authority on 12 August 2016 as amended by the email from David Palmer of Savills dated 16 November 2016 and planning application ref LCC/2020/0060 dated 11 November 2021.

- b) Submitted Plans and documents:

Drawing No. W-CLD01 Rev A - Site Location Plan

Drawing No. 209413-2200 Rev C - PV Layout

Drawing No. 01 39 60375 Rev B - String Inverter and Distribution Board Mounting Detail.

Drawing 01 39 60111 Rev A - Trench Detail Layout Drawing

*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 policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

3. No maintenance works to the solar panels or other electrical equipment or decommissioning work shall take place outside the hours of:

08.00 to 17.30 hours, Mondays to Fridays (except Public Holidays)  
08.00 to 13.00 hours on Saturdays

No such maintenance work shall take place at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

4. Decommissioning of the solar panels, other electrical equipment and perimeter security fencing shall not take place other than between 31 March and 1 October in any calendar year.

*Reason: In the interests of ecology and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

5. The rating level of noise from fixed plant and machinery at the solar farm shall not exceed the background level by more than 3dB(A) when measured as a 15 minute LAeq at the boundary of the nearest property. The noise level shall be free from any distinguishable tones, hums and whines.

All noise measurements and recordings shall be undertaken in accordance with BS4142:2014.

*Reason: In the interests of the amenity of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

6. The landscaping works carried out in accordance with the scheme and programme approved under the requirements of condition 8 of permission LCC/2016/0065 shall be maintained for a period of five years from the date of their implementation including replacement of failures, weed control and maintenance of protection measures.

*Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

7. All trees and hedges on the boundaries of the site shall be maintained throughout the duration of the development.

*Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

8. The provisions of Part 13 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that Part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: In order to protect the amenities of local residents and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

9. A record shall be kept of the quantities of electricity exported from the site in each calendar year and such record shall be made available to the County Planning Authority on request.

*Reason: To secure the cessation of the development and the restoration of the land and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management Development Plan Documents).*

10. The site shall be managed in accordance with the grassland and habitat management scheme approved under the requirements of condition 9 of planning permission ref LCC/2016/0065.

*Reason: In the interests of ecology and to conform with Policy DM53 of the Lancaster City Local Plan (Development Management DPD).*

## **Definitions**

Cessation of electricity export : The date when no electricity has been exported from the site for a period of 12 months.

## **Local Government (Access to Information) Act 1985**

### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2020/0060	11/11/21	Jonathan Haine, Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A