

Application No: 15/4336C  
Location: LAND SOUTH OF WOOD LANE, BRADWALL, CHESHIRE  
Proposal: Variation of condition 12 on approved 15/1541C - Installation and operation of a solar farm  
Applicant: Lightsource Renewable Energy Ltd  
Expiry Date: 25-Dec-2015

## **SUMMARY**

The expected operational life of the solar farm is at least 30 years. It is therefore recommended that the Condition 12 from planning permission 15/1541C be varied as requested, subject to the necessary deed of variation being made to the S106 Agreement.

No new issues with regards to; open countryside, design, landscaping, amenity, highway safety, public footpaths, public utilities, flooding, trees, nature conservation or agricultural land would be created by the proposed variation.

The application is therefore recommended for approval.

## **RECOMMENDATION**

**APPROVE Subject to a deed of variation to the S106 Agreement to secure the hereby approved changes and conditions**

## **PROPOSAL:**

A variation of condition application is sought to vary condition 12 on planning permission 15/1541C. That application was for the *'Installation and operation of a solar farm'* at Land South of, Wood Lane, Bradwall, Cheshire.

Condition 12 reads;

*'Within 25 years and 6 months following completion of development, or within 6 months of the cessation of electricity generation by the solar photo voltaic installation, or within six months of the permanent cessation of construction works prior to the solar photo voltaic facility coming into operation, whichever is sooner, the solar photo voltaic panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the local planning authority in writing no later than 5 working days following cessation of power production. The site shall subsequently be restored in accordance*

*with the scheme, the details of which shall be submitted to and approved in writing by the LPA no later than three months following the cessation of power production.*

*Reason: In order to ensure the full restoration of the site and in accordance with Policy PS8 of the Congleton Borough Local Plan First Review 2005.'*

The applicant seeks to vary this condition to;

*'Within 30 years and 6 months following completion of development, or within 6 months of the cessation of electricity generation by the solar photo voltaic installation, or within six months of the permanent cessation of construction works prior to the solar photo voltaic facility coming into operation, whichever is sooner, the solar photo voltaic panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the local planning authority in writing no later than 5 working days following cessation of power production. The site shall subsequently be restored in accordance with the scheme, the details of which shall be submitted to and approved in writing by the LPA no later than three months following the cessation of power production.'*

Essentially, the applicant seeks to extend the time as to when the site needs to be restored by 5 years. This is because the life of the approved solar farm is expected to be 30 years.

#### **SITE DESCRIPTION:**

The application site lies within approximately 14.16 hectares of agricultural land located on the south-western side of Wood Lane, Bradwall to the north of Sandbach within the Open Countryside.

The site consists of 3 agricultural fields comprising of 2 adjacent elongated fields extending in a north-east to south-west direction constrained by Wood lane to the north-eastern boundary. A field spanning the width of both of these fields to the south-western end of the site forms the 3<sup>rd</sup> field. On the south-western boundary is a woodland and a stream.

The site is relatively flat but drops to a lower gradient at the juncture of all 3 fields. The site is currently used for grazing stock.

#### **RELEVANT HISTORY:**

**15/1541C** - Installation and operation of a solar farm – Approved 4<sup>th</sup> September 2015

**14/4315S** – EIA Screening Opinion - EIA not required 3<sup>rd</sup> October 2014

**19414/1** - New 18 hole golf course, clubhouse and leisure facilities, residential development – Refused 21<sup>st</sup> June 1988

#### **Local Plan Policy**

PS8 (Open Countryside), GR1 (New Development), GR2 (Design), GR4 & GR5 (Landscaping), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR16 (Footpath, Bridleway and Cycleway Networks), GR19 (Infrastructure), GR20 (Public Utilities), GR21 (Flood Prevention), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation), NR3 (Habitats),

NR4 (Non-statutory Sites), NR8 (Agricultural Land), NR9 (Renewable Energy) and E5 (Employment Development in the Open Countryside)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 93-108 – Climate change, 109-125 – Natural environment

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy;

PG2 (Settlement Hierarchy), PG5 (Open Countryside), PG6 (Spatial Distribution of Development), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient use of Land), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), SE6 (Infrastructure), SE7 (The Historic Environment), SE8 (Renewable and Low Carbon energy), SE9 (Energy Efficient Development), IN1 (Infrastructure), IN2 (Developer Contributions)

### **CONSULTATIONS (External to Planning)**

**Bradwall Parish Council** - No comments received at time of report

### **OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the proposal advertised in the local newspaper.

No neighbouring letters were received during the application process.

### **APPLICANT'S SUPPORTING INFORMATION:**

Supporting Statement

### **OFFICER APPRAISAL**

The principle of the provision of the solar farm on this site has been agreed and the site restoration secured via a S106 Agreement.

This application seeks to vary the condition which ties in the site restoration in with the associated legal agreement. More specifically, the only change sought relates to a change in the timeframes as to when the restoration shall be delivered. Instead of it being 25 years and 6 months as agreed, the applicant seeks to amend this to 30 years and 6 months.

Within the supporting statement, the applicant has provided the following justification for this amendment;

- The Feed in Tariff scheme came into effect in the UK in April 2010 to promote the uptake of a range of renewable and low carbon electricity generation. The Tariff was initially set at 25 years hence the historical use of this time period for the site restoration condition. This also tied in with the warranty provided by the manufacturers of the panels at the time. Since then, some of the earliest constructed solar farms have been found to still be operating far in excess of their predicted lifespan. Furthermore, the solar technology has improved further since these earlier developments.
- The approved Bradwall development uses the latest top performing panels and as such should be expected to perform at least the lifespan of the early constructed farms.
- Lightsouce commissioned an independent survey to assess the expected operation life of their solar PV farms and this concluded that a 30-year operational life time is comfortably achievable.
- The benefits of a longer timeframe of solar energy production are also outlined

The expected operational life of the solar farm is at least 30 years. It is not considered that the additional period of 5 years causes any further issues over and above the original decision and it would be unreasonable to refuse the scheme given the applicants submission. It is therefore recommended that the Condition 12 from planning permission 15/1541C be varied as requested, subject to the necessary deed of variation being made to the S106 Agreement.

No new issues with regards to; Open Countryside, design, landscaping, amenity, highway safety, public footpaths, public utilities, flooding, trees, nature conservation or agricultural land would be created by the proposed variation.

The application is therefore recommended for approval.

## **RECOMMENDATION**

**APPROVE Subject to a deed of variation to the S106 Agreement to secure changes to;**

- a) The timeframe of the restoration of the site, and;**
- b) Application number**

**And the following conditions;**

- 1. Time – Commence by 4<sup>th</sup> September 2017**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping – Implementation**
- 5. Provision of an undeveloped 15m buffer between the proposed development and the boundary of the woodland**
- 6. Prior submission of a detailed assessment and mitigation of the potential impacts of the proposed development upon ‘Other’ protected species**
- 7. Implementation of security fence details discharged under condition 15/5212D**

- 8. Implementation of cutting regime designed to maximise the botanical value of the grassland habitats discharged under application 15/5212D. To be implemented for lifetime of solar farm**
- 9. Tree protection**
- 10. Flood Risk Assessment – Implementation**
- 11. HGV Movements – 10 per day**
- 12. Restoration plan**

**In order to give proper effect to the Board`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Strategic Planning Board and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

