

5 December 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 10TH DECEMBER 2013

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was printed.

Agenda No Item

4. **Planning applications to be determined**

- a) 13/00811/FULMAJ - Land bounded by Black Brook, Tithe Barn Lane, Heapey (Pages 69 - 90)

Proposal

Construction of a (up to 8MW) Solar Photovoltaic (PV) Farm and associated works

Recommendation

Refuse Full Planning Permission

- f) 13/00982/CB3 - Land to the rear of 3-4 Barn View, 11-17 Maytree Court and 52-78 Fairview Drive, Adlington (Pages 91 - 96)

Proposal

Change of use from public open space to individual garden extensions serving 3 -4 Barn View, 52-78 Fairview Drive and 11-17 Maytree Court

Recommendation

Permit Full Planning Permission

5. **Enforcement Reports**

- b) Enforcement Report - Land adjacent 367 Southport Road, Ulnes Walton (Pages 97 - 102)

6. **Parish Council Speaking Rights (Pages 103 - 106)**

Report of the Director of Partnerships, Planning & Policy (enclosed).

Yours sincerely



Gary Hall
Chief Executive

Louise Wingfield
Democratic and Member Services Officer
E-mail: louise.wingfield@chorley.gov.uk
Tel: (01257) 515123
Fax: (01257) 515150

Distribution

1. Agenda and reports to all Members of the Development Control Committee for attendance.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

Item 4a	13/00811/FULMAJ
Case Officer	Mrs Helen Lowe
Ward	Pennine
Proposal	Construction of a (up to 8MW) Solar Photovoltaic (PV) Farm and associated works
Location	Land Bounded By Black Brook, Chapel Lane And Tithe Barn Lane Heapey
Applicant	Cassidy & Ashton Group Ltd.

Consultation expiry: 25 December 2013

Application expiry: 28 November 2013

Proposal

1. This application, which was submitted in August 2013, proposes a solar farm comprising the installation of approximately 32000 solar panels, arranged in arrays of 20 panels. Each array will measure 10.25m by 4.02m. These are mounted on steel posts rammed into the ground (thus avoiding the need for a concrete base platform). The overall height of the arrays will vary as the angle will be adjusted depending on the topography of the ground - the minimum height would be 1.89m and the maximum height would be 3.78m. The applicant has indicated that the development is intended to last for a period of 25 years.
2. The applicant advises the proposed solar farm would provide up to 8MW of energy which is the equivalent of powering 2500 homes a year. It would save 340 tonnes of carbon dioxide.
3. In addition to the proposed panels, the proposal requires the installation of six inverters and a substation building. Each inverter actually comprises two small buildings measuring 3.2m in height, with a maximum combined length (of both building) of 11.62m and a width of 2.6m. The six inverters are distributed throughout the site, located at the edge of a field in each case. The substation would be located in the southern part of the site, approximately 50m north of the junction of Tithe Barn Lane and Higher House Lane. The substation building would measure 8.3m by 5.2m by 3.9m high. It is proposed to erect a 2.4m high galvanised steel palisade security fence around the whole of the site, alongside the public footpath crossing the site, and within the site (effectively dividing the site into separate six separate parcels. The fence would be either side of the footpath, with a gap of between 6-10m for the path. Eight security cameras are to be located at various locations around the site. The amended fencing plan (ref. C3343-P01A received on the 12th of November) shows the security cameras located on top of the fencing poles, although the applicant has stated that the location of the cameras has been chosen on the ability for them to be placed on existing trees where possible.
4. The site comprises agricultural land located to the east of the settlement of Chorley and the M61, within the parish of Heapey. The southernmost tip of the site is adjacent to the settlement of Little Knowley/Kittiwake estate. The site is bounded to the west by Black Brook and to the north by Chapel Lane. The site is bounded by Tithe Barn Lane to the east. The site covers an area of 18.4ha.
5. At the time of writing this report, the applicant has indicated an intention to submit further information regarding the visual assessment and photo montages. Information has also been requested clarifying matters relating to boundary treatments and the access point to Chapel Lane. This information, if received, will be considered on the addendum to the committee. Depending on the nature of the information received a view will need to be taken as to whether it is necessary to re-consult on the application

6. The following table details the information submitted by the applicant as part of the initial application, together with further information submitted in relation to consultee responses or requests from the Council.

Date Received	Document Title	Reference (if available)
29 th August 2013	Planning design and Access statement	
	Landscape and visual impact assessment (plus appendices)	
	Flood risk assessment	
	Ecological survey and assessment	
	Inverter/transformer unit	BK/m239/03
	Road section and trench	BK/m23902
	Topographical survey (x 2)	
	Indicative substation	BK/m239/04
	Photographic appraisal supporting documents	
	Site layout	BK/m239/01
	Indicative array	FT/4679/01
22 nd October 2013	Transport statement	
	CCTV technical specification	
	Additional supporting information (by letter)	
	Letter from Ribble Ecology	RB-13-102
	Amended site layout (location of security cameras)	
	Fencing plans	
4 th November 2013	Letter from Ribble Ecology	RB-13-102i
	Site layout	
11 th November 2013	Letter from Ribble Ecology	
	Site layout	
12 th November 2013	Fencing plan	
15 th November 2013	Site layout	
22 nd November 2013	Transport Statement – supplementary report and updated framework construction traffic plan	
25 th November 2013	Indicative array	

Recommendation

7. It is recommended that this application is refused full planning consent.

Main Issues

8. The main issues for consideration in respect of this planning application are:
- Background information
 - Principle of the development
 - Green Belt
 - Impact on the neighbours
 - Landscape and visual impact
 - Ecology
 - Flood Risk/Drainage
 - Traffic and Transport
 - Public Right of Way
 - Contamination and Coal Mines

Representations

9. 479 letters of objection have been received. They make the following comments

Consultation/Application Information

- A decision should not be made until there is a detailed and accurate classification of the land has taken place;
- The proposal should be accompanied by a coal mining risk assessment;
- A full ecological survey should be carried out;
- The application should not be determined until a new survey has been carried out.
- Why has an EIA not been required;
- No further mitigation letters from 'experts' should be accepted by the Council
- Plans are indicative only and therefore inadequate;
- Lack of information given to residents;
- The developer has not contacted local residents and communities;
- The application should not be considered until such a time as the developer has undertaken a proper set of consultations;
- A development of such magnitude warrants greater consultation and wider notification;
- I don't believe the notification and consultation was anywhere near enough for the size of this proposed development. Why was the council's approach so low key for such a massive impact on our countryside?
- Notification - many do not receive local paper; 9 small notices on telegraph posts around this huge area, missed by many residents of the Kittiwake estate; insufficient neighbour notifications
- Complaints about 14 Nov closing date for comments on further amendments in time for 19 Nov committee, timescale for committee notification, and impact on ability to attend at short notice, especially if living further afield

Principle of the Development / Overall Assessment

- The proposal does not fit in with the NPPF;
- Inappropriate development in the Green Belt;
- The harm to the Green Belt will be substantial and openness will be completely eroded by thousands of solar panels. This will not be outweighed by benefits which are still unclear
- Very special circumstances do not exist because the proposed benefits could be obtained by development on other sites not located within the Green Belt;
- Lack of information provided to justify the proposal and existence of very special circumstances;
- Loss of good quality agricultural land;
- This is not the place for such a large site;
- Solar panels should be on roofs in commercial areas
- Should be on brownfield sites;
- More favourable sites should be used first
- The proposal is illogical, harmful, incongruous and lacks local support;
- Not in keeping with the character of the area;
- The development is not in keeping with the area;
- Will set a precedent for further development of solar farms;

Visual Impact

- would make the environment appear industrial;
- There will be a huge visual impact; the panels will be seen from all popular walking points – Great Hill; Healey Nab, West Pennine Hills, Rivington;
- The elevated position will mean it is clearly visible from many vantage points and cannot be screened;
- The panels will be clearly be visible over wide stretches of the West Pennine Moors;
- The Landscape and Visual assessment is redundant as its conclusions are based on an assumed panel height of just under 3m, whereas the amended submission gives the height as nearly 4m;
- The visual impact survey does not take into account the changing seasons;
- The landscape and visual impact assessment is incorrect in relation to the assessment of impact on Tithe Barn Farm;
- The area will look like a prison;
- Will be impossible to screen
- area will be surrounded by security fencing;

- Object to the use of security fencing;
- Security fencing will be an eyesore and visible from surroundings;
- It will take 10-15 years for vegetation to grow sufficiently to act effectively as a screen;
- Mitigation planting should be at the start of the proposals and there is no indication of how soon after commissioning such planting will take place;
- Will there be pylons
- Will not benefit the area visually and will be unattractive and highly intrusive;
- Will be clearly visible from a numerous beauty spots

General Impacts

- Will be a blot on the landscape;
- The scale of the proposal would have an unreasonable impact on the immediate locality and its appearance; The scale is too large and intrusive;
- Impact on Tithe Barn Farm - dismissed by applicant as not very significant, but development will be intrusive - are buildings more important than people?
- Unreasonable impact on residential life through noise and visual disturbance;
- Noise and disruption from construction;
- Will increase noise and general disturbance;
- A noise and vibration impact assessment should be carried out and the council should ensure that no structural damage is likely to occur;
- Environmental pollution associated with construction;
- Loss of light and privacy;
- Will destroy the rural nature of the area;
- Will negatively affect the attractiveness of the area for walkers, cyclists and horse riders;
- The local economy will be adversely affected by a reduction in the number of visitors to the area;
- Would put off visitors and walkers and other tourists;
- Will strain an overworked infrastructure;
- Solar Farms are increasingly becoming the target for organized criminal gangs;
- what about the dangers of large electric currents, health issues;
- Impact on Heapey ROF site;

Highways Impacts

- Adverse impact on highway
- Access onto Tithebarn Lane is very dangerous;
- The roads that access the site are single track with sharp blind bends and no footpaths;
- Increased traffic would be an accident waiting to happen near the bus stop;
- The height of the proposed screening will impact visibility and increase surface water/ice on roads. This will increase risk of road accidents and damage to property.
- Roads will be damaged; Construction traffic will damage the roads;
- Will cause massive disruption;
- Access to the area will be lost
- An assessment should be made of the available capacity of the existing cycleway and footpath network in the area;
- How will the safety of walkers be ensured?
- The traffic assessment does not show how narrow and constrained Heapey Road and Chapel Road area;
- Programme and certainty of construction timescales, should be a planning consideration;

Heritage & Conservation

- Harmful impact on the character of nearby listed buildings;
- Impact on White Coppice Conservation Area;
- Impact on archaeology, an archaeological survey should be carried out
- There is evidence in fields directly across from the site of a roman settlement;
- All reports within the application pay scant regard to the heritage assets within its area;
- Desecration of history;

Ecology Impacts

- Impact on wildlife and protected species (e.g. lapwing, bat, great crested newt, badgers);
- How will deer pass through the site?
- Where will barn owls hunt?
- The layout of panels will prevent growth of grass so not allow grazing and have a detrimental effect on wildlife;
- Grazing under the panels will not be possible;
- Security lighting will negatively impact on surrounding wildlife;

Drainage

- No drainage details have been provided – where is runoff going? Will not allow to discharge into Black Brook or any planting on my land;
- Flooding will be a problem from increased run off;
- Rainwater runoff will wash away top soil;

Decommissioning & Afteruse

- What will happen when the panels are decommissioned?
- There is no guarantee of effective decommissioning ;
- The applicant has failed to demonstrate that this is a sustainable development – as unfunded financial burdens would fall on future generations (e.g. insolvency, decommissioning);
- The Council should require a bond sufficient to cover anticipated restoration costs before work commences;
- There is no intention to return the land to grazing;
- There is no definitive undertaking that the land will return to its previous use, will planning permission be sought for housing?
- The site would become brownfield if the development were allowed to go ahead;
- The proposal is nothing more than a way for landowners to get the site reclassified as brownbelt for future development after the solar farm has gone;
- Could lead to housing development in the future;

Details of Development

- What are the proposals for finishes and materials?
- The panels should not be black;

Miscellaneous

- Proposal will be of no benefit to the local community;
- The land has until recently been used as dairy and beef pasture;
- Farm land should be retained for the future;
- This area should have been designated as an AONB years ago to prevent this happening;
- Other Councils have rejected similar applications;
- Members should undertake a site visit
- All members of the planning committee will take the time and trouble to visit the site and the area above it from which it will be visible;
- If there has not been a site visit by the Development Control Committee then why not? A proposed development of this size should be viewed in its entirety by all of the members before they can make a decision as controversial as this.
- Such a large and controversial development should be determined at a public inquiry;
- Who will monitor the CCTV system;
- Beauty spots should be preserved for future generations;
- Lindsay Hoyle has requested that the area around White Coppice and surrounding villages be designated as an AONB, thus gaining National Protection. Are we to infer that our local representatives on the Council cannot be relied upon to protect their own area of beauty?
- Would the solar farm if approved provide a torch in the sky for the modern day terrorist who would only have to access from Google Earth to find the Heapey Depot next to it
- Will this devalue our houses?
- Contravenes the 10 commitments of the solar trade association;
- The plans are for just 25 years, this is not helping long term generation of green energy;

- Scientific basis for a solar farm in the north of England is flawed – the south receives more daylight;
 - Rt Hon Greg Barker MP in launching the new guidelines (October 2013) said “Solar has a bright future in the UK but not in any place and not at any price. I want UK solar targeted on industrial roofs, homes and on brownfield sites not on our beautiful countryside. Care should be taken to preserve heritage assets including the impact of planning proposals on views important to their setting”. Does the Council agree?
10. 39 letters of support have been received. They make the following comments:
- Will create employment;
 - Will generate clean energy and reduce the carbon footprint;
 - Will tackle global warming, climate change and pollution;
 - Will be unobtrusive;
 - Will impact on targets placed by government;
 - Protecting our environment from the dangers of conventional energy production is far more important than the visual impact from development;
 - The site will be well screened;
 - The process is silent;
 - Bills can drop if we reduce our carbon footprint;
 - The land is poor quality;
 - Any disruption will be short term.
 - The affects on ramblers will be minimal;
 - The area is not an AONB;
 - Perceived property devaluation is not a recognised ground for objection;
 - The objection that this is an area of unspoilt natural beauty is nonsense, there was a major ordnance facility right next door to this site for decades;
 - Where should our energy come from if not from sustainable local sources? Far better solar power in this location than wind turbines, gas or coal power station or nuclear processing.
 - It will not smell, make noise, pollute, leave toxic waste, cause climate change or contribute to extreme weather events like the tornado in the Philippines.
11. **Heapey Parish Council** object to the application.
- The application fails to meet any of the seven criteria within Policy DC1;
 - The scale of the development makes it entirely inappropriate and unjustifiable in a Green Belt Location;
 - The proposal fails to meet policy EP23, it clearly detracts from the amenity of the surrounding area;
 - The scale of the proposal is such that the impact cannot be made acceptable;
 - The 'very special circumstances' put forward within the application fall far short of justifying a development of this scale within the Green Belt.
 - The additional information submitted does not address any of these concerns.
12. **Anglezarke Parish Council** object to the application:
- There will be an unacceptable detriment to the landscape and public amenity;
 - The development would be too large and too obvious for the local environment;
 - It is inappropriate development in the Green Belt;
 - Hedges of 20 feet would be excessive, not typical to the area and take many years to achieve;
 - At no time does the application or supporting statements acknowledge that in winter the arrays will be clearly visible from all directions and from a great distance.
13. **Blackburn Road & Great Knowley Residents Association** strongly oppose the application:
- The site is Green Belt, open countryside and is good agricultural land which could be used for a variety of agricultural purposes; such sites should only be used when the supply of alternative and brownfield sites has been exhausted;

- The solar farm permanently industrialises the site and it would never be possible to restore it to its former use;
- Will cause distress to the wildlife;
- The siting of the solar farm next to Chapel Lane, Tithe Barn Lane and across footpaths will be a major discouragement to visitors;
- The visual impact cannot be overstated. Current hedgerows will provide no significant screening. The developers claim there will be no adverse impact on long distance views is false.

14. **Lindsey Hoyle MP** has made the following comments:

- Will have a significant and visually unavoidable impact on an otherwise beautiful area of the countryside;
- It is an inappropriate use of agricultural land;
- All views and concerns of residents should be given due regard when this application is determined.

15. **Cllrs Adrian and Marion Lowe** have made the following comments:

- The site is Green Belt, open countryside and is good agricultural land;
- The proposal is inappropriate for Green Belt land; it would never be possible to restore it to its former use.
- Insufficient details have been submitted regarding an ecological assessment of the area;
- The siting of the solar farm will be a major discouragement to visitors to White Coppice, the West Pennine Moors and therefore to Chorley. Visitors will be discouraged because of the visual impact of the site;
- We are concerned with the visual impact on our constituents;

16. **Cllr Kim Snape** has made the following comments:

- To create a solar farm would create a major eyesore;
- A development of this nature should be on a brownfield site;
- The application will have an appalling effect on this Green Belt land in which it is situated. This is also the gateway to the west Pennine Moors and to put a solar farm in the middle of it would set a serious precedent for the whole area;
- The proposed development is in a location which is clearly visible from many important vantage points, beauty spots, national trunk roads and busy local roads, meaning that it will be seen by many tens of thousands of people each year;
- The development is in an elevated and sloping position so many of these views cannot be masked by tree planting;
- The development is of an industrial nature which is out of keeping with the characteristic features of the surrounding countryside.
- The development is of a scale which will have a significant and visually unavoidable impact on an otherwise beautiful area of countryside;
- These proposals would have a serious detrimental, harmful effect on our countryside and the scale of it would totally change the character of the parish.

17. **Cllr Marie Gray** has made the following comments:

- Site is in open countryside;
- Does not satisfy very special circumstances so would be inappropriate development;
- The site would be highly visible from three footpaths bordering it;
- There is a nationally designated statutory site in the form of White Coppice Flush SSI only 1.3km away;
- Scenery would be marred if the solar farm was permitted;
- Development would disturb the horses.

18. **County Cllr Gina Dowding** (Lancaster Central) has made the following comments:

- Climate change is a pressing and urgent issue. Solar energy is a clean and renewable energy source that will not pollute the atmosphere and will not run out, unlike fossil fuels.
- The solar farm would make a valuable contribution to cutting carbon emissions and meeting renewable energy targets in Lancashire.
- The land can continue to be used, for low-level grazing. The land can also be fully restored to agricultural use once the scheme comes to the end of its life.

- There are no major disruptive consequences in terms of increased traffic.
- The layout should be amended with regard to the proximity to the pond, regardless of whether or not newts are present, the company has made every effort to meet those recommendations.
- Chorley could be proud that it has Lancashire's sole Solar PV Farm provided by a Lancashire-based company, and is contributing in an exemplar way to tackling climate change and moving our energy system from increasingly costly fossil fuels to clean renewable energy supplies in the County.

Consultations

19. **Lancashire County Council (Ecology)** The County Ecologist has provided a number of responses to the proposals, firstly in response to the Ecological Survey and Assessment submitted with the application and also in response to supplementary information and assessment and mitigation measures submitted by the applicant. The final consultation response received (on the 28th of November) made in response to the further information received from the applicant's on the 8th of November) states:
- These comments relate only to impacts on amphibians (and specifically great crested newts, European protected species).
 - It remains the case that surveys for great crested newts have not been carried out, and the applicant has not established the presence or absence of this species. The ecological consultant is assuming that great crested newts will be present in ponds (and terrestrial habitat), although population size and distance to development are unknown. In my opinion, where protected species are likely to be present, it will only be acceptable to assume presence (rather than establish it by survey) if avoidance of impacts can be guaranteed (the species and its habitat would not be affected).
 - In this case, and despite the revisions (including removal of infrastructure within 50m of a pond; use of existing gaps in hedgerows/ field entrances rather than removing intact hedgerows sections; checking by an ecologist; and possible restriction on the timing of works), there remains a degree of uncertainty surrounding the likely impacts on great crested newts and their habitat during construction and the efficacy of proposed mitigation. For example,
 - without knowing which ponds support amphibians and in what numbers, the likely risk to individuals and the population cannot be determined with any certainty;
 - whilst the proposed non-licensed avoidance measures would *reduce* potential impacts, it is not clear that they would be sufficient to *avoid* impacts on newts (given that newt numbers and distribution are unknown) or that they could or would be implemented (e.g. working in winter "where possible", but no information on the feasibility of this in practice; could cable trenches really be open for a day only; mitigation requires the maintenance of short grazed grassland (allegedly to avoid creating habitat for shelter or foraging), but there can be no guarantee that grazing will result in a uniform short sward, and the grazing pressure likely to be required to achieve this over a large area could itself create places of shelter and/ or increase foraging opportunities);
 - there is much emphasis on the zone within 50m of the pond, but apparently no acknowledgement that amphibians (and especially species such as common toads) can be active on land at much greater distances than 50m;
 - given that the ground is apparently typically very wet, it seems possible that invasive ground works and associated vehicle movements could result in significant damage to ground and vegetation (*i.e.* damage to terrestrial habitat that supports a population of great crested newt);
 - proposals for long-term habitat management are not sufficiently detailed to demonstrate that the population of great crested newts would be maintained for the lifetime of the development: the proposed cutting may result in killing or injuring; there appears to be no certainty of continued grazing (which may reduce habitat suitability for newts); and whilst the latest plans suggest there would be no access tracks or arrays within perhaps 50m of the closest pond, the

security fence is still in close proximity, and there no details of how this pond (squeezed between the hedge and the security fence) could be maintained (and ideally enhanced) for any amphibians present.

- Without further information to clarify the distribution of great crested newts in this area (*i.e.* identification of breeding ponds within the zone of influence of this development) and population sizes (if newts are present), the risk to great crested newts and/ or their habitat from the proposed development cannot be adequately assessed. Despite numerous revisions to the mitigation proposals and the layout, it appears to remain the case that the proposals have the potential to result in killing and injuring, and loss/ damage to terrestrial habitat, and there are no firm or detailed proposals that demonstrate great crested newt habitat would be maintained (or enhanced) for the lifetime of the development.
- As I have mentioned in earlier correspondence, government guidance is quite clear that where protected species are reasonably likely to be present and affected by development, surveys should be complete and any necessary mitigation in place through planning condition or obligation prior to determination of the application. Unfortunately in this case, Chorley Council does not have the results of surveys to inform decision-making, and mitigation proposals (not informed by the results of surveys) may not be adequate to protect a population of great crested newts in this area.

The applicant does not appear to have submitted sufficient information to enable Chorley Council to adequately engage with the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) in the making of this planning decision.

20. **Environment Agency:** No objections

21. **Chorley's Conservation Officer** The proposed development site is located within the general locality of a number of listed buildings. These are, in order of shortest distance from the site:

- Wogden's Farm - 177 metres from the site boundary;
- Eagle Tower Barn and Eagle Tower - 313 metres from the site boundary;
- St Barnabas Church – 430 metres from the site boundary.

22. Listed buildings are defined by annex 2 to the Framework as 'designated heritage assets'. Section 12 of the Framework is concerned with 'Conserving and enhancing the historic environment'. The proposed development will have no material impact upon the setting of the aforementioned designated heritage assets as the distance between them and the application site is too great. Furthermore because of the presence of hedgerows and trees it will not be possible to observe the application site and any of the aforementioned designated heritage assets in the same context. The proposed development will cause no material harm to those settings, and therefore the significance of, the listed buildings in this case will be sustained.

23. **Chorley's Parks and Open Spaces Officer:** The appraisal has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (2013) which places a greater emphasis on professional judgement and less emphasis on a formulaic approach. This is reflected in the sensitivities and degrees of importance which have been assigned to different receptors.

24. It is best practice to undertake the landscape and visual assessment on the basis of the 'worst case scenario'. The assessment appears to have been undertaken based on a maximum array height of 2.74 metres. However, in the applicant's letter dated 18th October 2013, it is stated that the maximum height of the arrays will be 3.78m. On this basis, it is suggested that the visual assessment needs to be revisited to take account of the worst case scenario as this additional metre in height could potentially affect the relative significance of visual effects identified. The assessment should also fully take account of the proposed security fencing. The fencing specification has now been confirmed as a green paladin fence 2.4m in height.

25. *Landscape Assessment:* no comments on the landscape element of the assessment, this is consistent with current best practice.

26. *Visual Assessment*: the visual assessment identifies views for road users as being of low sensitivity and moderate importance, acknowledging the transient nature of the views from vehicles and the number of vehicles using the routes respectively. This approach is consistent with best practice in visual assessment. The visual receptors which are of higher sensitivity and require more attention are residences and users of public rights of way.
27. Public rights of way FP31, FP19 and FP22 are those located closest to the site. There are no concerns regarding the rights of way located at greater distances from the site as the proposed development would only form a small component of any wider views and would be partially screened by intervening vegetation. The long distance view from Wheelton Moor also encompasses the urban fringe of Chorley therefore it is not considered that the proposed development would significantly detract from the overall quality of this view. The applicant should reassess the findings of the report relating to FP31, FP19 and FP22 due to the increase in height of the solar array to 3.78m.
28. The report identifies residences as being of high sensitivity and low importance, due to the views being experienced infrequently or by a small number of people. This is appropriate, however, the applicant should reassess the findings of the report relating to Wogden's Farm (R6), Tithe Barn Farm (R5) & properties overlooking site from Guildford Avenue, Ewell Close, Dorking Road and Sutton Grove (R8) due to the increase in height of the solar array to 3.78m.
29. The applicant is also addressing the impact of the layout and design upon the footpath and the intimate impact of this scale of development upon the use and enjoyment of this public footpath and it is not accepted that the applicant's assertion that as the footpath is little used that there is limited harm.
30. *Mitigation*: the details of the mitigation planting as set out within the applicant's letter dated 18th October 2013 would have been appropriate in terms of species, spacing and stock size however there are a number of matters to be clarified and that assessment of harm and mitigation still needs to be made and an update will be provided on the addendum.
31. *Management*: The report makes reference to the preparation of a landscape management strategy for the operational facility. This should be secured by condition.
32. **Lancashire County Council (Highways)** – initial comments sought further information and the issues are addressed in the assessment section of this report, but in summary, there are no highway objections to the proposed development subject a number of conditions which relate to:
- Provision of site access plans
 - Highway condition survey
 - Narrowing of site access(es) once the solar farm has become operational
 - Provision of passing places
33. Furthermore, there would be no highway objections to the proposal subject to submission and subsequent implementation of the following prior to commencement of any works on site:
- Construction Management Plan
 - Traffic Management Plan
 - Deliveries Management Plan for the duration of construction.
34. **CPRE** Object to the proposals.
- The introduction of a solar park on the proposed site would have significant adverse impact, spoiling a beautiful rural landscape, specifically from long range views from the east looking west from neighbouring uplands of Healey Nab and White Coppice.
 - The development would not allow the Green Belt designation to fulfil its purpose.
 - Damage to the soil structure and environment could result in impacts to land drainage;
 - The landscape and visual impacts of the proposal would represent a problem to the natural environment;
 - Any development here would be contrary to the purpose of Green Belt designation;
 - Will spoil the rural character of the area;

- The Council should seek an independent viability assessment to qualify the economics of the scheme;
 - The introduction of built infrastructure here added to other structures in the distance such as the wind turbines at Mawdesley mean that the cumulative impacts of the development here should be fully assessed.
 - There are reports that feed-in tariffs are to be slashed, nearly doubling the payback period for householders. This may have an implication for the viability of the application.
35. **Health and Safety Executive** have stated that they have no objections to the proposals. The proposal this does not impinge on the inhabited buildings distance on the safeguarding plan, which would otherwise affect the viability of the nearby licensed explosives storage facility.
36. **Civil Aviation Authority** has advised that they do not wish to be consulted on applications for solar farms.
37. **Lancashire County Council (Public Rights of Way)** Object to the proposal. Express concern that the proposed planting will reduce the light and air on the footpath surface and that the effect of this will be that the surface of the path deteriorates and becomes muddy and difficult to walk along. If the planting to mitigate the vegetation loss does take place then the full length of the public footpaths through the development should be hard surfaced to ensure that the paths remain safe and convenient for passage by the public on foot. Any surfacing works to take place on the public footpaths need to have a specification agreed with Lancashire County Council. Without any surfacing works the footpaths may become difficult to walk and without any proposed surfacing works. If the development is approved and if during the construction period it is necessary to temporarily close the public footpaths an application should be made to Lancashire County for the formal closure.
38. **Ramblers Association** Object to the proposals. It is not acceptable that definitive right of ways can be changed so drastically. The site plan does not state the dimensions of the footpaths and the ground conditions. The whole environment will be completely changed with the tall fences etc. and the solar panels. The whole area of countryside will suffer as the development will be seen for many miles.
39. **Chorley & District Natural History Society** object to the proposals and express concerns about the scale of the proposed site. This is an open area of farmland used for nesting birds such as Curlew and Lapwing. These species require open outlook from their nests so will not nest in fields containing solar panels. Hirundine species (Swallows and Martins) use fields like these for feeding. To a great extent they are dependent on the fields being grazed by livestock which will no longer be the case if the proposal is approved. Brown Hare (presently in decline nationally) is another species which is dependent on open fields as breeding habitat. Unlike their cousins the Rabbits, they will not tolerate the loss of a 360 degree uninterrupted field of view around them when feeding and breeding. Loss of these fields would be detrimental to wildlife in the area.
40. **RSPB** No comments received
41. **Wildfowl and Wetlands Trust** No comments received
42. **MOD** No comments received

Assessment

Principle of the development

43. The National Planning Policy Framework (The Framework) sets out central government policies in relation to renewable energy developments. One of the core planning principles of the Framework is to *support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)*. Paragraph 94 advises that Local Planning authorities should adopt proactive strategies to mitigate and adapt to climate change, in line with the objectives and provisions of the Climate Change Act 2008. (The Climate Change Act 2008 commits the UK to an 80% reduction in greenhouse gases by 2050 and a 34% reduction by 2020, based on 1990 levels).
44. Additionally, it is important to note that the application site is largely located within the Green Belt. The Framework advises that many renewable energy projects will comprise

inappropriate development and that developers need to demonstrate “very special circumstances” if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Applicants are not to be required to demonstrate the overall need for renewable energy however.

45. In July 2013 the Government adopted Planning Practice Guidance for Renewable and Low Carbon Energy. The guidance advises that ground mounted solar photovoltaic farms can have a negative impact on the rural environment, particularly in very undulating landscapes. Particular factors that the local planning authorities are advised to consider are:
- encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
 - the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - conservation of heritage assets;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect
46. Since the application has been submitted the Department of Energy and Climate Change has also published the UK Solar PV Strategy Part 1: Roadmap to a brighter future. This document sets out the Government’s vision for the strategic direction for solar PV in the UK, based on four guiding principles:
- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals;
 - Support for solar PV should deliver genuine carbon reductions that help meet the UK’s target of 15 per cent renewable energy from final consumption by 2020;
 - Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them;
 - Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives.
47. The BRE has also recently produced best practice planning guidance in respect of how large ground mounted arrays are developed setting out planning considerations and requirements. Most recently in November the Secretary of State for Energy and Climate Change wrote to all local authorities stressing the need for sensitive siting of solar farms and the need to take full account of the latest planning guidance.
48. It is important to note that whilst these documents are a material consideration in the planning process they do not form Government planning policy.
49. In terms of local policies, there are a number of policies within the Core Strategy, Adopted Chorley Borough Local Plan Review and Local Plan Review that are relevant to the decision, particularly policy 28 of the Core Strategy which specifically deals with proposals for renewable and low carbon energy schemes. This states that proposals for renewable and low carbon energy schemes will be supported and planning permission granted where the following criteria are met:
- The proposal would not have an unacceptable impact on landscape character and visual appearance of the local area including the urban environment;

- The reason for the designation of a site with statutory protection would not be compromised by the development;
- Any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
- Any significant adverse effects of the proposal are considered against wider environmental, social and economic benefits, including scope for appropriate mitigation, adaptation and/or compensatory provision.

50. The issues raised in these documents are addressed in the assessment of the individual impacts of the proposals below.

Green Belt

51. The majority of the application site is located within the Green Belt, the southernmost part of the site, to the south of the disused railway line lies within an area of other open countryside, as defined in the Adopted Chorley Borough Local Plan Review. All of the solar arrays including the associated inverter buildings are to be located within the Green Belt, while the substation is to be located within open countryside.
52. The proposal is considered to be inappropriate development within the Green Belt, as defined in the Framework. The Framework advises that in such cases developers will need to demonstrate very special circumstances if such projects are to proceed. Such very special circumstances may include the wider environmental benefits of associated with increased production of energy from renewable.
53. More recently produced Government Guidance and ministerial statements have emphasised the importance of focusing on using previously developed sites and the need to take into account local environmental considerations such as landscape and local amenity.
54. The applicant states that given that the wider environmental benefits associated with increased production of energy from renewable sources was recently accepted as very special circumstances by an Inspector into an appeal for two wind turbines in Chorley (the applicant does not specify the application, but it is considered that this is 07/00568/FULMAJ – Cliffs Farm, Mawdesley), as the solar farm would have a significantly less visual impact, the current proposals can therefore equally meet the requirement of very special circumstances. The applicant does not put forward any other very special circumstances in support of the application, other than these wider environmental benefits. Recent advice from the Secretary of State makes it clear that the need for renewable energy does not automatically override environmental protections.
55. The applicant does however put forward a number of other benefits of the proposals. Reducing the amount of carbon dioxide being released will aid in the improvement of air quality. The proposal would also give rise to benefits for biodiversity and the ground beneath the panels can also continue to be the grazing of farm animals. Direct job creation will include the construction, management and operational maintenance of the solar farm and indirect job creation will include the manufacturing of the components. Solar farm development increases the security and reliability of the country's energy supply.
56. A further consideration is that the impact may be made temporary through the imposition of conditions requiring the removal of the solar panels at the end of their operational life.
57. In addition to the impacts that the arrays themselves would have on the openness and character of the Green Belt, the proposal also comprises a number of other elements such as the fencing, access tracks, inverter housing and substation building. The proposed substation is considered to be substantial in size. As there are a number of inverters (six) within the site and the fencing not only surrounds the site, but subdivides it; the cumulative impact of all these elements is considered to magnify the impact of the proposals on the Green Belt. The fencing is necessarily utilitarian in nature, but the necessity of its appearance does not override the fact that it will be an industrial feature in a rural environment and consequently inappropriate and incongruous.
58. Whilst the environmental benefits of the proposal are considerable and acknowledged, on balance, it is not considered that these provide sufficient very special circumstances to outweigh the harm that will be caused to the character and openness of the Green Belt

Impact on the neighbours

59. There are a number of residential properties located adjacent to the application site, most notably Tithe Barn Farm and Higher Garstang House Farm to the east; Wogdens Farm and Rosehips Barn to the south east, Firdell Barn, Philipsons Barn, Philipsons Farm and Philipsons Cottage to the south.
60. Tithe Barn Farm lies immediately adjacent to the boundary of the application site and whilst there would be some screening afforded by existing planting and hedging, due to the size and scale and incongruous nature of the panels proposed, there would undoubtedly be a visual impact for the occupants of this property arising as a result of the proposals.
61. Views of the site would also be afforded from Higher Garstang Farm, particularly at first floor level. The eastern boundary of the site already has a relatively mature hedge, with mature trees, however, given the height of the proposed panels, it is considered that they would be visible when viewed from the property, particularly proper to the enhanced planting becoming established (as illustrated by the photomontage provided by the applicant (although the weight that can be attached to this information is considered below).
62. With respect to the properties to the South East (Firdell Barn, Philipsons Barn and Philipsons Barn, views of the panels will be screened by existing mature trees located to the north of these properties, along the disused railway line. Wogdens Farm and Rosehips Barn to the South are themselves located over 85m from the boundary of the site, although the entrance to these properties on Tithe Barn Lane lies directly opposite the site boundary. The hedge in this location is rather gappy and would require enhancement to effectively screen the proposals.
63. The Landscape and Visual Impact Assessment (further discussed below) that has been submitted by the applicants categorises the impact on this property (and Wogdens Farm) as being moderately adverse in the long term.
64. With respect to the levels of noise and disturbance arising as a result of the proposals it is accepted that there would be a level of disruption arising during the construction period. As this would be for a very limited period of time only, it is not considered that this would be as detrimental to amenity as to warrant refusal of the proposals. The panels would be fixed and the inverters would be sound proofed. It is considered that once operational the proposed development would cause minimal disturbance to local residents.

Landscape and visual impact

65. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application. It describes the existing landscape and visual characteristics of the site and its environs; the likely landscape and visual effects associated with the proposed development and mitigation measures to aid the integration of the development within its landscape context.
66. The LVIA states that landscape effects derive from changes in the physical landscape, which may give rise to changes in its character and how this is experienced and visual effects relate to the changes that arise in the composition of available views as a result of changes to the landscape elements of the site. The overall significance of effects is based on a combination of the judgements made on sensitivity of receptors and the magnitude of change. The methodology for undertaking the LVIA is as set out in the Guidelines for Landscape and Visual Impact Assessment produced by the Landscape Institute and Institute of Environmental Management and Assessment (2013).
67. The LVIA finds that landscape effects are anticipated to be minor adverse immediately after development as the proposal results in the minimal loss of existing vegetation cover. In time the landscape setting of the development is expected to slightly improve through the enhancement of traditional landscape elements such as trees, hedgerow management and woodland planting that is in keeping with the local landscape character.
68. In respect of visual effects associated with the solar arrays are generally evaluated to result in predominantly minor adverse effects to surrounding receptors. This is due to the nature and extent of the site area visible to the viewer at any one viewpoint and the proposed mitigation measures incorporated into the proposed site layout such as the enhancement of site and

footpath boundary treatment. In time the initial adverse effects will become increasingly reduced due to the establishment of mitigative planting associated with the development.

69. The LVIA proposes that mitigative planting will be an integral component of the master plan and will be carried out to strengthen the existing tree and hedgerow resource on site which is to be retained. It considers that this will enhance the landscape character and visual amenity these distinctive landscape elements contribute to and will increase the visual containment of the site. Mitigative planting would be focussed on site boundaries and will involve both strengthening existing hedgerows and planting trees and hedgerows where they are lacking (as an indication the applicant has suggested that new hedgerows will be planted in staggered rows, 50cm apart and at 50 cm centres; these would be interspersed with trees at two to five metre centres. Standard trees are proposed of 4-6 m in height).
70. The Council's Parks and Open Spaces Officer has advised that the suggested species, spacing and stock size are appropriate. The applicant has advised that the hedgerow mix to be planted will be approximately 1m in height on implementation; it is likely to be 3-5 years before this reaches a height of 2m, and 7-10 years until it reaches an ultimate maintenance height of 4-6m. Given that the maximum height of the panels would be up to 3.78m; it will take a number of years, and a significant proportion of the lifespan of the development (up to 25 years), to form an effective screen. Additionally, this will represent a considerable change in the appearance of the area, albeit a gradual one.
71. The LCC Ecologist has advised that provided the landscape proposals comprise locally appropriate native species (which could be secured by condition), the proposals may result in an increase in biodiversity value within the application area.
72. The application site falls within two landscape character areas identified in the Lancashire County Council Landscape Character Assessment for the county: Area 6: Industrial Foothills and Valleys and Area 6b West Pennine Foothills.
73. Policy 21 of the Core Strategy requires that new development be well integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is situated and contribute positively to its conservation, enhancement or restoration or the creation of appropriate new features. The issue of landscape impact of renewable energy projects is also attached considerable importance in central government guidance.
74. It is clear that some significant effects on the landscape and visual amenity, as a result of the proposed solar farm, are inevitable. The judgement to be made is whether or not the significant effects identified are adverse, and if so, whether or not they are acceptable. However the LVIA conclusions are not based on the 'worst case scenario, and therefore it is not possible to fully assess the landscape and visual impact of the proposals.
75. Additionally, two photomontage representations of the proposed development have been prepared, when viewed from Higher Garstang Farm on Chapel Lane looking west and when viewed from the entrance to Wogdens Farm on Tithe Barn Lane looking north.
76. The Council's Parks and Open Spaces Officer has commented that the photomontages have not been 'verified' which means that they can only be considered as illustrative. Photomontages prepared in support of an EIA or public enquiry are normally verified which means that the photograph tripod point is surveyed along with other fixed points within the viewpoint to ensure the accuracy of the images that are produced. As these images are not verified, only limited weight can be attached to their accuracy. Additionally, the solar arrays look particularly faded and it is considered that it is not an accurate representation of how they will appear, and the security fencing is not shown on the photomontages, which is a significant omission.
77. As discussed above, the proposal not only comprises the installation of arrays however, and the proposal also introduces a number of other, incongruous, elements into the rural environment – such as the inverters, access tracks, substation and fencing. It is considered that these will have a particularly detrimental visual impact when viewed locally. The proposed planting would mitigate the visual harm to a degree, but as discussed above this would not be achieved for some time. Conditions could be imposed to secure the quality of landscaping provided (such as the size of the stock, species and spacing).

78. Therefore, it is clear that both the proposed development and the measures to help to mitigate the proposals will have a significant impact on the character and appearance of both the local and wider area. However, in the absence of a satisfactory landscape and visual impact assessment and taking into account the harm to visual amenity arising to nearby residents, it is considered that the proposals do not satisfy the requirements of both national and local planning policies that seek to ensure that proposals such as this one do not cause any loss of visual amenity or harm to landscape character. This matter has not been adequately addressed by the applicant and therefore it is not possible to conclude that the level of harm arising will be acceptable.

Ecology

79. An Ecological Survey and Assessment has been submitted with the application, this has subsequently been supplemented by three further supplementary assessments and proposals for mitigation measures. The scope of the survey initially submitted by the applicant comprised a desk study, data search and walkover survey. The results showed a number of ecological considerations at the site, most notably:

- There are no implications in relation to statutory sites;
- Hedgerows on the site are examples of UK BAP priority habitat, and are mature features with mature trees affiliated with them. Trees throughout the site are of notable stature and require consideration and protection;
- The trees provide potential value for roosting bats and are likely to be of moderate value for foraging bats
- There is habitat value for nesting birds
- There is no evidence of badger, water vole, otter and other reptiles;
- Great Crested Newts are likely to be present in one or more ponds within dispersal radius of the site;
- There is only low potential for brown hare and localised value for hedgehog.

80. A number of mitigation measures are proposed.

81. In response to comments made by the LCC Ecologist the applicant has amended the site layout plan so that the proposed internal access track would be located to maintain a 50m buffer between the track and the pond that lies within the application site. Additional precautionary measures and means of enforcing good working practices have been incorporated in to the Assessment and Method Statement (for protection of Great Crested Newts and other amphibians). These include timing restrictions, proposing the use of a clerk of works, relocation of temporary compounds, alteration of the position of the access tracks to avoid hedgerow removal and various other measures.

82. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Core planning principles in the Framework state that planning decisions should contribute to conserving and enhancing the natural environment.

83. The Framework goes on to state that the planning system should contribute to and enhance the natural 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 establishing coherent ecological networks. Planning decisions should address the integration of new development into the natural environment and opportunities to incorporate biodiversity in and around developments should be encouraged.

84. In addition, it is clear in Circular 06/2005 that if protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted.

85. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:

- Is the proposal likely to result in a breach of the Habitats Regulations?
- If so, is Natural England likely to grant a licence?

86. Having regard to the standing advice and guidance provided by Natural England it is considered appropriate to rely on the advice provided by the LCC Ecologists. Natural England will only provide bespoke advice for priority habitats and priority species which occur outside of designated sites in exceptional circumstances. The application site does not include any European designated sites or SSSIs.
87. Following the High Court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009), the local planning authority has a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- a. the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - b. there must be no satisfactory alternative and
 - c. favourable conservation status of the species must be maintained.
- This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the local planning authority is required to engage with the directive.
88. The LCC Ecologist has advised that the revised site layout would minimise the loss of terrestrial habitat around the pond, but this alone is not sufficient to demonstrate that impacts on Great Crested Newts (if present) and their habitat would be adequately avoided, mitigated or compensated, nor does the additional information put forward by the applicant. The ecologist considers that it remains unclear that a project of this scale and with the various elements (arrays, tracks, inverters, cables, security fencing, temporary construction compounds, removal of hedgerows) and the associated vehicle movements and possible ground disturbance required to facilitate the proposals could be adequately managed.
89. Furthermore, they advise that in the absence of pond surveys to establish the presence or absence of great crested newts and to inform the need for mitigation, and given the proximity of development works, the destruction of a potential resting place (hedgerows), and the lack of information regarding the protection and appropriate management of the pond and supporting terrestrial habitat during construction and operation, the risk to great crested newts and their habitat remains unclear and consequently the applicant has not submitted sufficient information to enable the Council to determine the application at this time.
90. In addition to impacts on Great Crested Newts, a number of residents have also raised concerns regarding the impact of the proposals on other species of birds and animals. The LCC Ecologist has advised that works should be carried out avoiding nesting season (March-August), or works should be preceded by an inspection/survey to establish presence. This could be secured by condition. With respect to hares and hedgehogs the Ecologist advises that it should be possible to maintain and even enhance the habitats for these species, provided construction impacts are avoided and habitat connectivity
91. Additionally, concerns that the LCC Ecologist has raised regarding the impact of the fencing on habitat connectivity and maintenance of habitat connectivity do not appear to have been fully addressed.
92. An objector to the proposals has also submitted an independent assessment (prepared by a professional and suitably qualified ecologist) of the ecological survey submitted with the application. This concludes that insufficient effort has been made to investigate and to clarify the nature conservation value of the site and its immediate surroundings; there is insufficient basis on which to judge the likely impacts of the proposed development; there is insufficient basis on which to select or require mitigation, compensation or enhancement and there is insufficient basis to enable the local planning authority to have appropriate regard to legislation, planning policies and other guidance.
93. Taking into account the advice of the LCC Ecologist, it is considered that the proposals do not meet the requirements of The Framework, and the policies of the Core Strategy and the

Local Plan, which seek to ensure that planning permission should not be granted for development which would have an adverse effect on protected species. Despite the submission of additional information, surveys (due to the timing of the report) have not been carried out that are considered to be critical to the determination of this application (in accordance with circular 06/2005). Insufficient information has been provided to both fully assess the impact of the proposals on protected species (in particular Great Crested Newts) and to ensure that any mitigation measures proposed would be effective. Additionally, the proposal does not meet the derogation tests of the Habitats Directive and therefore approval cannot be recommended.

Flood Risk/drainage

94. A number of objections have been received concerning the impact that the proposed solar farm would have on surface water run-off, and the implications this may have for soil erosion. The applicant has submitted a flood risk assessment with the application. This states that run off from the panels will soak away locally. The ground profile will remain the same as existing and therefore the runoff characteristics will remain the same. It is expected that the perimeter drainage ditch and Black Brook will intercept surface water run off at times of heavy rainfall. Therefore, it concludes that runoff will not increase flood risk to others. The Environment Agency has not expressed any concerns regarding the proposals, nor have they made any further comments in respect of the independent assessment submitted by an objector (see below). Given the lack of objection from the Environment Agency and any evidence to show that surface water runoff would either increase or be problematic as a result of the proposals it is not considered that it would be reasonable to refuse the application on these grounds.
95. One objector has submitted an independent assessment of the flood risk assessment submitted with the application. This suggests that runoff calculations should be carried out for the site to ascertain the existing and proposed run off. During construction, it concludes that it is probable that the current soak away characteristics will be altered due to the ground suffering disturbance and compression. Once the panels are constructed the discharge of water from the face of the panel will be concentrated to one edge. This will cause rivulets to be formed in the soil beneath the panel. It concludes by saying that it is possible that the proposal could lead to an increase speed of runoff into the brook leading to potential flooding elsewhere in the area.
96. With regard to the concerns of the neighbouring resident about water running onto the land, common law precedents and statutory provisions have established that individual property owners are not only responsible for drainage of their own land, but for also accepting and dealing with the natural flows from adjoining land. As a riparian owner, you have the right to receive the flow of water in its natural state, without undue interference in quantity or quality. It is considered that this is a private matter, and not one in which the local planning authority can become involved.
97. However, no details have been provided regarding how the applicant will deal with run off arising from the inverter buildings and substation.

Traffic and Transport

98. Following a request from LCC Highways for further information, the applicant has provided a Transport Statement. Following receipt of comments from the Highways Engineer on this Transport Statement, the applicant has provided further information, including site access plans and details of the proposed narrowing of site access points. A construction traffic management plan has also been provided.
99. It is estimated by the applicant that the construction and implementation phase would take 6-12 weeks. Highway access points during construction would be on Chapel Lane and Tithe Barn Lane, with the main site access being from Chapel Lane. The applicant states that during construction on average there will be 1-3 HGV movements per day and 15 delivery vans per day; using the Chapel Lane access. There would be approximately 10 small cars and vans per day during the construction period using the Tithe Barn Lane access. There would be a number of internal access tracks across the site. It is proposed to erect temporary directions signs on the A674 to direct drivers to the site.

100. It is intended that each field will be developed individually with plant and construction materials moved once construction of that field has been completed. When the southern part is being developed, vehicles will need to be parked in the field to the south (where the substation is to be located, but no panels will be installed).
101. Once the development is operational the applicant states that only occasional visits for the maintenance of the solar farm and to maintain site security will be necessary, although no figures have been given.
102. The applicant suggests that the matter of the need for a highway condition survey should be dealt with through the imposition of a condition. Due to the limited number of vehicle movements and the carriageway width of Chapel Lane, they consider that passing places would not be necessary.
103. With regard to the impacts of the proposal once operational, the LCC Highways Engineer has concluded that even if occasional visits to the site by HGVs are necessary, vehicular trips to be generated during the operational period would be negligible and should have no significant impact on the local road network.
104. Taking into consideration the previous comments from the LCC Highways Engineer and the additional information provided by the applicant; subject to confirmation that the Highways Engineer is happy with the plans that have been submitted and the imposition of suitable conditions to secure a highway condition survey and to ensure adherence to the Construction and Traffic Management Plans it is considered that it would not be reasonable to refuse the application on the grounds of adverse impact on highway safety. There remain matters of access to the adopted highway that remain unresolved and that may result in the impact and harm that results being more significant.

Public Right of Way

105. A public footpath (FP31) crosses the site leading from Heys Farm to the west to Tithe Barn Lane, then northwards from Tithe barn lane to Chapel Lane. It is not proposed to divert, or alter the route of this footpath. However, it is proposed that there would be mitigative hedgerow and tree planting and security fencing along both sides of the entire footpath as it crosses the site. Either side of the part of the path that traverses the site in a north/south direction, beyond the hedgerow planting, there would be an access track.
106. The LCC PROW officer has raised concerns as addressed above regarding the proposals. It is considered that these matters could be mitigated through the imposition of a condition requiring details of the footpath to be submitted and agreed. However, the visual impact of the proposals and design solution identify that there would be a level of harm that remains to be finally quantified by the applicant, and the associated development (in particular the security fencing and mitigative planting) when viewed from the footpath would have a significant impact on the public footpath.

Contamination and Coal Mines

107. The majority of the site is within an area identified by The Coal Authority as being at low risk from former coal mining activity. The Coal Authority advises that a coal mining risk assessment is not required for development in such areas and no consultation with the Coal Authority is required.

Other issues

108. The loss of good quality agricultural land has also been raised as an issue by a number of objectors. The agricultural land classification maps show that the majority of the site is Grade 3, good to moderate quality, agricultural land (part of the north of the site is Grade 4, poor quality). The applicant was asked to provide further information on the quality of the land in order to address this issue.
109. The applicant has stated that that the fields are not well maintained and currently used as low intensity grazing land. They consider that the topography would not allow for the safe and efficient use of machinery that would be necessary for more intensive agricultural uses. Historically, the site has been used on a low intensity basis for cattle grazing as the productivity of the land inhibits more intensive uses.

110. The applicant also states that the proposal will not result in the irreversible loss of agricultural land or prevent a future return to agricultural use. At the end of its operational life the solar farm will be removed from the site and the site can then be returned to agricultural production. Should permission be granted for the proposals, the removal of the equipment from the site at the end of the lifespan of the development (or earlier should the use cease) can be secured through the imposition of conditions.
111. The Framework requires that the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) to be taken into account. It expresses a preference for development to be directed to land outside of this classification, but also recognises the need to support agricultural diversification. Best practice guidance also advises that applicants should provide this information when submitting a planning application.
112. Although there is some indication that the land comprising the application site may well be of poor quality, there is a lack of clarity on this issue and it is considered that there is insufficient information submitted with the proposal to answer this matter fully.
113. The impact of the proposals on the nearby ROF site at Heapey and consequently matters of public safety and security have also been raised as concerns. The HSE have advised that the proposal this does not impinge on the inhabited buildings distance on the safeguarding plan, which would otherwise affect the viability of the nearby licensed explosives storage facility. The MOD has not commented on the proposals, therefore it is not considered that this matter warrants refusal of the proposals.

Overall Conclusion

114. The proposed development is inappropriate development within the Green Belt. It is not considered that the applicant has demonstrated sufficient very special circumstances to warrant approval and therefore fails to meet the requirements of the Framework in this respect. The economic benefits are important considerations, but given they are limited they can only be afforded moderate weight. The increase in the amount of renewable energy generated by the scheme does not outweigh the additional harm caused to the character and appearance of the Green Belt.
115. A lack of robust information has been provided in order to assess the landscape and visual impacts and to demonstrate that the harm to visual amenity arising as a result of the proposals would be adequately mitigated. The landscape and visual impact of solar farms has been attached considerable importance in planning guidance on Renewable and Low Carbon Energy; DECC Guidance and recent ministerial statements.
116. It is considered that the proposal would considerably change the character of the site and detract from its largely unspoilt rural qualities. The proposal fails to protect local amenity and is thus contrary in this respect to the Framework and planning guidance. The proposal also fails to meet the requirements of policy 28 of the Core Strategy in this respect. The Government has been clear that the renewable and low carbon energy infrastructure should only be provided in locations where the local environmental impacts are acceptable and that is not proven in this instance.
117. Additionally, it has also not been demonstrated that there will be no adverse impact on a protected species (Great Crested Newts) and so does not meet the three 'derogation tests' of the Habitats Directive and does not ensure that any mitigation measures proposed would be effective. It has also not been demonstrated that the impact of the fencing on habitat connectivity and maintenance of habitat connectivity do not appear to have been fully addressed. This is contrary to both central and local planning guidance, and contrary to policies 22 of the Core Strategy, EP4 of the Adopted Local Plan and BNE10 of the emerging Local Plan.
118. The proposal is accordingly recommended for refusal.

Other Matters

Public Consultation

119. A number of concerns have been raised that the application has not been sufficiently publicised. Nine site notices have been displayed around the site. Over 90 initial neighbour

notification letters were sent out and a press notice was published in The Chorley Guardian. The level of notification undertaken is in excess of the statutory requirements and was discussed and agreed with the Executive Member for Planning.

120. The applicant has presented no information about any form of public consultation undertaken prior to the application being submitted has taken place, nor was any pre-application consultation undertaken with the Council. Members may wish to note that the pre-application discussion referred to in the design and access statement relates to a meeting regarding the screening opinion that had been submitted and did not constitute a formal request for advice from the Council. Whilst it is not a statutory requirement for an applicant to undertake pre-application consultation, it is considered to be best practice to do so, and indeed is recommended in guidance from the government on both planning matters and solar farm proposals.

Environmental Impact Assessment

121. The applicant formally requested a screening opinion from the Council under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed solar farm in this location in May 2013. The precise number of the panels to be installed was not given at this stage, although the site was the same size (18.4ha) as the current application and it was indicated that coverage of the site would be maximised. Under the EIA Regulations (2011) the proposal did not fall under schedule 1 of the regulations, therefore an Environmental Impact Assessment (EIA) is not mandatory.
122. The proposal does fall within the applicable threshold within section 3(a) of Schedule 2 – Industrial Installations for the production of electricity, in that the area of development would exceed 0.5 hectares. Development above the thresholds listed in Schedule 2 only requires an EIA in three main instances: for major developments of more than local importance; for developments which are proposed for particularly environmentally sensitive or vulnerable locations; or for developments with unusually complex and potentially hazardous environmental effects. Schedule 3 of the of the regulations provides a number of selection criteria to assist in determining whether Schedule 2 development is likely to have significant effects on the development. When assessed against Schedule 3 it was considered that an EIA was not required.

Planning Policies

National Planning Policies:

NPPF

Planning Practice Guidance for Renewable and Low Carbon Energy
Overarching National Policy Statement for Energy (EN-1)

Joint Core Strategy

Policies: 13, 16, 21, 22, 28 and 31

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC2, EP4, EP6, EP18, EP10, EP23 and TR4

Chorley Local Plan 2012-2026 Publication Site Allocations and Development Management Policies Development Plan Document

Policies: BNE10, ST3

Planning History

There is no relevant planning history

Recommendation: Refuse Full Planning Permission

Reasons for Refusal to be reported on the Addendum

This page is intentionally left blank

Item 4f **13/00982/CB3**

Case Officer **Mr David Stirzaker**

Ward **Adlington And Anderton**

Proposal **Change of use from public open space to individual garden extensions serving 3 -4 Barn View, 52-78 Fairview Drive and 11-17 Maytree Court**

Location **Land To The Rear Of 3-4 Barn View, 11-17 Maytree Court And 52-78 Fairview Drive Adlington**

Applicant **Chorley Borough Council**

Consultation expiry: 3 December 2013

Application expiry: 19 December 2013

Proposal

1. This application, submitted by Liberata on behalf of the Council, seeks planning permission for the change of use of land originally proposed as a landscaped buffer strip to garden curtilages. The land is owned and maintained by the Council.
2. Specifically, the gardens of 3 to 4 Barn View and 52 to 76 Fairview Drive are to be extended up to the boundary with the railway line whilst the garden curtilages of 11 to 17 Maytree Court are to be extended up to the boundary with a public right of way which runs behind these properties.
3. The application site comprises land to the rear of the aforementioned properties which are part of the Fairview Farm development in the settlement of Adlington.

Recommendation

4. It is recommended that this application is granted planning permission.

Main Issues

5. The main issues for consideration in respect of this planning application are:

- Principle of the development
- Open Space
- Impact on the neighbours
- Design
- Trees & Landscape
- Public Right of Way

Representations

6. One letter of objection has been received, the contents of which can be summarised as follows:

-

- The owners of these properties have taken public land to extend their gardens up to and adjoining fencing belonging to Network Rail
- This is blocking off what has for years been a public space
- Whilst there is not a public footpath on the land, it has been regarded as such since these properties were built
- The owners of these properties have taken it upon themselves to rewrite the boundaries of their properties, to add value

- When the properties were being built, this stretch of land was laid to grass and trees planted and since then it has been maintained by ground staff who maintain all the other public land on the Fairview Farm estate

7. **Adlington Town Council** has no objection to this application and considers it should be left for residents comments.

Consultations

8. The **Waste and Contaminated Land Officer** does not raise any objections.
9. **LCC (Public Rights of Way Manager)** advises that whilst there may not be any public rights on this land, it is possible that use by the public as a right of way over a sufficient period of time could mean that there are unrecorded public rights of way or a town/village green on this land. Residents extending their gardens should be made aware of this possibility. The granting of this application would not remove or restrict any rights if such do exist.
10. No comments have been received from **Network Rail**. Any comments received will be reported on the addendum.

Assessment

Principle of the development

11. The application site is in the settlement of Adlington. The land was approved as a landscaped buffer as part of the Fairview Farm development and is maintained by the Council. The land sits between the rear garden boundaries of the aforementioned properties and the railway line boundary, apart from behind 11 to 17 Maytree Court wherein the application site only extends to the boundary with a public right of way.
12. Given the application site comprises open space, Policy LT14 of the Adopted Local Plan and Policy HW2 of the emerging Chorley Local Plan are pertinent as these policies seek to protect such areas of open space.
13. In accordance with Policy HW2, for the application to be considered acceptable 'in principle', alternative facilities would need to be provided nearby before the existing facilities cease to be available. If this cannot be achieved, Policy HW2 stipulates four criteria which need to be complied with. These are b) that the loss of the site should not lead to a deficit of provision in the local area in terms of quantity and accessibility, c) the site not to be identified as high quality and high value in the Open Space Study, d) the retention of the site not being required to satisfy a recreational need in the local area and e) the site not making a significant contribution to the visual character of the area.
14. In terms of criteria b) and c), the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility as the site has not been identified in the Open Space Study and is not included in the calculation of current open space provision.
15. In terms of criteria d), given the nature of the site comprising a narrow strip of land to the rear of the properties and also being bounded to the west by the railway line, it is not considered that the land meets a recreational need in the local area, other than providing a pedestrian route behind the properties, especially given it is not identified in the Open Space Study. With regards to criteria e), the land does not make a significant contribution to the visual character of the site and locality nor is it a space which serves a functional open space purpose.
16. In light of the above factors, it is considered in this case that there are exceptional circumstances weighing in favour of planning permission being granted for the garden curtilage extensions as this will resolve the long running problems with the land. Therefore, it is considered that the 'principle' of the change of use of the land to garden curtilages is an acceptable one in this particular case.

Open Space

17. The change of use of the land in question would prevent public access behind the gardens of the properties being extended. However, the public right of way to the rear of 11 to 17 Maytree

Court will be maintained as the garden curtilages of these properties will only be extended to the top of the embankment before the land slopes down to the retained public right of way and the railway boundary.

18. In terms of the comments from the local resident, the land to the rear of 3 to 4 Barn View and 52 to 76 Fairview Drive will be closed off to pedestrians thus preventing access from 17 Maytree Court to the rear of 52 Fairview Drive. However, the loss of the use of the land has to be balanced against the wider benefits of addressing the long standing issues residents have been experiencing since completion of the Fairview Farm development. Also, the existing public right of way to the rear of 11 to 17 Maytree Court will be maintained.
19. With regards to the comments about the land potentially being registered as a Village Green, under Section 15 of the Commons Act 2006, land can only be registered as a green if it has been used by local people for recreation 'as of right' (i.e. without permission, force or secrecy) for at least 20 years. However, the reserved matters application (Ref No. 01/00120/REM) for the development was approved August of 2001.

Impact on the neighbours

20. The proposed change of use will not result in detrimental harm to the living conditions of local residents as all of the garden curtilages are proposed to be extended in unison. To the rear of the garden curtilage boundaries is the railway line so the curtilage extensions will not impact on the living conditions of the occupiers of properties to the west given there is an average distance between the site and properties facing the site, of 35m.

Design

21. The application site comprises a narrow strip of largely grassed open space originally designated as a landscaped buffer strip between the site and the railway line to the west. However, the site can be traversed on foot and only limited landscaping has been implemented comprising young tree specimens.
22. There are no dedicated surfaced footpaths on the land and as set out in paragraph 13, the land does not make a significant contribution to the character and appearance of the site and the wider locality due to its limited width and its position adjacent to the railway line. The change of use of the land will not therefore have a harmful impact on the character and appearance of the locality.

Trees and Landscape

23. Some of the land has been planted with trees. However, these are young specimens and they do not make a significant contribution to the visual amenities of the locality and the garden curtilage extensions will subsume the land on which the trees stand. None of the trees on the land are of sufficient stature to warrant the protection of a Tree Preservation Order.

Public Right of Way

24. A public right of way runs behind 11 to 16 Maytree Court adjacent to the boundary with the railway line. The garden extensions to the rear of these properties will extend only up to the footpath, not the boundary with the railway line so the footpath will be maintained as existing behind these properties.

Overall Conclusion

25. The proposed change of use of the public open space to the rear of the properties in question will prevent members of the public passing behind the properties on Barn View and Fairview Drive although the public right of way behind 11 to 16 Maytree Court will be maintained as existing. The loss of pedestrian access has to be balanced against the problems retaining this open space would allow to persist so the 'principle' of changing the use of the land is considered acceptable.
26. With regards to impact on the locality, the land does not make a significant contribution to the visual character of the locality hence changing it to garden curtilage would not have a detrimental impact on the character of the estate and the wider locality. There are also no concerns with regards to neighbour amenity as all of the gardens are to be extended together.

27. On balance, it is considered that the change of use of the land from open space to garden curtilage is an acceptable one. It is therefore recommended that planning permission be granted.

Other Matters

Public Consultation

28. Prior to the submission of this application, the proposals for this land have been reported to the Council's Executive Cabinet on 29th March 2012 wherein approval was given for the land to be sold to residents subject to the proposals for the land being advertised. A further report to Executive Cabinet on 21st June 2012 followed this and reported an objection to the change of the land from a local resident. At this meeting, disposal of the land for the stated purposes was approved by Members.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP9 / LT14

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Emerging Chorley Local Plan 2012-2026

Policies: BNE1 / BNE9 / HW2

Planning History

Outline application for the erection of factory with ancillary warehouse, offices, service yard, car park together with site access road and roundabout junction works on Chorley Road – Refused

98/00660/CO4 - Regulation 4 outline application for residential development, associated open space and multi-functional community building - Permitted

01/00120/REM - Reserved matters application for 176 houses, multi-functional community building and five-a-side pitch and all associated works – Permitted

01/00145/FUL - Construction of roundabout and new access off Chorley Road & modification of conditions 21 & 12 of outline permission 9/98/660 to allow the alternative access and to prevent access from The Avenue – Permitted

02/00082/FUL - Construction of new roundabout and new access off Chorley Road and modification of condition 21 of outline permission 9/98/660 (alternative to permission 9/01/145) – Withdrawn

02/00291/ADV - Display of non-illuminated signs – Permitted

02/00523/TPO - Felling of tree T2 (adjacent to Chorley Road) covered by TPO 17 (Adlington) 1991 – Refused

02/01165/FUL - Substitution of house type on plot 358 – Refused

03/00010/TPO - Pruning of T2 (Beech) Tree covered by Tree Preservation Order No. 17 (Adlington) 1991, to reduce by 20% the two main branches over Chorley Road and remove all major deadwood from the tree crown – Permitted

03/00062/FULMAJ - Substitution of houses on plots 88-122, with 26 dwellings instead of 34 dwellings – Permitted

03/00186/FUL - Re-siting of 2 dwellings at plots 147 and 148 – Permitted

03/00643/FUL - Erection of community centre, equipped play area, playing pitch, access road and carparking – Permitted

04/00217/FUL - Amendment of house type to include rear conservatory – Permitted

04/00629/FUL - Revision to Planning Permission 9/98/660/CO4 by modification of condition 4 to change public open space (Area 6) from equipped play space to a landscaped park – Permitted

09/00714/FULMAJ - Erection of 37 affordable dwellings with external amenity space and off street parking at Fairview Farm, Adlington – Permitted

10/00208/DIS - Application to discharge conditions 14, 15 & 28 attached to planning approval 09/00714/FULMAJ

10/00863/DIS - Application to discharge conditions 4, 5, 8, 10, 15, 21, 22, 23 and 28 attached to planning approval 09/00714/FULMAJ

10/00947/DIS - Application to discharge conditions 3, 6, 7, 9, 13, 14, 16, 25, 26 and 27 attached to planning approval 09/00714/FULMAJ

11/00059/FULMAJ - Section 73 application to vary conditions 1 (approved plans), 17 (levels- in respect of plots 8, 9, 10 and 11 to accommodate the drainage requirements) and 24 (approved plans- specifically in respect of the approved landscaping plans) attached to planning approval 09/00714/FULMAJ – Permitted

12/00890/FULMAJ - Application to vary conditions 1 and 24 of planning approval ref: 09/00714/FULMAJ (which was for the erection of 37 affordable dwellings) to allow the following changes: 1) changes to perimeter fencing; 2) addition of 1.2m fences to rear of 111-117 Fairview Drive, 104-110 Fairview Drive, 105-109 Fairview Drive, 119-127 Fairview Drive and 1 -9 Harvest View; 3) narrowing of footpath width near Farm Avenue to avoid semi-mature tree; 4) change from small triangular section of landscaping at junction with Farm Avenue to tarmac to prevent vehicular damage. Please note the works have already taken place – Permitted

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Location Plan	100018509 2008/01	21 st October 2013

Reason: For the avoidance of doubt and in the interests of proper planning

This page is intentionally left blank



Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	10 December 2013

ENFORCEMENT ITEM

ERECTION OF BUILDING FOR USE AS FEED STORE AND PARKING OF A HORSE VEHICLE TRANSPORTER AND SITING OF TRAILER, LAND ADJACENT TO 367 SOUTHPORT ROAD, ULNES WALTON

PURPOSE OF REPORT

1. To seek authority for the issue of an Enforcement Notice to under enforce against the unauthorised development.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
 1. Without planning permission the erection of a building for use as a feed store.
 2. Without planning permission the parking of a horse vehicle transporter and siting of a trailer for the collection and disposal of horse manure.

Remedy for breach

1. The feed store building shall be used only for the storage of animal feed and for no other purpose.
2. The horse vehicle transporter and trailer shall only be parked and sited within the area edged in blue on the plan accompanying the enforcement notice

Period for compliance

1. One month

Reason for Issue of Notice

In order to protect the residential amenities of neighbouring residents.

EXECUTIVE SUMMARY OF REPORT

3. Further horse related development has taken place on land already used for the stabling of horses and exercising horses although previous development has never had planning permission but the development is now lawful in planning terms and immune from enforcement action.

Confidential report	Yes	No
----------------------------	-----	----

Please bold as appropriate		
----------------------------	--	--

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

5. The case relates to a complaint that a mono pitch building has been erected on the land which comprises a single storey open fronted feed store erected on a concrete base measuring 3.6 m x 2.8m with an overall height of 2.5m .In addition a horse vehicle transporter is also being parked on the land and a trailer sited for the collection and disposal of horse manure. The land is already occupied by an existing stable block and an exercise ménage but there is no record of planning permission having been granted for this development however because these were constructed more than 4 years ago. They are now lawful and immune from enforcement action. To the south of the site lies another development of stables with planning permission. Immediately to the east lies a row of residential properties.

ASSESSMENT

6. The land is within the Green Belt and policy guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review and the Central Lancashire Rural Development Supplementary Planning Document (SPD) are relevant policy considerations. Development involving horses is considered appropriate development in the Greenbelt.

7. The Central Lancashire Rural Development Supplementary Planning Document (SPD) Part F relates to equestrian development and gives further detailed guidance on horse related developments which will be taken into account in assessing the acceptability of developments. This covers such matters as scale, siting, design, highway safety.

8. In the absence of the submission of a planning application for the development I have consulted the occupiers of residential properties that border the site in order to obtain their views on whether the development has had any impact on them. One response has been received. It refers to the Supplementary Planning Document policy on horses and the fact that the policy specifies that generally such development should be sited 30 metres away from neighbouring residential properties whereas this development is 10 metres or less from residential properties. There is noise from people coming and going, loud radios, children squealing, horses door kicking through the night /early hours, smell, vermin nuisance, flies and lights over winter to illuminate the feed store from a running car engine. In addition, since the feed store was erected, a midden trailer is now sited closer to the residential property and is unpleasant in winter months and unhygienic in summer months with smell and fly nuisance. In addition, a horse vehicle transporter is parked up against the boundary fence of the residential property restricting light and fumes from the running engine. There is concern that the feed store could become a further stable in future and further intensify the impact of the development on the residential properties adjacent.

9. The Environmental officer has been consulted and has no objection to the development and has no record of any complaints having been received concerning the site.

10. The feed store is a small scale building located next to an existing tree/hedgeline having limited outward impact. It does not provide any additional stabling. However concerns have been raised that the building could be converted at a later stage and have an impact on the neighbouring residential property. However, provided the building remains as a store then I do not consider that its use would give rise to any significant harm to the neighbouring residential properties and a restriction can be imposed to prevent its conversion at a later date. With regard to the parking of the horse box this is currently parked up next to the boundary fence to the adjacent residential property with the midden trailer parked next to the feed store. It is likely that the occupiers of the adjacent residential property would experience some loss of amenity as a result of the positioning of the horse vehicle transporter and midden trailer. However, it is my view that the harm could be mitigated and the relationship with the residential property improved if the vehicle and trailer were parked/sited away from the site boundary and this can be controlled by restricting the area within which they may be parked/sited.

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

12. There are no immediate financial implications associated with the enforcement action.

COMMENTS OF THE MONITORING OFFICER

13. The person(s) served with any enforcement notice have a right of appeal to the Planning Inspectorate. If the notice is not complied with and is not subject of an appeal the person(s) served with the notice are liable to prosecution. The maximum fine on conviction in the magistrate's court is £20,000. The fine is unlimited in the Crown Court.

Lesley-Ann Fenton
 DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	3 December 2013	

This page is intentionally left blank



This page is intentionally left blank



Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	10 December 2013

DEVELOPMENT CONTROL COMMITTEE: PARISH COUNCIL SPEAKING RIGHTS

PURPOSE OF REPORT

1. To seek the committee's endorsement of a proposal to introduce speaking rights to Parish/Town Councillors in relation to the determination of planning applications by this committee.

RECOMMENDATION(S)

2. It is recommended that:
 - a. the Development Control Committee recommends to Full Council that speaking rights for Parish & Town Councillors for planning applications heard by this committee be established;
 - b. the Development Control Committee modifies its procedures for speaking at committee in accordance with paragraph 12 of this report.

EXECUTIVE SUMMARY OF REPORT

3. Following a request from Heath Charnock Parish Council, and discussion at the Borough/Parish Liaison meetings, the report seeks the committee's endorsement of a proposal to introduce speaking rights to Parish/Town Councils in relation to the determination of planning applications by this committee.

Confidential report Please bold as appropriate	Yes	No
--	-----	----

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

5. At the Borough Parish Liaison meeting 17 July 2013, a request was made by Heath Charnock Parish Council that the Council consider speaking rights for Parish & Town Councils on planning applications heard at the Development Control Committee. The Executive Member for Planning & LDF agreed to further consider the matter, and for the subsequent meeting on 16 October a note was prepared for consideration. It was recommended that The Development Control committee be formally asked to consider the matter, and to report to Full Council on their considerations, with any recommendations for

any necessary changes to the constitution to effect any changes to procedures and speaking rights.

CURRENT PRACTICE AT CHORLEY & ACORSS LANCASHIRE, AND BEYOND

6. Currently, Chorley Council does not give specific rights to any Parish/Town Council to speak at committee, but the Chair does have discretion to allow any person to speak. Five districts in Lancashire and the County Council offer specific speaking rights to Parish Councils– Fylde, Hyndburn, Ribble Valley, West Lancashire, Wyre. The remaining eight Lancashire authorities (six districts & two unitaries) offer general speaking rights which are given to include Parish Councils, often applying a ‘first come first served’ policy, and asking people to nominate if more than one speaker registers: Burney, Lancaster, Pendle, Preston, Rossendale, South Ribble, Blackpool & Blackburn. Other Councils across England were also found to offer specific speaking rights to Parish Councils.
7. Speaking time limits for all speakers ranges from 3 minutes for almost all councils in Lancashire except for Lancashire County and South Ribble (4 minutes), and Pendle and Blackpool (5 minutes). No specific extra time is given to Parish Councils, they are treated the same as everyone else in that regard. Some councils encourage Parish/Town Councils to join with objectors/supporters to make their representations. No Lancashire district was found that offered specific speaking rights for County Councillors.
8. In general terms, affording speaking rights to Parish/Town Councils can be considered to follow some democratic principles, and to widen participation in the planning process at committee. However, there are some counter arguments to granting specific speaking rights to Parish/Town Councils, and these were reported in the paper to the Borough Parish Liaison Meeting.
9. Firstly, there is the impact of extending speaking rights and the impact upon the length and cost of the committee. Secondly, it is considered that Parish/Town Councils are formally consulted on planning applications, and any comments made are reported to the committee. The question therefore arises as to what extra benefit would occur (aside from principles relating to democratic representation) in allowing specific speaking rights to Parish/Town Councils.
10. The Head of Governance has previously advised that there is also the matter of fairness to consider – if specific rights were granted, a scenario may arise whereby there was an objector, a parish/town councillor and a ward councillor speaking against an application, for a total of 11 minutes (3 minutes for all, except the ward councillor who would have 5 minutes), while an applicant would only have 3 minutes to respond to points made. In such circumstances, challenges about fairness may be successful. Further consideration will therefore need to be given on extending time limits for applicants under such circumstances.
11. The Head of Governance also advises that the Chair has the discretion to allow Parish Councils (or a representative thereof) to speak if their representations are particularly relevant; and that this in itself should be considered carefully, specifically who has the right to speak on behalf of the Parish Council, if indeed this is what is being asked for. Given there is a District Councillor available, then any parish/town council representative is not required to speak in a representative capacity for residents. If a parish/town council representative is speaking on behalf of that council, then Chorley Council would need to satisfy itself that that particular person is speaking in that capacity, and not on their own account.
12. Given the above, suitable procedures would need to be addressed. It is considered that should the committee recommend that such rights are afforded to parish/town councillors, then the following procedures should also be applied:
 - a. Order of speaking – objector, supporter, parish/town councillor, ward councillor, applicant/agent
 - b. Parish/Town Councillors wishing to speak must advise the democratic officer on the Friday before the committee. A request to speak must be accompanied by an

appropriate form of authority from the clerk or chairperson of the Parish/Town Council. This should be in the form of an email or letter of authority.

- c. Parish/Town Councils should seek to utilise the services of a Ward Councillor to address the committee, and must represent the authorised views of the parish/town council that they represent.
- d. Parish/Town Councillors will have three minutes to speak.
- e. In the event that all speakers are against the application, the Chair will grant the applicant an extended time for speaking up to the same value as the combined speaking time against the application.

RECOMMENDATIONS:

- 13. That the Development Control Committee recommends to Full Council that speaking rights for Parish & Town Councillors for planning applications heard by this committee be established;
- 14. That the Council modifies its procedures for speaking at committee in accordance with paragraph 12 of this report.

IMPLICATIONS OF REPORT

- 15. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 16. There will be a modest increase in staff activity in recording requests for speaking, and in providing information about other registered speakers to parties to encourage one single objector to speak, and to avoid duplication. There will also be a modest increase in the duration of committee when such rights are exercised.

COMMENTS OF THE MONITORING OFFICER

- 17. Comments are addressed within the body of the report. The necessary changes to the Constitution would require the consent of Full Council, and a report could be made for 10 January 2014. It is important that the speaker for the Parish or Town Council is a Councillor. They are speaking in a representative capacity and it is proper that that function is discharged by a member of the Parish or Town Council. If granted this authority should be none transferable to ensure that only Parish or Town Councillors can speak as of right.

DIRECTOR LESLEY-ANN FENTON

DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

Background Papers			
Document	Date	File	Place of Inspection
Borough Parish Liaison Meetings: (Minutes, reports)	17 July 2013 16 October 2013		www.chorley.gov.uk or Democratic Services

Report Author	Ext	Date	Doc ID
Jennifer Moore Head of Planning	5571	1 Dec 2012	***

This page is intentionally left blank