



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

PLANNING COMMITTEE

Date **Wednesday, 10 March 2021** Time **2.00 pm**
Venue **Remote Meeting**

Enquiries Regarding this Agenda

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Committee Membership: Councillors N A Dugmore, I T W Fletcher, J Jones, J E Lavery, R Mehta, K Middleton, P J Scott, C F Smith (Chair) and C R Turley (Vice-Chair)

Substitutes: Councillors G H Cook, V A Fletcher, R T Kiernan, S J Reynolds, G C W Reynolds, K S Sahota, W L Tomlinson and D R W White

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AGENDA

6.2. **Update Report and Additional Information**

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INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2020/0851
Site address	Land North of Roden Lane Farm, Roden Lane, Roden, Telford, Shropshire
Proposal	Installation of a renewable energy scheme comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations, access, internal access track, landscaping, security fencing, security measures, access gate, and ancillary infrastructure
Recommendation	Full Grant

INFORMATION RECEIVED SINCE PREPARATION OF REPORT

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2020/0851>

1. INTRODUCTION

2. Since the preparation of the report to Planning Committee an additional representation has been received and information has been circulated to Members by Mr Paul Brine, Cllr Stephen Bentley and the applicant.
3. This update addresses the issues raised by Mr Brine and Cllr Bentley.

2. REPRESENTATIONS

- 2.1. One additional representation in support of the proposals has been received. The supporter did not upload their letter attachment referred to in the comments box.

3. ADDITIONAL INFORMATION

- 3.1 Members have received a Leaflet from the applicants setting out details of the proposed scheme.
- 3.2 Members have also received a letter from Mr Brine raising concerns regarding decommissioning. This point has previously been covered in paragraph 8.11 of the committee report. In addition, a condition is set out in full in section 10 of the report.
- 3.3 For information, a House of Commons Library Briefing paper (number 07434, dated 16 December 2015) by Madeline Burke deals with "Solar Farm: Funding, planning and impacts". Section 3.5 relates to "Decommissioning solar farms". It states:

*What will happen to the land after a solar farm is closed will depend on the facts of each specific case, such as what status the land had before the erection of the solar farm, whether the solar farm is intended to be a permanent structure and whether any other activities take place on the land. However, decommissioning bonds can be put in place by the **developer and the landowner** (my emphasis) to make sure that there is enough money at the end of the project to allow the land to be restored appropriately.*
- 3.4 A 2014 article on LexisNexis news, titled "*Harvesting the sun—closing down a solar farm*" explains the legal considerations when decommissioning a solar farm site. This includes consideration of issues such as who own the equipment, who will arrange for the restoration of the land etc.

“What are the key legal considerations when looking at decommissioning/closing a solar farm?”

It would be necessary to consider:

- 1. the reinstatement bond*
- 2. ownership of equipment*
- 3. good operation and maintenance (O&M) contracts, and*
- 4. the valuation of the site during the term*

Funds and deposits for restoration need to be in the names of both landlords and tenants, and controlled by both parties in an escrow account so that both have access. (my emphasis) *Neither party should have a right to renew the lease—it should just come to an end.*

It is also important to look at the expiry of the planning permission to ensure any enforcement proceedings are avoided, or make sure that planning is reapplied for in good time.

In terms of the electrical infrastructure, this will belong to the local distribution network operator and as such will need to comply with the terms of the wayleaves and other agreements.”

- 3.5 It is clear from the above that there are two separate regimes for controlling the development and subsequent decommissioning of solar farms. The planning system is regulatory in that it controls the elements over which the planning system has jurisdiction, such as the imposition of conditions to protect the development or surrounding area from flooding, protect biodiversity, or highway issues. Imposing conditions to require reinstatement in order to protect the character of the area is a further control appropriate for the planning system.
- 3.6 However, the other side of the coin is the relationship between the applicant and the landowner. This is a private contractual matter over which the planning system has no role to play as it is a civil matter. It is in the landowners' interests to ensure that any contract to permit the installation of a solar farm will ensure that the land will be reinstated at the end of the life cycle of the solar farm.
- 3.7 Cllr Bentley has submitted his comments in writing to be circulated before the meeting. The majority of the points raised are covered in the officer's report. However, he has referred to IRENA and concerns regarding solar panels on decommissioning. However, it should be noted that since 2014 solar PV panels have been included in the scope of Waste Electronic and Electrical Equipment (WEEE) Regulations 2006. As such a solar PV provider is required to ensure that constituents of panels are reused, recycled and recovered after their operational lifetime.

4. DETAILED RECOMMENDATION

- 4.1 The additional comments and information submitted to Members since the preparation of the report do not raise any new material planning considerations. As such, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to the conditions set out in the main report.

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TWC/2020/0851

Roden Solar Farm

Ercall Magna Parish Council fully supports green energy initiatives, however in this application we have several major concerns which we believe have not been satisfactory addressed despite us raising the issues.

The site covers an area of 133 hectares (125 football pitches) of arable farmland and is the largest proposed site in the region, offering no contribution to reduce the carbon footprint to either the Parish or the Borough. Arable land that could be used for food production post Brexit.

The loss of the land also reduces the area which is earmarked for chicken waste disposal from the two chicken shed developments, one proposed and one existing, that belong to Walker Holding Estates, the current landowners of this site.

Paragraph 8.36 of the report states there are no other developments that may impact on the area but this is incorrect (I refer to the previous paragraph) and therefore negates the statement made of there will be no further accumulative impact on the area or indeed the Parish. Over the past several years Ercall Magna Parish has had a series of large industrial agricultural developments and the Greenhouse Village development agreed which have indeed impacted on the community as a whole.

The applicant is not a recognised Power Company but is representing a consortium company which operates purely for profit, We are concerned that during its life, ownership will change and accountability lost.

In this application, if permission was to be granted, there is no realistic viable land management plan and we refute paragraph 8.35 of the report relating to the use of wildflowers and their management as a viable option. This also applies to paragraph 8.18. The other suggested option of sheep grazing is also not viable because of the difficulties of shepherding a flock of sufficient numbers to graze the land. In real terms the real option would be pesticides such as Round Up.

Although community gain is not part of the planning procedure, the poor response to our request to date, reflects the lack of positive community engagement that has been present throughout this process. This, therefore, supports our view of lack of positive community engagement with residents.

In Paragraph 8.94 in the report reference is made that the application is “**being broadly**” in compliance with ER1 and NE2, which we believe is not sufficient. It should be either compliant or not.

JDM and Pegasus have only supplied how the site will be decommissioned but there is no sound financial package to implement it, which we believe will leave the Council and landowner with the problem of clearing the site at the end of its life in 40 years. At the very least funding should be in place prior to work commencing.

In its present form, this application is not fit for purpose. Until the arguments from our Parish representatives which include the points regarding our main issues of a sound land management plan and strong decommissioning structure are in place, we

believe it is not possible to make a safe decision either way. At the very least we believe the decision should be deferred to enable the application to be presented in a more open and honest way.

Members

TWC/2020/0851 – Roden Solar Plant

It is impossible to address the concerns held by many within the community I represent, in either 3 or 5 minutes.

That said, the issue of global warming is one which needs to be taken seriously.

The United Kingdom, through HM Government, has currently chosen electricity as the major tool in reaching carbon emission neutrality by 2050. Our Authority, when declaring itself a climate emergency authority in 2018, stated in that declaration that it wished to achieve its goal of carbon emission neutrality by 2030 and this, you will recall, was agreed without any political opposition by all Councillors in the Chamber.

Therefore, Members, like yourselves I am also totally committed to that Agenda. We do need to source solutions, but not by putting all the eggs into one basket and where there is construction, we need to remove it all tied up in the overall environmental assessment of the project.

Solar energy recovery is without doubt one such solution, and has a part to play as do wind farms.

Members

Focusing attention on this application, and why I, in this address to Committee, believe it is an essential requirement to defer at this time to ensure that a more substantive evidence-based report is available for you to make a fully informed decision.

Of the 11 policies from the Authority's Local Plan 2011-2031 currently under revision, I wish to comment specifically on SP3, SP4 and ER1.

SP3 – Rural Area

When taking this policy in context, it references

- Addressing the needs of rural communities
- Re-use of previously developed land

It also makes reference to development proposals on best or most versatile land Grades 1, 2, 3a this should also include 3b which within the agricultural land assessment is able to support grazing and some cereal crop growth, the economic and other benefits of the land that should be considered.

I do not believe the proposed development supports any of the objectives this policy references.

SP4 – Presumption in favour of Sustainable Development

This application is 'temporary' albeit 40 years. I question how anyone can interpret any temporary structure or activity can be sustainable?

Therefore I would request members, with the greatest of respect, you seek answers on their inclusion of this to support the recommendation of full granted.

ER1

It is not plausible to argue against this policy's opening statement. However, compliance requires all criteria to be met - not a majority but all of them.

i. Adverse Effects

As referenced in this first part, these are said to be minor. Thereby I argue that accepting in principle adverse effects are contained in the application these are Landscape, ecology, wildlife, heritage assets (inc. ancient monuments) and amenity value

5 of 7 are adversely affected (how can this be MINOR?)

ii. Impact on Local Amenity – not clearly defined

Health, Quality of Life

Noise – the report accepts that noise level increases especially for those who reside closest to the development

Therefore, further studies need to be considered

Visual Intrusion – the report accepts that for a minority, there is an impact reducing annually through mitigation measures within 10 years. – is this acceptable?

Electronic Emissions – no answer is available

Again, these are considered to be MINOR – really?

iii. All mitigating measures have been considered, but they still acknowledge them to be MINOR.

iv. Without the inclusion of a complete decommissioning and reinstatement plan for Members to consider, this has not been complied with.

v. There has been little evidence of partnership or shared ownership of this scheme. Social and economic benefits must be considered relevant. This is reinforced within the NPPF and should be evident.

Members, to conclude, I respectfully ask you to consider the comments from outside bodies and from various organisations which are only available within their submissions.

- a) 8.32 Woodlands, High Value, High Susceptability to change
- b) 8.35 Development High Magnitude of change
- c) 8.36 Lack of cumulative impacts
- d) 8.37 TWC own independent assessment concludes that the impacts are underplayed and that these proposals which the officer is agreement with as being 'Minor Adverse' are disputed by our own assessor
- e) 8.39 is it acceptable that a time limit equating to 25% of the life time of the development (ie 10 years) which enables this application to be considered as being moderately adverse when in reality what we should be looking for are no adverse effects?

Finally, the International Renewable Energy Agency (IRENA) considers that materials used in the make-up of solar panels are hazardous and susceptible to breakage in extreme weather conditions whereby the harmful substances contained in panels would be absorbed into the soil. They then go on to say that the only option for disposal is landfill - both local and national policy requires a zero-landfill objective.

It further estimates that by 2050, globally, 78,000,000 tonnes of panels will need to be disposed of going to either landfill or dumped upon poorer nations, this must (although not a planning requirement) be a consideration for any responsible body.

Hence my request for deferment at this time – there are too many unanswered questions without solutions.

Councillor Stephen Bentley
Ward Member
Edgmond & Ercall Magna