

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

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<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.

