

## OFFICER'S REPORT AND RECOMMENDATION (19/0458/ECC)

**APPLICATION NO:** 19/0458/ECC  
**APPLICANT:** Exeter City Council  
**PROPOSAL:** Solar panel array and battery storage, relocation of green waste facility, and ground levelling with associated access, fencing, hardstandings and ancillary works.  
**LOCATION:** Exeter City Council Green Waste Facility  
Water Lane  
Exeter  
Devon

### **SITE HISTORY**

00/1130/ECC	Permitted	Water Lane Tip	Use of land as a boat laying up area to include canal staff accommodation, boat slipway, car parking and associated works	07/09/2000
01/0951/ECC	Permitted	Water Lane Tip	Use of land as a boat laying up area to include canal staff accommodation, boat slipway, car parking and associated works	20/08/2001

### **DESCRIPTION OF SITE/PROPOSAL**

The site is between the main line railway and Exeter Canal. It is bounded by to the south by Clapperbrook Lane and to the north by the gas peaking installation.

The site is currently used for green waste processing by the city council. This operation actively occupies a minor proportion of the centre of the site. Elsewhere on the site green waste heaps are overgrown and in some areas self-seeded trees have become established. The green waste operation site is currently accessed via Water Lane. At the south end a portion of the site is separately fenced and has an access from Clapper Brook Lane, this part is currently not actively used.

The proposals is for a solar panel array with battery storage, with associated access, fencing, hardstanding and ancillary works. To enable this it is proposed to re-site the active green waste facility to the southern part of the site and to level the green waste mounding and remove some trees from the centre of the site.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The following documents have been submitted in support of the application –

- Planning Statement
- Site Layout Plan
- Tree Survey

- Ecological Assessment
- Glint and Glare Study
- Contamination Study
- Flood Risk Assessment

## **REPRESENTATIONS**

The application has been advertised by press notice, site notice and neighbour letter. The following responses have been received.

Exeter Civic Society: We do not object to the solar farm, but have reservations about the green waste area at the south-eastern end of the site. When the EA have finished their work and the playing fields are re-established, it is likely that traffic will increase across the swing bridge. We are greatly concerned to keep traffic across this bridge to a minimum, and would prefer to see car-parking facilities on the south-west side of the canal, as envisaged in the Riverside and Ludwell Valley Parks Masterplan. A further consideration is that there is approval for the new Marsh Barton Railway Station, including a new pedestrian and cycle bridge over the railway, continuing on to the swing bridge (over the canal). The southern end of the site under consideration, proposed for green waste sorting, would be one possible area for such a car park, as shown in the Masterplan. Better still would be to keep car parking for the Valley Park south-west of the railway, minimising traffic over the Clapperbrook Lane humpback bridge. If a site were identified there, we would not object to the green waste facility as proposed, provided that the green waste lorries use Water Lane and not Clapperbrook Lane.

One public response was received questioning whether the proposals would affect access to the Double Local Public House.

## **CONSULTATIONS**

DCC Highways: Access and Trip Generation: The primary access to the site is the north gate and any admittance to the site is by permission only; which includes Solar/Battery/Electrical equipment maintenance. The site access is to be taken from the north (water lane), although the exact access arrangements have not been submitted. The applicant has stated that the only regular visitor would be the Parks Department who will continue to visit 5 times a day during between March and November. Visitors will become less often between November and February. Given the limited movements, the trip generation is not of concern. It is noted that there is a substation fronted onto Clapperbrook Lane, however this would only be serviced annually with the provision of a layby opposite – there should be no blocking of the highway.

On Site facilities: The applicant proposes two car spaces. It is pleasing to see that there are on-site parking bays and that there is sufficient space to turn around and exit in forward gear.

Construction: The applicant has stated that the Construction traffic is from the north only. The applicant has also added that if the new railway halting is developed, access from the north of the site will be made available to provide access Clapperbrook Lane via the southern exit for the delivery of large items of construction materials. This is welcoming due to the weight limit that is currently in place on Clapperbrook Lane. Nevertheless, in the interests of public safety (pedestrians and cyclist interacting around construction works) a condition for a Construction

Traffic Management Plan is recommended and the applicant is advised to meet with the highway authority to agree a suitable means of progress prior to undertaking any works.

ECC Environmental Health: Approval with conditions relating to contaminated land, construction management, and noise.

Wales and West: We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance.

South West Water: Provided a plan of the approximate location of a public 1800mm sewer in the vicinity. South West Water will need to know about any building work over or within 6.5 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Network Rail: We have no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **National Planning Policy Framework**

Para 148 Meeting the challenge of Climate Change

Para 154 Renewable and Low Carbon Development

Para 170 Conserving and enhancing the natural environment

### **Exeter Local Plan First Review 1995-2011**

L1 - Valley Parks

LS1 - Landscape Setting

LS4 – Local Nature Conservation Designations

EN2 - Contaminated Land

EN4 - Flood Risk

EN5 - Noise

EN6 - Renewable Energy

T14 – Highways Land Safeguarding

### **Exeter Local Development Framework Core Strategy**

CP17 - Design and local distinctiveness

CP11 - Pollution and Air Quality

CP12 - Flood Risk

CP13 - Decentralised Energy Networks

CP14 - Renewable and Low Carbon Energy

CP16 – Green Infrastructure

## **Exeter City Council Supplementary Planning Documents**

### **Exeter City Council Development Delivery DPD (Publication Version) 2015**

DD29 - Protection of Landscape Setting Areas

DD31 - Biodiversity

DD32 - Local Energy Networks

DD33 - Flood Risk

DD34 – Pollution and contaminated land

### **OBSERVATIONS**

The site is within the Valley Park and is part of the designated Landscape Setting of the city. A number of services pass under the site (gas and drainage) and over the site as high voltage electricity lines suspended from pylons, one of which is on the edge of the site. The site is currently used for green waste processing but only actively occupies a minor proportion of the centre of the site.

The proposals is for a solar panel array with battery storage, with associated access, fencing, hardstanding and ancillary works. To enable this it is proposed to re-position the active green waste facility to the southern part of the site and to level the green waste mounding and remove some trees from the centre of the site.

#### Access

Access is proposed to be via Water Lane both during construction and operational phases. Access through the site is preserved for the purpose of future construction of a rail halt on land south of the site. No access for the purposes of green waste processing or to the solar array from Clapperbrook Lane are proposed. Restrictions on construction access can be secured through a Construction Environmental Management Plan (CEMP) in the interest of avoiding additional traffic on Clapperbrook Lane where the bridge is narrow without footway and carries significant non-vehicular traffic.

#### Contamination

The desktop study has confirmed past potentially contaminative uses of the site which will need to be investigated further before work can commence. The site is not proposed to have public access and hence it is likely that any contamination can be satisfactorily addressed and hence this matter could be made subject of a pre-commencement condition as recommended. As such the proposals are consider dot accord with the requirements and aims of local planning policies EN2 and CP11.

#### Services

A high pressure gas main runs parallel to the western boundary of the site and the layout avoids placing solar panels over this pipe.

A sewer runs under the site and agreement will need to be made with South West Water any construction or siting of panels over the sewer and for future maintenance access. Conditions and informatives as requested by South West Water are proposed to be attached to any consent.

## Trees, Landscape and Ecology

The development is considered unlikely to have a significant effect on a protected habitat or the achievement of its conservation objectives. Therefore Appropriate Assessment is considered unnecessary. Having considered the scale and characteristics of the development, and the nature of the site and its context, it has been concluded that no significant environmental impact is likely and hence the development is not considered to be EIA development.

Whilst there are no protected trees within the site the tree survey has identified that trees on the southern boundary that are worthy of retention, and these are shown as being retained. The proposals to retain trees on the southern and adjacent the eastern boundary for nature conservation value and as screening of the site from the Valley Park is welcome. The small number of self-seeded trees within the middle of the site are identified to be poor specimens to which there is no objection to removal. A landscape scheme which enhances planting on the site perimeter to the south and east, where views are from the valley park, can be secured by condition.

The site is an identified Site of Local Nature Conservation interest. The submitted Ecological Appraisal identifies a range of species (including protected species) which have been recorded on the site. That Appraisal details measures to enhance the site for nature conservation purposes. The raised panels would allow for the management of the ground within site in the interests of ecological value, and the identified measures can be conditioned to enhance the ecological interest of the site during operation. A Construction Environment Management Plan (CEMP) can include measures to protect ecological value during construction. Tree protection measures during construction can similarly be conditioned.

The proposed development is not considered to harm the landscape setting of the City and has potential to enhance the ecological value and as such is not considered to be in conflict with Local Plan Policies LS1, LS4, or CP16.

## Safety

The submitted Glint and Glare study has confirmed that there is no risk to railway operations from the Solar Panels.

A number of construction phase restrictions have been requested by Network Rail These can be required to form part of a Construction Environmental management Plan secured by condition.

## Flooding

The detailed flood risk study submitted with the application has identified that whilst the area around the site are liable to flooding the centre of the site is not. It would however become inaccessible. Given that the proposal is for a non-flood sensitive use and would not reduce the flood storage capacity of the site there is no objection on flood risk grounds. The applicant is advised to consider flood resilience in detailed design of the installation and fencing design. A condition is proposed to be attached to any consent regarding the design of fencing around the site. The proposals are considered to meet the tests set in Policy EN4, Policy CP12 and the NPPF.

## Alternative Uses

Representations have been made that the site is shown in the Riverside Valley Park Masterplan as a car park location. This application should be determined on its own merits in accordance with the Development Plan policies and other material considerations. The Riverside Masterplan is not endorsed for development control purposes and carries limited weight in decision making. There is currently no planning consent for a car park on this site, however there would be nothing in this consent if granted that precluded an application for car parking use on all or part of the site in the future.

The Exeter Local Plan policy T14 includes safeguarding of a transport route through the site from Clapperbrook Lane to Water Lane. There are at this time no proposals to bring forward such a route for vehicular traffic and the pedestrian cycle route between the site and the Canal is unaffected by these proposals.

### Renewable Energy

The proposal would make a small but significant contribution to low carbon electricity production reducing greenhouse gas emissions and would improve resilience of local energy supply. The development of renewable energy infrastructure is supported by local planning policies EN6 and CP16 and national planning policy set out in the NPPF.

### Conclusions

The development of renewable energy installation is supported in principle. The visual impact on the Valley Park and landscape setting of the setting of the City are considered to be acceptable taking in to account the conditions relating to landscaping and nature conservation interests.

The other potential harms have been mitigated by amendments and additional details or can be controlled to be acceptable through the proposed conditions. As such the benefits of the proposals are considered to outweigh all identified harms.

This approval itself would not preclude future or alternative uses of the site.

## **RECOMMENDATION**

APPROVE subject to the following conditions

- 1) The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 9th and 10th September 2019 and the revised planning statement received 9th October 2019 as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

- 3) Prior to the installation of any solar panels, supporting structures, batteries or associated apparatus a detailed levels survey of the site shall be undertaken and plans showing the existing and proposed levels of the land on the site shall be submitted to and approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
- a) Fencing
  - b) Supporting Structures for Solar Panels
  - c) Water Lane vehicular access details

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

- 5) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 6) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- 7) No development (including ground works or demolition) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.
  - c) The areas for loading and unloading plant and materials.
  - d) Storage areas of plant and materials used in constructing the development.
  - e) The erection and maintenance of securing hoarding, if appropriate.
  - f) Wheel washing facilities.
  - g) Measures to control the emission of dust and dirt during construction.
  - h) No burning on site during construction or site preparation works.
  - i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: In the interests of protecting the environment and amenity of the area.

- 8) Vehicular access to the site to access the uses hereby approved shall be from Water Lane only.

Reason: In the interests of highway safety.

- 9) Prior to commencement of construction the applicant shall submit a noise impact assessment, including recommendations for the mitigation of any significant adverse noise impact. The agreed measures shall subsequently be implemented on site.

Reason: In the interests of protecting the amenity of the area.

- 10) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of human health and environmental protection.

- 11) Prior to the development hereby permitted being brought into use, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the submitted Ecological Appraisal and specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.