

## **NORTH SOMERSET COUNCIL DECISION**



**DECISION OF:** COUNCILLOR ANNEMIEKE WAITE. THE EXECUTIVE MEMBER FOR CLIMATE, WASTE AND SUSTAINABILITY

**WITH ADVICE FROM:** THE SECTION 151 OFFICER

**DECISION NO:** 24/25 DP 355

**SUBJECT:** GRANT OF EASEMENT ACROSS THE STRAWBERRY LINE FOR SOLAR FARM CONNECTION

**KEY DECISION:** YES

### **REASON:**

Consideration in excess of £500,000

### **BACKGROUND:**

The council owned former railway line, known as The Strawberry Line, runs from Yatton to the A38 with a section running to the west of Congresbury. The Line is operated by the council as a Local Nature Reserve.

JBM Solar Projects 30 Ltd ("JBM") have secured agreements from landowners over approximately 250 acres of land either side of the Strawberry Line in the Congresbury area to acquire their land for the development of a large solar farm, subject to securing planning consent. Approximately 93 acres of the land lies to the west of the Strawberry Line with the rest lying to the east. In order to develop a comprehensive solar farm the developers will need to make connections between the land either side of the Strawberry Line by laying cables. In addition to laying cables across the Council owned Strawberry Line the developers have also requested access along a stretch of the Line both to lay further cables and for access for construction and future maintenance. The exact route of the cables/access will be determined as part of the future planning application but an approximate route across and along the Line is shown in red on the attached plan along with the approximate extent of the proposed solar farm shown shaded blue.

The grant of an easement to facilitate the request has a value, which the Council will be entitled to. As the valuation of solar farms is quite a specialised area of work external advice was obtained from property consultants, Savills, to assist with the negotiations with the developer. The agreed terms and conditions are set out within an exempt report

### **DECISION:**

To authorise officers to proceed with the grant of an Option Agreement in respect of the Strawberry Line on the terms reported above and in the exempt report.

### **REASONS:**

To generate a financial return for the use of Council assets whilst facilitating the development of a renewable energy development, subject to planning approval.

### **OPTIONS CONSIDERED:**

The only alternative option would be to refuse to grant the Option/Easement which would result in a reduced solar farm being developed due to the inability to join the land either side of the Strawberry Line. This option has been dismissed.

### **FINANCIAL IMPLICATIONS:**

The Council's costs to prepare and enter into the legal agreements will be met by the developer.

The council will receive an Option Fee on the signing of the initial Option Agreement plus up to an additional Option Fees if both extension periods are exercised at the end of the 6<sup>th</sup> and 8<sup>th</sup> years. On the grant of the easement the Council will receive a one-off payment. If both extension periods are exercised the maximum time period for the grant of the Easement and receipt of the consideration would be 10 years. However, the developer anticipates being in a position to secure the planning consent and all other permissions within the initial 6-year period in which case the payment of the consideration would be sooner.

The consideration payable on the grant of the Easement will be treated as a capital receipt and therefore allocated as central funding to support the capital programme.

Full details of the Option Fee and Consideration are set out within an exempt report

### **LEGAL POWERS AND IMPLICATIONS**

The agreement will be governed by Contract law.

### **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

The grant of the Option/Easement will help facilitate the development of a large solar farm over circa 250 acres of land with an anticipated import capacity of circa 50MW. This will help support the delivery of the Council's Climate Emergency Strategy including the target to become carbon neutral.

### **CONSULTATION**

Consultations have taken place with the Parks & Open Spaces Team who have confirmed agreement to the grant of the easement subject to appropriate provisions to manage access during construction works and to secure reinstatement of the Line as required.

### **RISK MANAGEMENT**

N/A

**EQUALITY IMPLICATIONS**

N/A

**CORPORATE IMPLICATIONS**

None

**APPENDICES**

- Plan attached below
- Grant of easement across the Strawberry Line for solar farm connection (Schedule 12A - Access to Information - Exempt Information (commercially sensitive))

**BACKGROUND PAPERS**

None

SIGNATORIES:

DECISION MAKER(S):

Signed: 

Executive Member for Climate, Waste and Sustainability

Date: 4 November 2024

WITH ADVICE FROM:

Signed:  Section 151 Officer

Date: 4 November 2024

