
Meeting: Executive

Date: 27 May 2014

Subject: Planning Guidance Note on Solar Farm Development in Central Bedfordshire

Report of: Cllr Nigel Young, Executive Member for Regeneration

Summary: The report proposes that the Executive adopts the technical guidance document on solar farm development in Central Bedfordshire for development management purposes.

Advising Officer: Jason Longhurst, Director of Regeneration & Business

Contact Officer: Stephen Mooring, Environmental Policy Manager

Public/Exempt: Public

Wards Affected: All

Function of: Executive

Key Decision Yes

CORPORATE IMPLICATIONS

Council Priorities:

Putting in place clear guidance for how solar farm developments will be considered in the development management process provides a greater degree of clarity as to what scale and type of solar farm developments would be most suitable and where. This will provide all stakeholders with a greater degree of confidence and contribute to the delivery of Council's priorities in the Medium Term Plan, particularly in relation to 'Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow'.

Financial:

1. None arising directly from this report. Failure to have sound technical guidance in place for development management purposes with regards to solar farm developments may lead to more appeals against council decisions and the subsequent costs of these against the Planning Section's budget.

Legal:

2. No major issues anticipated. As technical guidance for development management purposes, this document does hold some weight as a material consideration in planning decisions and therefore is going through a period of public consultation.

Risk Management:

3. A failure to have planning guidance on Solar Farm Development would risk poor standards for the development of such solar farms. An endorsed guide will also give more certainty to the development management process and to developers in terms of the Council's expectations.
4. Other risks, such as failure to deliver the Council's priorities, failure to discharge statutory responsibilities, environmental and financial risks could also be incurred. The planning guidance note serves to minimise these risks by setting an agreed framework in advance of the planning applications and subsequent decision making.

Staffing (including Trades Unions):

5. Not applicable.

Equalities/Human Rights:

6. None.

Public Health:

7. None.

Community Safety:

8. The Council has a statutory duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. This duty applies to all of the Council's functions and there should therefore be a mechanism in place to ensure that this is considered when planning applications for solar farm developments are received as this falls outside the scope of the Planning Design Guide. Planning advice on site security is included within the scope of this document.

Sustainability:

9. Renewables, such as solar farms play an important role in reducing CO₂ emissions and contributing to the global effort to mitigate climate change. However there are a range of technologies available and this technical guidance aims to help inform planners, developers and members decisions to ensure that the right balance is achieved between the deployment of the appropriate technologies in the most appropriate places, limiting negative impact on landscape character, biodiversity and heritage, whilst at the same time ensuring local communities receive maximum benefits.

Procurement:

10. None.

Overview and Scrutiny:

11. Sustainable Communities Overview & Scrutiny Committee reviewed the Guidance Document and accompanying report on the 10 April 2014. In light of the report the Committee discussed the following issues in detail:-
- a. Whether consultants had been employed to draft the technical guidance or if they would be used to provide advice in the future. Officers clarified that consultants had not been used to draft the guidance but if necessary could be used in the future to advise on issues such as glint, glare and noise.
 - b. Whether it was appropriate to freeze the classification of agricultural land in Central Bedfordshire due to the impact of climate change it was likely that land quality would change over time. In response officers stated that the quality of the land would be reviewed regularly.
 - c. Whether solar farms would be precluded in areas that were deemed to be 'sensitive' and whether the document was guidance or an obligation. In response the Executive Member for Regeneration commented that the guidance would be reviewed alongside the draft Development Strategy so that it could become a supplementary planning document (SPD), which would carry more weight. If the document became an SPD it would still not outweigh a policy within an adopted plan, so would not be an obligation.
 - d. Concerns regarding specific references to Marston Vale and Cranfield. It was clarified by officers that the guidance referred to appropriate locations, which in this context were on an elevated plateau that could be screened effectively. All individual applications would be considered on their own merits.
 - e. References to the area at Whitsondoles should be reviewed as this was located outside of Central Bedfordshire.

The Committee recommends to Executive that the solar farm guidance be adopted as technical guidance for development management purposes.

RECOMMENDATIONS:

The Executive is asked to:

1. **adopt the technical guidance document on solar farm development in Central Bedfordshire for development management purposes; and**
2. **delegate authority to the Director of Regeneration and Business in consultation with the Executive Member for Regeneration to make minor amendments to the technical guidance note prior to its publication.**

<i>Reason for Recommendation:</i>	<i>To provide the Council with an additional planning guidance for the consideration of planning applications for solar farm developments.</i>
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Executive Summary

12. National Planning Policy places a presumption on Local Planning Authorities to approve sustainable energy developments, this includes Solar Farms. However it also allows local planning authorities to set their own criteria to assess site suitability and the cumulative impact of development. Further guidance issued by the Department for Communities and Local Government (CLG) in July places an increased emphasis on community engagement and consultation by the developer before a planning application is submitted. It also clarifies the importance of protecting landscape and heritage alongside considering cumulative impact.
13. A technical guidance document focusing on solar farm developments has been produced for development management purposes. It clarifies how issues such as landscape sensitivity, heritage and biodiversity should be taken into account in planning decisions. The guidance highlights key principles on which developments should be assessed, as well as providing a clear overview of the standards required from Solar Farm developments. Areas of Central Bedfordshire where the landscape character and type would be highly sensitive to accommodate solar farm developments, alongside indicating in what instances they could be made acceptable as well how cumulative impact will be assessed, is also included.
14. The guidance has been through a four and a half week period of public consultation and as a result further supporting work is being carried out to ensure that the guidance is as robust as possible and would stand up to scrutiny through appeal etc.
15. The technical guidance was considered by Sustainable Communities Overview & Scrutiny Committee on the 10 April 2014. Comments are provided above in paragraph 11. The Committee's recommendation was that this guidance document be adopted by Executive for Development Management purposes. It is envisaged that this document could become a supplementary planning document once the Council's emerging Development Strategy is adopted.

Introduction

16. The Council's Climate Change Strategy (adopted in June 2010) acknowledges that climate change is a real and immediate threat for us all. Carbon dioxide (CO₂) levels have already reached their highest level for almost half a million years and are rising faster than ever. Decarbonisation of the UK's energy supply through the increased deployment of renewable and low carbon energy generation technologies is a key element of the UK Government's approach to meeting the tough carbon reduction targets set in law by the Climate Change Act (2008), these being to reduce green house gas emissions by 34%, from 1990 levels, by 2020 and 80% by 2050. In addition to this the UK is also committed to generating 15 per cent of energy from renewable sources by 2020 (through the European Renewable Energy Directive).

17. This has and will lead to an increase in planning applications and developments of renewable energy generation technologies across the UK. In order to ensure maximum deployment, national planning policy via the National Planning Policy Framework (NPPF) places a presumption in favour of 'sustainable energy developments'. This means that the Council should subsequently approve any application if its impacts are, or can be made acceptable.
18. To provide greater detail and further clarification CLG produced further planning guidance in the summer of 2013. This places an increased emphasis on community engagement and consultation by the developer before a planning application is submitted. It also clarifies the importance of protecting landscape and heritage alongside considering cumulative impact.
20. To provide local level interpretation of how planning applications for Renewables will be considered in light of national policy and local requirements, the Council is committed to producing a series of Technical Guidance notes. The first of these considered wind generation and was adopted by the Executive for development management purposes in March 2013. Draft Technical Guidance relating to the development of solar farms has now been produced (see Appendix 1), and it is this document that the Executive is being asked to consider.
21. The technical guidance notes are intended to help all those concerned in renewable energy to understand the Council's approach and therefore help achieve development that is both suitable in scale and has least impact. This is in line with national policy, as set out in the UK Government's Renewable Energy Roadmap (2011).
22. The Renewable Energy Roadmap states that encouraging a diverse mix of energy sources, including renewables, is the best way to meet the UK's decarbonisation objectives, protect consumers against rising energy prices and safeguard supply. Therefore providing clarification on the planning issues relating to a range of Renewables technologies will support the deployment of a wider range of technologies in Central Bedfordshire, allowing the most appropriate use of technology for the proposed location.

Content of the Guidance

23. Solar farms have the potential to impact on the landscape and other sensitive receptors, particularly in relation to the preservation and survival of below ground archaeological deposits. The technical guidance note therefore considers:
 - a) The capacity of the landscape to accommodate solar farm developments.
 - b) How solar farms should be considered in relation to the historic environment, both in terms of heritage assets and landscapes, as well as archaeological remains.

- c) Consider the impact of measures deployed to secure the solar farm, such as fencing, CCTV and floodlighting.
 - d) The potential for solar farm site management to be used to deliver a net-gain in biodiversity.
 - e) How issues such as glint, glare and noise should be considered.
 - f) How agricultural land quality and grades will be considered, particularly where solar farm proposals look to be sited on higher grade land (grades 1, 2 and 3a).
 - g) Sets out the key principles for consideration by developers, planners, councillors and other interested parties with regards to the key aspects and impacts of a solar farm development.
24. The technical guidance considers and applies the requirements of the National Planning Policy Framework, the Planning practice guidance for renewable and low carbon energy¹, and other key policies and strategies at a national and local scale.
25. It is important to reiterate that this document does not select sites or rule out any areas of Central Bedfordshire. It does provide an overview of areas of sensitivity, with those deemed unsuitable or highly sensitive likely to need a far greater level of mitigation in addition to what would normally be required in order to make them acceptable. By setting out key principles in relation to a full range of considerations, the guidance document provides an upfront steer on both what a planning application for a solar farm should cover, alongside how its impacts should be assessed and mitigated.

Recommendations of the Guidance

26. If managed correctly solar farms represent an excellent opportunity to deliver a biodiversity net gain for the area by providing a largely undisturbed habitat for a wide range of flora and fauna.
27. In line with national and local planning policy, the Council will seek to protect the best and most valuable agricultural land from significant development, however there is flexibility with regards to how this is done allowing the applicant to demonstrate why that particular site is suitable. It also notes that poorer grade soils often support habitats or landscapes of local and national importance (e.g. the Greensand Ridge).
28. The deployment of large scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However the visual impact of a well-planned and well-screened solar farm can often be properly addressed within the landscape if planned sensitively.
29. Those areas across Central Bedfordshire where the landscape is flatter and where there is screening from hedgerows and tree lines would be best placed to accommodate solar farm developments.

¹ Produced by CLG in July 2013 and available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225689/Planning_Practice_Guidance_for_Renewable_and_Low_Carbon_Energy.pdf

30. The biggest impacts and disruption caused by a proposed solar farm are likely to happen during construction. Although the construction period for solar farms is short compared to the deployment of other Renewable Energy developments, it still needs to be carefully managed, given the sensitive nature of the rural environment where solar farm developments tend to happen.
31. The need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. Developers of renewables, including solar farms will have to take a proactive approach to working with affected communities at the earliest stage in order to mitigate impacts and provide adequate compensation and benefits.
32. The Council will therefore support truly community-led initiatives for renewable and low carbon energy, where the benefits – be they financial or the generated electricity are realised by the communities most affected (and as long as other impacts as mitigated and addressed as detailed in the remainder of the guidance document). Neighbourhood Plans represent one way in which communities could plan for a community-led renewable energy project.

Consultation

32. The technical guidance has been through a four and a half week consultation period running from the 11 April to 7 May 2014. During this process the Council has been proactive in seeking views from local stakeholders, communities, solar farm developers and the relevant trade associations and industry specialists.
33. The guidance note will be amended to take account of valid comments received as part of the consultation period and alongside those comments made at Overview & Scrutiny. As the amendments are largely minor clarification of points a revised final guidance note will be completed after Executive. A table of changes is included in Appendix B.

Conclusion

35. National planning policy places a presumption in favour of sustainable energy developments. This potentially makes it difficult to refuse planning applications for solar farm developments without sound and robust reasons.
36. The clarification provided in this technical planning guidance for planners, developers, communities and other stakeholders alike, represents the Council taking a proactive step to enable solar farm developments to be located in the most suitable areas, with least negative impact. It is envisaged that developers of solar farms welcome the clarification this technical guidance note provides.
37. The technical guidance note will also provide the Council with a more robust platform for negotiation with developers and ensure that those communities and areas affected are in a position to benefit as much as possible from the development.

Appendices:

Appendix A – Guidance Note 2: Solar Farm Development in Central

Appendix B – Summary table of minor changes resulting from consultation.

Background Papers: (open to public inspection)

None