

Item No. 13

APPLICATION NUMBER	CB/14/01480/FULL
LOCATION	Land adjacent Chalgrave Manor, Luton Road, Toddington
PROPOSAL	Installation of Photovoltaic Panels (Circa 92,240 panels), Installation of Inverter Stations, erection of boundary fencing & CCTV cameras and connection to the existing electricity grid. Formation of temporary construction compound.
PARISH	Chalgrave
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Abel Bunu
DATE REGISTERED	27 August 2014
EXPIRY DATE	26 November 2014
APPLICANT	R. Upchurch & Partners
AGENT	Buckle Chamberlain Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Unresolved Parish Council objections to Major Development and Departure from the Development Plan for development in the Green Belt.
RECOMMENDED DECISION	Full Application - Recommended for approval subject to referral to the Secretary of State

Reasons for Recommendation

Whilst the proposed development would be inappropriate in the Green Belt and would be harmful to its openness, it is considered that very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm. In reaching this conclusion, great weight has been placed on the NPPF's presumption in favour of developments for renewable energy which requires that Local Planning Authorities recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources',(paragraph 97). Principally, this national advice stresses that very special circumstances in such cases may include the wider environmental benefits associated with increased production of energy from renewable sources,(paragraph 91). Furthermore, Paragraph 98 makes it clear that 'when determining planning applications, Local Planning Authorities should,' ...approve the application if its impacts are (or can be made) acceptable.' In this case, the suggested mitigation measures which would be secured by planning conditions are considered satisfactory. In taking this approach, the Local Planning Authority (LPA) is mindful of the NPPF advice at paragraph 203 which makes it clear that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Taking into account all the other benefits to be had from approving the development which include, farm diversification, biodiversity, community benefits, regeneration of agricultural land, improvement of highway safety at the site entrance, restoration of the historic width of the Theedway Footpath, restoration of the broken hedgerow and new planting which includes an Oak Tree avenue, burying of existing overhead

cables and the fact that the development is temporary being capable of complete reversal, it is considered that on balance, the proposal has passed the tests for renewable energy development set out in Policies SD1, BE8, NE10, R15 (SBLPR) and Policies 1, 3, 23, 36, 43, 45, 46, 49, 50, 57 and 58 (DSCB) and the CBC 'Guidance Note 2: Solar Farm Developments and national advice within the NPPF and PPG.

Site Location:

The application site is located in the Green Belt within an area identified as Subgrade 3(a) Agricultural Land (Good Quality) to the south east of Toddington Village, south of Fancott, south west of Luton Road and the Chalton Sewage Treatment Works, east of Chalgrave Manor and Chalgrave Manor Golf Course, north west of Chalton Village and to the north of Grove Farm. Topography is generally flat with a slight knoll in the northern field and some gently rising land along the western boundary and the altitude is mostly around 100 metres above Ordnance datum (AOD), rising to 110 metres AOD.

The Application:

seeks planning permission for the installation of a solar farm as detailed below :

Installation of Photovoltaic panels

The proposed solar panels would occupy some 44.8 hectares of farmland. Circa 92,240, reduced from (Circa 98,4440 panels shown in the original application details) would be installed in fixed rows running in an east-westerly direction at an angle of 25 degrees so that the panels would face a southerly direction. The estimated output is 23MW which would provide approximately 5,945 average households with their total electricity needs and avoid approximately 9,215 tonnes of CO² emissions per year. The panels would be fixed to metal frame supports no higher than 2.5 metres above ground level.

Installation of Inverter Stations

17no. inverter stations would be installed standing at no higher than 3.1 metres above ground level. Each station would consist of two cabins measuring 4.5 metres wide and 1.42 metres deep and 4 metres wide and 2.5 metres deep and both would be set on a concrete base measuring 11.3 metres wide and 4 metres deep situated along the site boundaries. The electricity generated by the panels which would be Direct Current (DC), would be transmitted via cables to the inverters where it would be converted to Alternating Current (AC) before being connected to the national grid.

Connection cabin

A connection cabin measuring 4.5 metres wide, 2.5 metres deep and 3.3 metres high would be installed on a concrete base measuring next to an existing site access.

Erection of boundary fencing

A deer fence, 2 metres in height, would be erected around the perimeter of the site. A 5 metre wide clear zone would be provided between the hedgerow and the fence and the same clearance would be maintained between the fence and the solar panels.

CCTV cameras

CCTV cameras would be mounted on steel poles not exceeding 2.5 metres in height and spaced 35 metres apart.

Access improvements and formation of temporary compound

The site is currently accessed via an existing field gate which comes off Luton Road. HGVs delivering material to the site during the construction and de-commissioning phases would leave the M1 at Junction 12 onto the A5120 and right onto the B530 (Luton Road) before making a right turn onto the application site. However, the existing access is considered unsafe to use for the proposed development and as such, an amended Construction Traffic Management Plan would need to detail alternative access arrangements to cover both the construction and de-commissioning phases and the operational phase for use by maintenance staff during the life of the development. It would therefore be necessary to open up a temporary access to facilitate ingress and egress by HGVs and a second access for maintenance staff. A portion of the land close to the access from Luton Road would be used as a temporary compound for storage of materials and equipment during the construction stage.

The development would retain the land in agricultural use but the land would revert to grassland and grazing by sheep. Field margins and corners would be managed as wildflower meadows to encourage biodiversity.

The application is supported by the following documents :

- Design & Access Statement - April 2014
- Glint and Glare Assessment -13 October 2014
- Extended Phase 1 habitat Survey -November 2013
- Archaeological Desk Based Assessment - December 2013
- Pre-development Tree Survey & Assessment -August 2014
- Tree Constraints Plan - August 2014
- Construction Traffic Management Plan -October 2014
- Agricultural Land Map - 26 August 2014
- Agricultural and Soil Considerations -October 2014
- Landscape Character and Visual Impact Assessment -January 2014
- Landscape Design Statement, Specification & Environmental Management Plan - October 24
- Extended Phase 1 Habitat Survey - November 2013
- Draft Section 106 Agreement

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy
Section 3 ; Supporting a prosperous rural economy

Section 4 : Promoting sustainable transport
Section 7 : Requiring good design
Section 8 : Promoting healthy communities
Section 9 : Protecting Green Belt Land
Section 10: Meeting the challenge of climate change, flooding and coastal change
Section 11 Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them.

SD1 Keynote Policy
BE8 Design Considerations
NE10 Agricultural Diversification
R15 Retention of Rights of Way Network

Development Strategy for Central Bedfordshire

The draft Development Strategy was endorsed for Development Management purposes on the 27th May 2014 and was submitted to the Secretary of State on the 24th October 2014. It is therefore considered that having regard to the stage of the plan preparation, the policies listed below are given weight in the determination of this application :

Policy 1 : Presumption in Favour of Sustainable Development
Policy 3 : Green Belt
Policy 23 : Public Rights of Way
Policy 36 : Development In the Green Belt
Policy 43: High Quality Development
Policy 45 : The Historic Environment
Policy 46 : Renewable and low carbon energy development
Policy 49 : Mitigating Flood Risk
Policy 50 : Development In the Countryside
Policy 57 : Biodiversity and Geodiversity
Policy 58 : Landscape

Supplementary Planning Guidance

- CBC Guidance Note 2 (2014): Solar Farm Development in Central Bedfordshire
- South Bedfordshire Landscape Character Assessment
- Central Bedfordshire and Luton Borough Councils Joint Committee Sustainable Development and Adaptation and Mitigation of Climate
- Change Study (Parsons Brinckerhoff, 2010)
- Central Bedfordshire Renewable Energy Guidance (2013)

Planning History

CB/14/03063/SCN EIA Screening Opinion: Proposed Solar Farm comprising installation of Photovoltaic Panels & Inverter Stations, erection of boundary fencing & CCTV cameras and connection to the existing electricity grid including formation of temporary construction compound.(Not EIA Development).

Representations: (Parish & Neighbours)

Parish Councils

Chalgrave

Comments

- A large area of Green Belt land is already being lost to the A5/M1 link road and new housing north of Houghton Regis and more Green Belt land would be lost to the solar farm.
- Not convinced that the land would remain Green Belt just because sheep would be grazing around the panels.
- It is doubtful that the land would return to farmland after 25 years and could be replaced by another solar farm.
- If permission is granted, a condition should be attached to ensure that the area around the panels is grazed by sheep and wildflower meadows are set and maintained throughout the life of the solar farm.
- If a solar farm is located out of site, it is an environmentally friendly way of generating power.

Chalton

Objection

- The Parish Council is not opposed to renewable energy sources.
- This is however considered an unsuitable site due to siting close to the village, scale and inadequate existing and proposed landscape screening which would impact on the character of the area.
- The Parish Council's objection is informed by the views of their residents following a public meeting attended by more than 50 people.
- Chalton is subject to considerable threat due to the development to the south of the village, viz, the North Dunstable A5-M1 link by pass and the 7,000 houses and associated development together with the existing large electricity sub-station, sewage works and a parts centre within the boundary taken together with the Rail Freight terminal on land immediately to the east of the village. The village would therefore be surrounded on three sides by development.
- Screening along the boundary would be inadequate to

make the development less visible to those residents who would be able to see it. Any screening would be slow growing and would have little impact during the proposed 25 year life of the development. Fast growing conifers could help but these are not indigenous and should be avoided.

- The Bounds Way bridleway on the ridge of high ground would give views overlooking the site from a distance of 250 -300 metres. Whilst these would be a novelty in the early days, it would soon be seen as less desirable than the existing view. The proposed screen would not hide the site from here due to the height difference.
- Detrimental visual impact on the landscape not helped by the location of the development in a natural valley with higher ground surrounding the site on three sides, north, south and west.
- Dangerous access point into the site off the B530 on a bend. A recent traffic census showed an average of 9,400 vehicle movements on a working day of which a considerable number were above 30 miles per hour. The existing access road to Chalgrave Manor at Fancott should have been considered as a safer option for access to the site.
- Despite the land retaining its Green Belt status, this is temporarily 'borrowing' the land for 25 years, with no guarantee on its future use after that time period has elapsed. This could be used as a stepping stone to eroding the Green Belt in the future on the grounds that it has been developed on.
- Application should therefore be refused.

Toddington

No objection.

Harlington

Objection

- Application site is Grade 3 Agricultural Land within the Green Belt.
- Agricultural land should be reserved for food production.
- No reference in the Development Strategy of the proposed 20 megawatt power system that would require various pieces of equipment.
- Taking into account the proposed solar farm and wind turbines near Tilsworth, the land between the villages could be filled with solar farms.
- Chalton itself would derive no direct benefit from the development.
- There is a growing shortage of food the world over and loss of this agricultural land would be regrettable.
- If permission is granted, restrictions should be imposed to ensure that the land reverts to agricultural use. Also not comfortable with the use of CCTV cameras as the

range covered is unclear. If these concerns are addressed, a more positive approach to the application would be taken.

- Why is CBC appearing to be ignoring Government Directives such as the latest guidance underlining the Government's commitment to protect the Green Belt from development.
- Communities Secretary Eric Pickles and Housing Minister Brandon Lewis have insisted that thousands of brownfield sites are available for development and should be prioritised.
- In addition, the Environment Minister, Liz Truss has come out strong on solar farms being built on farmland having said that English farmland is some of the best in the world and she wants to see it dedicated to growing quality crops.

Neighbours

2, 31, 44, 46, 47, 48, 49
Chalton Heights, 31
Birds Hill, The Haven,

Objection

- Direct sight of the solar farm from some houses on Chalton Heights and devaluation of properties.
- Inadequate screening proposed.
- Concerns over future increased requests.
- Concerns over the effect on the Boundway, walkers and horse riders.
- No details about the direction the CCTV cameras would focus.
- Chalton would derive no benefit from the solar farm.
- It would be an absolute eyesore.
- The village is already being traumatised by construction works of the additional motorway junction which will be ongoing for the next couple of years with the addition of several thousand houses.
- Several of our local footpaths/bridleways are being disrupted due to the above and the proposed solar farm would simply add to this.
- Central Beds seems to consider the village of Chalton to be a 'dumping' ground for any industrial requirement. We are only a small village and what with all the above, this would simply be the last straw.
- Chalton itself would derive no benefit from the solar farm.
- Despite the fact that the Green Belt will not be changed, the actual use of the land is not 'undeveloped, as Green Belt should be.
- 25 years is a considerable length of time for the life of the solar farm and there is no guarantee that after that period has elapsed, there will not be a further application for another scheme.
- Granting permission would send the wrong signals for future developments on the site which would further

erode the Green Belt.

- The site is in a hollow, overlooked by the village of Chalton. This village is already subject to major planning applications in the Parish, to the south where the Houghton Regis North development will have considerable impact. There are also the A5 – M1 link, which will cause considerable disruption to the village during the construction phase and beyond. There is also plans for a major Rail Freight Terminal partly in the Parish. This is a huge amount of development in one small Parish.
- The proposed access to the site is dangerous. Recently an accident occurred at the road bend. There are other locations to access the site, such as the access at the Fancott, or the Lord's Hill access already used by Chalgrave Manor lorries. There are no details within the application to address this access issue at this location and I don't think hence this is not considered a safe option.
- If there was to be screening along the Bounds Way, then this will have an adverse impact on the visual impact of the area and the landscape. Any screening on the site will have little effect.
- There is an industry agreed 10 Commitments for solar farms published by the Solar Trade Association
<http://www.solar-trade.org.uk/media/STA%2010%20commitments%20v%2010.pdf>

The areas where this project is not aligned to this are outlined below :

1. We will focus on non-agricultural land or land which is of lower agricultural quality.

DECC (Department of Environment and Climate Change) have expressed in their published Solar Strategy, a preference for PV in brownfield areas and roof tops. This scheme is on arable agricultural land, and not a brownfield or roof top area. This planning application was submitted after the solar strategy was published, and has seemingly ignored commitment 1.

<https://www.gov.uk/government/publications/uk-solar-pv-strategy-part-1-roadmap-to-a-brighter-future>

2. We will engage with the community in advance of submitting a planning application.

- Inadequate future grid network capacity.
- There has been no consultation with stakeholders, and these stakeholders will see no energy price reduction or benefit themselves as a consequence of this

project, and are being precluded from doing measures whereby they themselves could lower their own electricity bills. I think it is an assured certainty that this information has not been communicated to the community at large.

- There are no PV technology manufacturers in the area, and aside O&M, the creation of long term and sustained jobs in the area is minimal.

3. We will seek the support of the local community and listen to their views and suggestions.

- Aside very local Parish Council based engagement and involvement, the developers have not sought any opinion or suggestions or indeed any support from the affected/impacted community who are essentially having the opportunity to reduce their own energy bills and lower their carbon footprint essentially removed.

Whilst fully supportive of the adoption of renewable energy, and in particular solar PV, however, a 25 MW project is just too large for the grid infrastructure, and hence the approved size of the project should be significantly reduced to allow a local future capacity for schools, communities and local stakeholders to be empowered to develop local schemes which benefit and do not hinder the local community.

- Recently DECC publicly stated they want to see more community energy. This project is contrary to DECC's vision. The following link provides clarification.

http://www.solarpowerportal.co.uk/news/decc_wants_to_see_upsurge_in_community_energy_involvement

- Additional planting would hide the lovely views across the landscape. Assuming a deciduous planting, screening would only be provided during the summer months.
- The site is bordered on three boundaries by public footpaths. Currently, these footpaths afford wide views of the countryside. Enclosing the footpaths with high hedges and fences would be of concern to walkers.
- Brownfield siting of the development would be preferable given its size.
- Concerned that assurances have already been given by the Council to grant planning permission.
- Possibility that new cables or powerlines would be required.
- Possible cumulative harm resulting from the influx of solar farm applications in CBC.
- CBC needs to comprehensively select areas best

suited for solar farm development rather than leave this to individual developers.

- There is sufficient scope to increase the area of solar panels on brownfield land and buildings.

Chalgrave Manor Golf Club

Support due to renewable energy solutions being an important area for the future.

Ramblers Association

Objection.

- Inappropriate development in this area
- Walkers would be greeted with a series of large reflector panels in lieu of wonderful countryside.

Consultations/Publicity responses

Environmental Policy Manager

The national and local planning policy context is set in the following document, which has been adopted by the Council as technical guidance for Development Management purposes:

Guidance Note 2: Solar Farm Development in Central Bedfordshire.

The guidance has had input from specialists from across the Council and provides 'key principals' for consideration. Detailed responses, specific to the proposal, will be provided directly from the specialist officers as part of the consultation in relation to the key themes covered in the guidance.

Key elements are highlighted below :

Agricultural land quality: The preliminary Agricultural land classification maps indicate this area to be Grade 3, however this is a broad brush assessment made pre 1988 for strategic planning purposes. A more detailed study should be provided by the applicant to determine the extent to which the proposed development falls within agricultural land grades 3a and 3b. If it is Grade 3a we would usually ask for further justification (see P9 of the Solar Farm Guidance), especially as the land is currently agriculturally productive (used for growing crops). The applicant should also provide details of complimentary use of the land for agriculture (grazing of sheep) and/or habitat creation will happen alongside the Solar Farm development.

Landscape: The site does not fall within an area highlighted as having low landscape sensitivity to solar development. It is also large in scale compared to other proposed Solar Farm developments in Central Bedfordshire – which are usually around 5MW generating capacity, compared to this proposal which is 24.6 MW.

Whilst this in itself does not make the proposal unacceptable, additional consideration will need to be given to mitigation of landscape impacts, especially as a solar farm development of this size and scale will undoubtedly have the potential for impact on landscape. The Landscape Officer will provide a more detailed assessment of landscape impacts and whether the impact can in fact be adequately mitigated and whether the proposed mitigation is acceptable. Glint and Glare: A Glint and Glare study is provided which concluded that impact will be nil to negligible.

Securing the Solar Farm: The measures proposed to secure the solar farm, namely fencing and CCTV, are within scope of what would normally be expected for a development of this type.

Community engagement: It is not clear whether any community engagement has been carried out by the developer. I would usually expect a statement of community engagement to accompany solar farm developments of this scale. A development of this scale would also usually commit to making a community benefit payment to the Parish Council(s) or into a community grant fund. Typically this sum is usually equivalent in total to £1,000 per MW of installed capacity per year, so in this case a total of £24,600 per year for the life of the scheme. Other approaches would be acceptable, such as funding of roof mounted solar PV for community buildings and local schools.

Weight to be given to 'Guidance Note 2: Solar Farm Developments in Central Bedfordshire': This document has been adopted by Executive as Technical Guidance for Development Management purposes. It therefore does not have the weight that a supplementary planning document (SPD) would have. It does also however provide a more detailed understanding of how aspects such as landscape etc should be considered. These have been identified in the 'Planning Practice Guidance for Renewable and low carbon energy' and Guidance Note 2 could therefore be considered as providing local clarification to some of the issues raised in this document, which itself would be a material consideration.

Conclusion:

- The proposed development of the solar farm is supported by the UK national planning guidance on sustainable development and Renewable energy set in the National Planning Policy Framework (2012).
- The project would contribute towards achieving UK's

renewable energy generation and carbon emission reduction targets set in the UK Renewable Energy Strategy (2009).

- The site is not however identified as an area of low sensitivity to solar development in the Council's technical Guidance Note 2: Solar Farm Development in Central Bedfordshire, therefore additional consideration should be given to the Landscape Officers comments regarding landscape impact and mitigation.

In summary, the development contributes to decarbonisation of electricity production and hence I have no objections to planning permission being granted. Given the scale of the proposed solar farm, this is based on the assumption that the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects, such as impact on heritage, are adequately dealt with.

Further Comment following submission of the Agricultural Statement.

I am satisfied with the rationale given and that this meets what we would like to see in the Council's technical planning guidance for Solar Farms with regards to justification of use of 3a classified land.

Landscape Officer

Revised comments following amendments to the Site Layout and Landscape Strategy

- With the amended landscape strategy, the revised layout appears to fit within the landscape framework more sympathetically.
- Could I request that 'all existing hedgerows be maintained and gapped up where required.'
- Could the revised western site boundary include some hedgerow trees in addition to hedgerow planting please and new hedgerow / hedgerow trees planting be extended from the western site boundary along the southern site boundary to then connect the hedgerow framework with the east.
- The proposed native woodland block to the far south-west corner / southern tip of Featherbed Lane may not be required – as this is a vantage point to 'read the landscape' and the Parish Council's heritage interpretation board is orientated to facilitate this.
- It there is opportunity to replace the Leylandii to the east of Featherbed Lane with native hedgerow planting that would be a real positive.
- A simple timber stock fence along the Theedway may be preferable to a post and wire and fence in terms of

quality and character, but I would appreciate Michelle's thoughts on this.

Original comments

Concerns regarding this proposed development relating to impact on landscape character and visual amenity. These concerns and reasons for a request for further information are based on the following considerations:

With reference to the **Central Bedfordshire Guidance Note 2: Solar Farm Development:**

The application site is not within an area of low sensitivity to solar development as described in the guidance.

The site lies on the cusp of the North Chilterns landscape evaluation area and Clay Hills and Vales; a key principle of both evaluation areas is the need for array development to avoid contributing to urban fringe influence along with broader principles including capacity of landscape to accommodate character of development and scale, avoiding sites which can be viewed from above, considering sensitivity of views particularly from recreational viewpoints.

The South Beds Landscape Character Assessment:

The site is again within a cusp of landscape areas; set on the edge of the Barton-Le-Clay Clay Vale (5B), the Toddington-Hockliffe Clay Hills (8A) wrap around the site to the north and west, the Houghton Regis-North Luton Rolling Chalk Farmland (10B) forming a locally elevated transition to the southern setting to the site, the edge of the Clappers Chalk Escarpment (9C) forming a dramatic backdrop further to the east beyond the M1 corridor.

The transition in landscape characters - vale to slopes to ridge lines - heightens landscape sensitivity to change and the importance to retain undeveloped land at the base of slopes in order to read the transition.

The transition in landscape character also results in the application site, on the whole, located within a local vale but with elevated topography surrounding the site and surrounds which enables views down on to the site particularly locally from the south and west from public footpaths which again increases sensitivity to change and impact on views.

Whilst the application site is within the vale context of the M1 corridor visual and audible impact is much reduced due to intervening landscape and planting structures. The electricity transformer station is screened by trees which, in the summer at least, assist in visually mitigating this development and M1 further to the east .

Overhead power lines cross the site and is an urbanising

feature - further urbanisation of the site and surrounds needs to be avoided or at least managed and effectively mitigated.

Historic landscape:

The site and surrounds form part of an historic landscape which is celebrated in the Chalgrave Parish Heritage Trail 'A Walk Through Time' which describes prehistoric, Roman and Saxon settlements in the area and focus on the Theedway ancient route which runs to the south of the southern site boundary and other footpaths / recreational routes.

There are a number of interpretation boards around the Parish linked to footpath access describing historical features in Chalgrave - Toddington, a number of footpaths featured in this trail are within the immediate or local context of the application site.

The Theedway in landscape terms is a significant feature both historically and physically as a key footpath link today - connecting a well used footpath network - and offering extensive views across the application site and surrounding landscapes. CBC's Countryside Access are developing an access project along the Theedway linking Luton through to Leighton Buzzard.

Further information required:

Having studied the LVIA and D&AS, visited the site and surrounds and considered my response I have concerns regarding this development:

- Impact on landscape character and visual enjoyment of the countryside - and history which is well promoted.
- This form of development could increase an urbanising character within a primarily rural setting.
- Proposed mitigation of development is primarily reliant on reinforcing existing hedgerows and retaining hedgerow trees - having visited the site the site area is quite denuded of hedgerows / hedgerow trees therefore effectiveness of proposed landscape mitigation must be demonstrated.

Therefore I would request that more information is provided to support this application and assist in assessment of capacity of landscape to accommodate development, visual impact and mitigation needs including:

- Cross sections through the site north-south and east west which describes arrays in relation to topography - especially exploring relationship with the western slope and southern Theedway.

- Photo montages of development looking from the key viewpoints numbers 1 & 4
- Photo view and photo montage describing development from Featherbed Lane (Footpath27)

Proposed planting of Poplar trees along Featherbed Lane:

I strongly object to the proposed planting of Lombardy Poplars along Featherbed Lane. The site and surrounding landscape is primarily native broad leaf trees in woodland and hedgerow species. The introduction of an avenue of non native Lombardy Poplars will have a highly detrimental impact on local landscape character and an elevated avenue of tall columnar trees along a local ridge line will be highly intrusive visually and is not acceptable.

I hope the above comments are of assistance - please do email if you have any queries or would like to discuss further. I would be happy to attend a meeting / site visit with the applicant / applicant's representatives if of assistance.

Tree and Landscape Officer

The documents relating to the application, including the Tree Constraints Plan prepared by TDA (ref. TDA/2009/TCP/rhC/08.14) dated August 2014, are satisfactory including their conclusions that the scheme is acceptable on arboricultural grounds.

Archaeologist

Further to my original comments on this application (19th September 2014), I have now received a revised *Archaeological Desk-Based Assessment* (October 2013 – thought this should read 2014) and *A Summary Report of an Archaeological Field Evaluation* (November 2014). The report on the evaluation is not the full report, only a preliminary description of the results and conclusions. My comments are based on the additional information contained in these documents.

The archaeological field evaluation was targeted along the eastern and western boundaries of the site where the inverter stations and main cabling for the scheme will be located and in areas that had been identified as having high archaeological potential, on the basis of existing information. The majority of the site which will contain the solar arrays was not subject to evaluation. The submitted report is only a summary of the results; it does not contain a detailed description of the investigation and only the briefest analysis of the finds and character of the

archaeological remains that were identified. However, it is clear that the majority of the trial trenches contained archaeological features. There are two particular concentrations of features:

- North west corner of the site – a range of features including linears, pits and post holes were found on the trial trenches. These probably relate to a series of cropmarks known from this part of the site (HER 16590). On the limited evidence presented these features appear to be later prehistoric in date and provide evidence of occupation. This is consistent with the cropmark evidence.
- South east corner of the site – a series of linears, pits and post holes were identified in this part of the site. Finds evidence, including pottery and a coin date the features to the Roman period. They probably relate to an area of Roman occupation previously identified to the south (HER 1438).

Elsewhere, the trial trenching identified other archaeological features in the north eastern and south western corners of the site. These consist largely, though not exclusively, of linear features and do not appear to have produced much in the way of dating evidence. It is likely that some of these features form part of the later prehistoric and Roman occupation sites (see above). Others may represent land boundaries and field systems contemporary with this occupation or, possibly later medieval and post-medieval land boundaries. The trial trenching was only limited in extent and there is a very high probability that the archaeological remains it has identified extend into the site. It is also likely that further, presently unrecognised remains may exist within the proposed development site beyond the area that has been subject to archaeological evaluation.

The proposed development site is within the setting of two Scheduled Monuments, designated heritage assets of the highest significance: medieval fishponds at Chalgrave manor (HER 91 and Heritage List Number 1008453) and Conger Hill, Toddington a medieval motte and bailey castle (HER 89 and Heritage List Number 1010059). The *Desk-Based Assessment* deals, very briefly, with the impact of the proposed development on the setting of the Chalgrave Manor ponds, concluding (5.5) that the development has been sited to "... as little effect visually as possible, though there will undoubtedly be one." This does not conform to the advice in the English Heritage guidance *The Settings of Heritage Assets* (2011), in particular the step by step approach to analysing the impact of development it recommends

(4.2). Nor does it identify whether the acknowledged impact will amount to substantial harm and, therefore, be unacceptable (*NPPF* paragraph 133). There is no description of how the setting of the ponds contributes to their significance and no consideration of how the development will affect that setting. Historically the setting of the fishponds relates mainly to the manor house and associated manorial settlement to which they belonged, forming an integral part of the manorial economy. Although they would have been visible from a wider landscape, especially from the north and east, the ponds would have appeared as part of the manorial complex rather than a distinctive, individual monument. The southern part of the development will be largely hidden from the ponds by a low ridge to the south east of the Monument, however, the northern part of the solar farm will be visible from the monument; the proximity of the development to the Monument will also be visible from higher ground, particularly from the north. A reinforced hedge line along the north western boundary of the development will provide some screening of the development from the monument and possibly reduce the impact when viewing the site from higher ground. The proposed development will have an impact on the setting of the Chalgrave Manor fishponds designated heritage asset and cause harm to the significance of the asset but, given that its setting is generally localised and relates closely to the manor rather than wider landscape, I do not think that the impact will amount to substantial harm.

In spite of the Archaeology Team's comments on the request for a screening opinion and my earlier comments on this application both of which noted that the proposed development site was located within the setting of Conger Hill, Toddington, the *Desk-Based Assessment* still does not deal with the impact of the proposal on the setting of this Monument. The *Assessment* (5.5) does include a minimal description of the impact on another motte and bailey (HER 721) located near Chalgrave church to the west. Unfortunately, this monument is not Conger Hill or a Scheduled Monument, so its inclusion in this section of the *Assessment* is not relevant. Conger Hill Motte and Bailey Castle is on the crest of the ridge to the north, with an extensive prospect of lower ground to its south. The setting of the castle has two elements: its relationship to the town and to the wider landscape. In both cases the castle was designed to dominate the surrounding area of townscape and landscape as an expression of ownership, political and economic power and control over the surrounding area. Its location in a prominent topographical position, where it could be seen from the surrounding landscape and see into that landscape, is a

major element of the significance of the heritage asset. Although the ridge on which the castle is located is clearly visible from the proposed development site, the castle itself cannot be clearly seen. The same is true of the views of the landscape containing the development site from the castle. Therefore, the proposed solar farm will only have a limited impact in the setting of the Conger Hill Scheduled Monument and cause only very limited harm to the significance of the designated asset.

In summary, the proposed development will have an impact on the settings of two Scheduled Monuments (Conger Hill Motte and Bailey Castle and Chalgrave Manor fishponds) and cause some harm to the significance of the designated heritage assets. However, this will not amount to substantial harm so I have no objection to this application on the grounds of its impact on the setting of designated heritage assets.

It has also been demonstrated that the site contains extensive archaeological remains of later prehistoric and Roman settlement. Settlements of these periods and their associated landscapes have been identified as being of regional significance in the published local and regional archaeological research frameworks.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). Policy 45 of the *Development Strategy for Central Bedfordshire* (pre-submission version, June 2014) echoes this and also requires all developments that affect heritage assets with archaeological interest to give due consideration to the significance of those assets and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive

material generated and the publication of a report on the works. In order to secure this, please attach the following condition to any permission granted in respect of this application. The programme of investigation will reflect the final construction and groundworks specification.

“No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.”

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development.

This request is in line with the requirements of Chapter 12 of the NPPF and policy 45 of the Development Strategy for Central Bedfordshire (pre-submission version, June 2014).

Ecologist

I have looked at the submitted documents and I approve of the mitigation proposed in chapter 7 of the Extended Phase 1 survey which would ensure no detrimental impact on a protected species as a result of the development. In addition to this I note a number of enhancements through the landscape strategy. I welcome the reinstatement of historic hedgerows, the use of grazing pastures, ecological buffers and wildflower margins. It is acknowledged that the site lies within 1km of Fancott Meadows which are not only a SSSI but also recognised as Central Bedfordshire's Jubilee Meadow. It may be possible, through consultation with the Wildlife Trust, to use seed from this meadow in the wildflower margins which will therefore be of local provenance. As two active badger setts have been located a condition would be required for a badger survey to be undertaken to establish the main commuting routes for the badgers. Two-way badger gates as detailed in Appendix 6 of the Extended Phase 1 survey shall be installed in fencing where it crosses identified mammal paths. Whilst the landscape strategy illustrates land treatments it does not detail future management for the site. 8.2 and 8.9 of the D&A Statement refer to the grazing of sheep but management prescriptions for the wildflower buffers is not provided. I would like see the provision of an environmental management plan form a condition of any planning

permission, detailing how the site will be managed which may include grazing as a complimentary use of the site to ensure a net gain for biodiversity etc.

Further comments following submission of Landscape Design Statement, Specification and Environmental Management Plan

I have read through and would only seek one point of clarification regarding the sheep grazing. They state that the pasture below the panels will be grazed by sheep but given this is a 25 yr development I would like an additional paragraph detailing how this land will be managed should sheep not be available, ie mowing / hay cut? Otherwise I am happy with the management regime proposed.

Having looked at the revised Landscape Strategy I approve of the additional area of biodiversity rich grassland but would still seek conditions to detail the future management of this area and the wildflower margins.

Rights of Way Officer

There are several public rights of way routes in the area and these are:- Chalgrave Public Footpath No. 26 and Chalton Public Footpath no. 17 running through the proposed site, Chalton 16 to the north and north east of the site boundary, Chalgrave Public Footpath no. 27 running along the driveway to Chalgrave Manor and Chalgrave BOAT 29 and Houghton Regis BOAT 43 forming the byway open to all traffic known as The Boundway to the south.

My first comments relate to Chalgrave Public Footpath no. 26 and Chalton Public Footpath no.17 which would be directly affected by the development as they run along the boundaries of the application site within the application site boundary. It should be noted that some of the plans submitted are incorrect and show Chalgrave Footpath No. 26 along the northern edge of the proposed solar farm on the north side of the hedge but its correct route runs to the south of the hedge. This should be noted with particular reference to the Landscape strategy plan which may suggest that the Public Footpath would be screened from the solar farm by the hedge but this is not the case.

Both of these Public Footpaths should be left as minimum 5 metre wide routes between the existing hedges and any new security fence. This should be 5 metres minimum when measured from the face of the existing hedge. This should be consistent with the proposed wildflower

margins shown on the landscape strategy plan and prevent the Public Footpaths from feeling enclosed or narrow next to the proposed 2 metre high deer mesh fence. New planting should not be necessary along the Public Footpaths on the path side of the new fence as this will lead to encroachment on the width of the Public Footpaths long-term and may create issues with maintenance. I have read through the submitted Glint and glare assessment document but no viewpoint plan seems to be included.

Landscape Strategy

No additional new planting or hedges should affect any public right of way. Any new hedging or tree planting proposed alongside public rights of way should be set back so that it does not obstruct or encroach upon the width of the public rights of way long-term and maintenance will be important with regard to the condition of trees and hedges to ensure they stay in good condition and are cut back regularly to prevent any health and safety issue or encroachment. One area of concern is the proposed hedgerow and native woodlands proposed to the south of the site, which seem to be alongside the byway open to all traffic (Boundway). Although, restoring historical hedgerows and woodlands is important and welcome, this route is a historic route - likely to be part of the historic Theedway/Thoidweg referred to in the Archaeological assessment. It has a recorded legal width of 12.2 metres minimum and it must be ensured that any new planting is set well back and does not encroach upon this recorded width. Part of its character as an historic route is its width.

One other comment about the landscape is my reference to the Chalgrave and Chalton local green infrastructure plans referred to at pre-app stage. These show the area of land closest to Luton Road as aspirational green infrastructure/grassland, presumably due to its potential link to the Fancott Wood and Meadow SSSI on the other side of the road. Although some of this land is proposed for the solar farm, it may be beneficial for the applicant/landowner to consider the rest of the land being left as biodiversity rich grassland in line with community identified aspirations in this area.

Transport/site entrance at Luton Road

The proposed vehicle entrance off Luton Road lies close to the entrance/exit at Luton Road of Chalton Public Footpath no. 16. It must be ensured that the entrance/exit to this Public Footpath remains clear and useable at all

times during the construction works and that the health and safety of walkers is taken into account when considering improvements to the field entrance - particularly if HGVs are involved. It is noted that comment is made about a fence being constructed to separate the Public Footpath from the access road. Consideration may also need to be given to signage for drivers and walkers, however to make each aware of the possibility of the other. Improvement of the existing field gate access and construction of temporary construction compound should also perhaps consider if any improvements could be made to Public Footpath No. 16's entrance/exit off Luton Road at the same time.

Should any construction vehicles have to cross any public right of way, consideration will have to be given to public safety (with consideration being given to marshalling or temporary closures where the amount of traffic is likely to be high) and any damage caused to the surface of any public right of way must be restored back to its original condition - which may involve grass seeding or the addition of suitable surfacing material if appropriate.

The Construction Traffic Management Plan submitted states "fencing will be erected on each side of the Right of Way that crosses the proposed solar farm site and appropriate signs will be installed to inform footpath users of construction works". I am not sure I understand what this means - why the public rights of way would need to be fenced on both sides, whether this fencing is temporary fencing whilst construction work is ongoing only or additional to the proposed site security fence. I am confused by the comment in 3.12 that "the fences separating the rights of way will remain in place during the operational period of the solar farm". Why would 2 fences be needed? Also no details are given as to the type of fencing this will be and what width will be left for the public footpaths. Further clarification is needed on these points.

Cables/temporary closures

I could not locate a great amount of detail of the position of any proposed cabling from the inverter stations to link the solar farm into the wider existing electricity grid. I would be interested to know if it is proposed to run cables beneath or across any public right of way. If this is the case, a street works licence may be needed and a temporary closure of a public footpath whilst a cable is being installed. The Council would require at least 6 weeks notice by application of any temporary closure of a public footpath and there are costs involved.

Interpretation boards

Solar farms are a fairly new feature in the landscape and it may be that local walkers and visitors to the site may find information about the solar farm and its benefits for the environment interesting. I would therefore recommend the provision of interpretation boards at some locations around the site to provide information about the site to passing walkers. The Countryside Access Team would be happy to be involved in any discussion regarding content of such. I would suggest either the provision of such boards as part of the development itself or a Section 106 contribution to us or the local Parish Councils who may have a view as to what information could be of interest on such a board.

Further comments following amendments to the Landscape Strategy document

I do not mind what type of fence is provided along the Theedway as long as the 12.2 metres width is available and left clear. Also, barbed wire is not advisable along a public right of way due to potential increased liability for the landowner.

From my point of view, the landscape strategy plan is now acceptable.

Conservation Officer

I have not identified any heritage assets of the historic built environment (including the Grade I Listed Church of All Saints and Chalgrave Manor Farmhouse) which in my opinion will be adversely affected by the proposed development. There will be an inevitable (although mitigated) wider landscape impact in respect of the locally designated Chalgrave Heritage Trail, the actual impact of which, along with the effectiveness of proposed mitigation will, I anticipate, be assessed by the Local Planning Authority Landscape Officer. I therefore offer **no objection** to the proposed development.

Highways Officer

The detail drawing submitted so far should be withdrawn and a less substantial junction be put in place a little further south such that it is single and it restricts access from the northern direction. This drawing is to be indicative only. Further wording be put into the Traffic Management Plan that this matter will be dealt with by way of Grampian Condition. That is to say:-

- The hedgerow and verge on the east side of the road be cut back before and maintained during the works and the available forward visibility determined.

- A speed survey taken and the required forward visibility splay determined.
- A scheme for access be determined such that an access is designed to standard.
- This design be approved and a safety audit accepted.
- This scheme be implemented before the works start and maintained during it.
- This scheme be amended on completion of the works.

In the meantime an alternative access should be proposed. Appropriate conditions are recommended to achieve this.

Public Protection

I am satisfied that Public Protection can support the application subject to the following condition:

Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

The condition provides a safeguard that the equipment will in fact operate without detriment to the amenity of residents. In the absence of a specific technical report we have had to undertake basic calculations on at times estimated information to come to this conclusion.

Natural England

No objection and no conditions requested. This application is in close proximity to Fancott Woods And Meadows Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected Landscapes

This development relates to the Chilterns Area of Outstanding Natural Beauty (AONB). We therefore advise you to seek the advice of the AONB Conservation Board. Their knowledge of the location and wider landscape

setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Page 2 of 4. (Officer Note : The site is not within the Chilterns Area of Outstanding Natural Beauty).

Priority Habitat Creation

Solar farm developments offer excellent opportunities to create new habitats, and especially priority habitats listed under s41 of the NERC Act 2006. Natural England therefore expects the planning application to include details of new habitat creation.

In particular, solar farms are ideally suited to creating new grassland habitats, which can be created among the rows of solar panels. Details should be provided on the appropriate s41 target grassland habitat, along with a habitat creation plan (which should include measures to create suitable soil conditions / arable reversion techniques), suggested species mix for sowing, and details of how new habitats will be managed (e.g. grazing / mowing).

Other priority habitats that could be created or enhanced depending on site conditions, are hedgerows, ponds, and arable field margins. We suggest that a habitat creation plan also references any existing local sites recognised for their nature conservation interest, such as SSSIs and Local Wildlife Sites. In this instance, we note that Fancott Woods And Meadows SSSI is found within 2km of the proposed development site, and this site may provide an indication of what might be achieved at this site, should the conditions be suitable.

Further guidance is available from Natural England' s Technical Information Notes:-

TIN101 Solar parks: maximising environmental benefits.
TIN066 Arable reversion to species-rich grassland: site selection and choice of methods. TIN067 Arable reversion to species-rich grassland: establishing a sown sward. TIN068 Arable reversion to species-rich grassland: early management of the new sward.

The following additional notes may also be helpful:-
TIN060 The use of yellow rattle to facilitate grassland diversification. TIN061 Sward enhancement: selection of suitable sites. TIN062 Sward enhancement: choice of methods. TIN063 Sward enhancement: diversifying grassland by spreading species-rich green hay. TIN064 Sward enhancement: diversifying grassland by

oversowing and slot seeding. TIN065 Sward enhancement: diversifying grassland using pot-grown wildflowers or seedling plugs.

Additional guidance is available from the BRE National Solar Centre, and the RSPB. The creation of priority habitats in this way contributes towards the Government's nature conservation vision, set out within Biodiversity 2020, a strategy for England's wildlife and ecosystem services. The NPPF promotes net gains in biodiversity (paragraph 109), and s40 of the NERC Act requires public bodies to have regard to biodiversity in carrying out their functions.

Soils

Under the Development Management Procedure Order (as amended) (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of best and most versatile (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system), where this is not in accordance with an approved plan.

From the description of the development this application may impact on the best and most versatile agricultural land. However, we consider that the proposed development is unlikely to lead to significant and irreversible long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur provided the development is undertaken to high standards.

Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. In the short-term we recognise that it is likely that there will be a loss of potential agricultural production over the whole development area.

Although this proposal does not trigger additional comment from Natural England under the DMPO, your authority should consider whether the proposals involve any smaller scale or temporary losses of BMV agricultural land. Paragraph 112 of the National Planning Policy Framework (NPPF) states that:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer

quality land in preference to that of a higher quality.

Local Planning Authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker in the first instance. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England under paragraph (X) of schedule 5 of the DMPO.

Should you have any questions about Agricultural Land Classification or the reliability of information submitted with regard to BMV land please consult Natural England's Technical Information Note 049 on Agricultural Land Classification in the first instance. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

We draw your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) (in particular paragraph 013), and advise you to fully consider any best and most versatile land issues in accordance with that guidance.

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of

European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
 - local landscape character
- local or national biodiversity priority habitats and species.

Environment Agency

Environment Agency Position

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below.

CONDITION

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Detailed comments

The surface water drainage assessment should identify the surface water drainage regime of the site 'post installation'. Consideration should be given to the risk of the solar panels concentrating rainfall run-off into the gaps between rows of panels. This can lead to localised areas where the infiltration capacity of the ground is exceeded resulting in over land flow. This risk will largely depend on local topography and soil conditions.

If necessary, the surface water drainage assessment should demonstrate how this risk will be managed to ensure that there is no increase in flood risk to third party

land or property. French drains or similar may need to be installed in front of the solar panels or at the end of rows of panels to help/encourage surface water to dissipate so that overland flooding does not occur.

If the FRA establishes that the proposed development will not alter the surface water drainage regime in any way then a detailed surface water drainage strategy will not be required.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

Internal Drainage Board
(IDB)

The site is partly located in an area within the IDB's jurisdiction. Therefore, we recommend that the IDB are also consulted on an FRA.

Our Objection is maintained. (Case Officer Note - These comments were received prior to the submission of an amended FRA.)

I reviewed this letter on your website. It is not what we would consider a sufficient assessment of flood risk for a proposal of this size.

As you may be aware, we currently have some reservations regarding surface water drainage from solar panel farms as they are relatively new and have no long term management records to date. In general, a field with impermeable panels in it is going to behave differently to an agricultural field without panels. We don't really know what may happen over time as these solar farms are relatively new.

Our information suggests the soils in this area are 'Ashley' which consists of clayey soils and slowly permeable subsoils, which leads to seasonal waterlogging.

If the soils are slowly permeable, which we believe is the case here, on a normal ploughed field there will be some infiltration up to a certain cut-off point when sheet runoff may occur. That cut-off point may be because the soil's moisture content has become too high or the intensity of the rainfall is greater than the infiltration rate. When panels are put on the field(s), the runoff will concentrate into the rows between the panels so the intensity will be greater on those more open areas and that cut-off point is likely to be lower. Rivulets could form but the main risk would be that the hill wouldn't hold as much water for the same time period as the original agricultural fields at this

location.

The proposed scale of development could potentially present risks of flooding on-site and/or elsewhere if surface water run-off is not effectively managed.

The proposed solar farm is over 1 hectare in size. In accordance with the National Planning Policy Framework, we would expect to see a Flood Risk Assessment (FRA) / Surface Water Drainage Assessment submitted to support the planning application. The proposed scale of development may present risks of flooding on-site and/or elsewhere if surface water run-off is not effectively managed.

The surface water assessment should identify the surface water regime for the site following the installation of the solar array. This should consider how the surface water will drain from the panels and any other impermeable surfacing or built development that is associated with the proposal. An assessment should be made as to whether there will be any increase in the resulting runoff rates or flood risk to or from the site. The FRA should then show how this will be managed to ensure that there is no increase in the flood risk both on the site and in the surrounding area.

Campaign for the
Protection of Rural
England (CPRE)

CPRE Bedfordshire favours Solar Energy in principle as the need for it arises from the Climate Change Act 2008. The Act acknowledges Carbon emissions from extant energy sources are a cause of climate change.

The Climate Change Act sets legally binding targets to reduce emissions by at least 80% from 1990 levels by 2050. We also support National and Local Government policy that influences the location of solar energy installations.

CPRE Bedfordshire believes the most suitable and, as yet, largely untapped location for solar technologies is on large-scale industrial and other buildings with major roof surfaces. Part 2 of the Government's UK Solar PV Strategy quantified part of this potential estimating there are currently 250,000 hectares of south-facing commercial roofs in the UK.

We have examined the planning application and **object** to the location of the solar farm on Land Adjacent to Chalgrave Manor for the following reasons:

1) All of the solar farm will be located in the Green Belt. Paragraph 91 of the National Planning Policy Framework (NPPF) explains;

'When located in the Green Belt elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to

demonstrate very special circumstances if projects are to proceed'.

According to the content of the planning application such very special circumstances for this solar farm at this particular location have not been demonstrated. We note there are other planning applications for solar farms in Central Bedfordshire that are not located in the Green Belt. In context of all these developments this solar farm will produce only a minimal environmental benefit normally associated with increased production of energy from renewable sources. We believe such a small benefit does not constitute the very special circumstances required to outweigh Green Belt loss or the solar farm's adverse visual impact on the landscape in the area.

2) All of the solar farm will be located on the Best and Most Versatile Land (BMVL) therefore its potential loss is at odds with Government's NPPF, its Solar PV policy, and Central Bedfordshire's emerging Solar Farm Development policy, all of which set out to protect BMVL.

Determining Issues

The main considerations of the application are;

1. Whether or not the proposed development is acceptable in principle having regard to its location within the Green Belt
2. Agricultural land quality and use
3. Impact on the character and appearance of the open countryside and adjoining scheduled monument
4. Impact on residential amenity
5. Impact on highway safety
6. Community Benefit
7. Other Matters

Considerations

1. Principle of the development

Green Belt considerations

The site is within the Green Belt and the proposal involves engineering operations which would result in a change of use in the land from agricultural to mixed agricultural/energy generation. The main issue therefore is whether or not the development constitutes inappropriate development in the Green Belt and if so, whether or not there are very special circumstances justifying approval of the scheme. National advice contained within the National Planning Policy Framework (NPPF) lists the developments that are not considered inappropriate in the Green Belt. Paragraph 90 of the NPPF states that other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. In this case, the development would result in loss of openness to the Green Belt (in the sense that land previously not occupied by a development would be occupied by the solar panels and other associated structures) and encroachment into the countryside. For these reasons, the

development would, by definition, be considered inappropriate in the Green Belt and as such, very special circumstances (VSCs) would need to be established to permit the development.

In an attempt to prove the existence of very special circumstances, the applicant has submitted the following information :

VSCs

- The development is estimated to produce sufficient power to satisfy the requirements of 5,945 average households with their total electricity needs and avoid approximately 9,215 tonnes of CO² emissions per year.
- The development would result in the restoration of the historic width of the Theedway Footpath.
- Improvement of the character and appearance of the open countryside through the restoration of broken hedgerow and new planting which would include an Oak Tree avenue along Footpath No. 27.
- Biodiversity promoted through wildflower margins and grassland (supported by NPPF paragraph 9, bullet point 2), burying of existing overhead powerlines in the southern part of the site (Shown on Drawing No. 1116[BD]002B) all of which would combine to enhance the character and appearance of the countryside.
- The development would promote agricultural diversification and long term regeneration of agricultural land.
- Improvement in highway safety at the site entrance where forward visibility is currently substandard and a hazard (as confirmed by a recent accident) and results of a Safety Audit.
- During its life, the development would contribute £23,000 per annum, secured through a Section 106 Agreement, to be paid into a Community Benefit Fund for use by the local communities of Chalton and Chalgrave to fund community projects.

Assessment of the very special circumstances case

In assessing the applicant's very special circumstances case, great weight is placed on the national advice within the NPPF. This national advice is quite clear that whilst many renewable energy projects will comprise inappropriate development in the Green Belt, very special circumstances in such cases may include the wider environmental benefits associated with increased production of energy from renewable sources,(paragraph 91). There is also strong support for renewable energy and the UK is committed to reducing CO₂ emissions. In this respect, the proposal has the 'in principle' support of the NPPF and Planning Practice Guidance (PPG). The UK Solar PV Roadmap of October 2013 and other government publications are material considerations which add weight to the case in favour of the proposal. The UK Renewable Energy Strategy (July 2009) sets a renewable energy target of 15% of total energy to be generated from renewable sources by 2020. In addition to this the Climate Change Act 2008 makes binding the need to cut UK greenhouse gas emissions by 80% by 2050.

In this respect, the Local Planning Authority (LPA) gives significant weight to the NPPF's presumption in favour of developments for renewable energy. This national advice states further that, in order ' to help increase the use and supply of renewable energy and low carbon energy, Local Planning Authorities should

recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources', (paragraph 97) and at Paragraph 98 it states that 'when determining planning applications, Local Planning Authorities should, ...approve the application if its impacts are (or can be made) acceptable.' (paragraph 98, Bullet point 2). This approach is followed in Policy 46 of the emerging Development Strategy for Central Bedfordshire (DSCB). Further guidance is provided in Planning Practice Guidance (PPG) of March 2014 which has replaced Planning Practice Guidance for Renewable and Low Carbon Energy (2013). The underlying theme is that renewable energy is to be welcomed if its impacts are acceptable, or can be made so. This is a consistent message of government guidance. To provide greater detail and further clarification CLG produced further guidance in the summer of 2013. With regards to solar farms this states that 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 be properly addressed within the landscape if planned sensitively.

Significant weight is given to the applicant's very special circumstances case in so far as the development would be consistent with the national target to reduce greenhouse gas emissions. Whilst the other benefits to be had from the development are acknowledged, they could easily be replicated in similar proposals elsewhere and as such are not given significant weight in their own right in the consideration of very special circumstances.

Given that there is strong support for renewable energy and the UK is committed to reducing CO₂ emissions, it is considered that in this case, the proposal has the 'in principle' support of the NPPF and PPG. The UK Solar PV Roadmap of October 2013 and other government publications are material considerations which add weight to the case in favour of the proposal. So too is the fact that the development is estimated to produce sufficient power for about 5,945 households and would reduce CO₂ emissions by an estimated 9,215 tonnes of CO₂ emissions per year. On balance, the Local Planning Authority considers that very special circumstances exist to outweigh harm by reason of inappropriateness and as such, the proposed development is supported subject to satisfactory mitigation of the harm by reason of loss of openness to the Green Belt, visual harm and encroachment onto the open countryside and any other harm as will be discussed in the following sections.

2. Agricultural land quality and use

National advice within the NPPF states that Local Planning Authorities (LPAs), should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of higher quality. (Paragraph 112). The Planning Practice Guidance follows this advice and states that the Agricultural Land Classification (ALC) system provides a method for assessing the quality of farmland and to enable informed choices about its future use and Natural England (NE) has a statutory duty to advise LPAs about land quality issues. In this case, NE has raised no objections to the proposed solar development. The British Research Establishment (BRE) National Solar Centre has published planning guidance for the development of large scale ground-mounted solar PV

systems and repeats the national advice that these developments should ideally use previously developed land, brownfield land, contaminated land, industrial land or lower quality agricultural land. This advice is echoed in the Council's document titled, 'Guidance Note 2: Solar Farm Developments' (Para. 4.1) which requires that developers of solar farms should in the first instance look to utilise previously developed land, brownfield or contaminated land, industrial land or land of agricultural classification 3b, 4 or 5.

However, the fact that land is of high quality need not be an overriding consideration. The BRE advises that where land classified as Subgrade 3a is proposed to be used, the proposal should provide, adequate justification, an assessment of the impact of the proposed development on the local area's supply of farming land within the same classification and if the proposed development site forms part of an existing farm, provide information on the viability of this farm to continue to function as an agricultural unit with the development in situ. The cumulative impact of the proposed development and other permitted large scale solar PV developments on the supply of agricultural land within the same classification across the local area should also be assessed.

In this case, the application is supported by an Agricultural and Soil Considerations report which states that Chalgrave Manor Farm comprises approximately 180 hectares of arable land within a rotation of wheat, barley and oilseed rape, together with an equestrian business run by family members. The arable land is managed on a contract farming agreement as it is not of sufficient size to sustain the range of machinery and labour required to farm it in its own right. The application site is predominantly Subgrade 3a (73%) agricultural land which is amongst the best and most versatile agricultural land. The rest of the site is classed into Subgrade 2 (11%) and Subgrade 3b(16%). The report goes on to provide detailed justification for the use of this Subgrade 3a land. It cites CBC's Guidance Note 2 on solar farms which identifies the western and south western parts of the District around Dunstable and Leighton Buzzard as containing lower quality land compared to the highest quality land which is concentrated in the central and north eastern parts of the District, eastwards from Ampthill to Sandy and Biggleswade. The report therefore concludes on this basis that the use of Subgrade 3a land in this instance would involve agricultural land that is typical of the quality of land in this locality and that is lower quality than elsewhere in the District.

The Report further describes the site as comprising an awkward area to farm with large, modern farm machinery used by agricultural contractors due to the presence of a large number of electricity pylons and poles within the fields. Parts of the field, estimated to be 3 hectares, have remained uncultivated due to difficulties of manoeuvring large farm vehicles and equipment in these areas.

With regards the continued viability of the farm, the Report notes that although the arable enterprise occupies most of the land on the holding, it contributes only 50% of the farm income, with the remainder being generated by equestrian and ancillary business. The remaining arable land would continue to be farmed and taking this site out of arable production would not have a significant effect on the continued ability to farm the remaining arable land. Whilst income from arable production would be foregone, this would represent a small proportion of the

overall farm income and would be more than compensated by income from the solar power generation and sheep rearing.

The Report therefore concludes that the proposal would diversify the sources of income for the farm, provide greater biodiversity on the farm and provide greater protection of the soil resource for a period of 25 years. Furthermore, national advice within the PPG makes it clear that LPAs need to take into account the fact that solar farms comprise temporary structures and as such, planning conditions can be attached to ensure that the installations are removed when no longer in use and the land restored to its previous use.

The conclusions of the Agricultural and Soil Considerations report are considered acceptable and as such, the proposed development would not be, in this respect, in conflict with Policy NE10 of South Bedfordshire Local Plan Policy Review (SBLPR), Policies 46 and 50 of the DSCB, the CBC Solar Guidance Note 2 and national advice within the NPPF and PPG.

3. Impact on the character and appearance of the open countryside, including biodiversity and heritage assets

Policy BE8 requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. The setting of any development should be carefully considered, whether in the countryside or built-up area and attention should be paid to its impact on public views into, over and out of the site to ensure that those views should not be harmed, and opportunities should be taken to enhance them or open up new views. This criterion is echoed in Policies 43 & 45 of the emerging Development Strategy for Central Bedfordshire (D.S.C.B).

The application is supported by a Landscape Character and Visual Impact Assessment (LCVIA) which concludes that any visual impact of the development on the landscape could be sufficiently mitigated and since the submission of the application, further information has been submitted to demonstrate how this could be achieved. Furthermore, the layout plan has been amended to ensure that no solar panels would be installed to the west of the field margin adjacent to the western boundary of the site as shown on Drawing Number TDA/2009/02 Revision F. The solar panels would be located in a bowl and the site is enclosed by hedgerows and trees. A Landscape Management Strategy submitted with the application recommends additional planting which comprises new hedgerows, wildflower corridors, native woodlands, a common Oak Tree avenue along Foot Path 27 and native trees. The existing arable fields would be seeded with a suitable meadow grass mix for sheep grazing and these recommendations would be secured by planning conditions. Furthermore, the proposed development has been designed to avoid potential conflict with existing trees and solar panels would be located away from trees and outside root protection areas. It is therefore considered that with planning conditions, the development is capable of offering adequate mitigation to visual harm to the open countryside. Furthermore, the existing 33/66kv overhead power lines crossing the site (supported on timber poles) would be relocated underground as shown on Drawing No. 1116[BD]002B and no new additional overhead lines/poles are proposed which would assist to enhance the appearance of the countryside.

Ecology

The Extended Phase 1 Habitat Survey by Acer Ecology dated November 2013 notes that the majority of the site comprises arable fields with limited ecological interest and as such represents the most suitable area to support the proposed development. It is further noted that the solar panels would potentially provide cover for other species of wildlife and grazing by sheep which is likely to result in biodiversity enhancement of the site. Grazing over the wider area of the site would increase the amount of animal dung produced leading to an increase in the invertebrate numbers benefiting birds. It is also considered possible that the solar farm would produce other new opportunities for wildlife and the residual heat from the panels would attract night time flying insects and in consequence, foraging bats could benefit from this new potential food source. The development might require the loss or breaching of a significant number of hedgerows and mature trees which form the perimeter of the site. Whilst the loss of these hedgerows would only be of local significance, appropriate mitigation measures would need to be put in place as summarised in Section 7.0 of the Report and these would be secured by a planning condition. It is therefore considered that with adequate mitigation measures, the impact of the development on biodiversity would not be detrimental.

The Survey also concludes that there are no statutory sites or non-statutory designated sites immediately on or adjacent to the application site and hence it is considered that the likelihood of adverse impacts from the development of the site is negligible. The nearest Nature Conservation Site is the Fancott Wood and Meadows Site of Special Scientific Interest (SSSI) which lies approximately 1 Kilometre to the west of the site. This SSSI is designated for its species rich unimproved neutral grassland that is traditionally managed for hay and grazing. The Council's Ecologist and Natural England are both in agreement that the SSSI would not be harmed by the proposed development.

Archaeological remains

With regards the impact of the development on potential archaeological remains on the site and existing heritage assets, the Council's Archaeologist states that the proposed development would have an impact on the settings of two Scheduled Monuments (Conger Hill Motte and Bailey Castle and Chalgrave Manor fishponds) and cause some harm to the significance of the designated heritage assets. However, this would not amount to substantial harm. Whilst the proposed development would have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest, this does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. The necessary measures could be secured by a planning condition.

Whilst acknowledging that the development would impact negatively on the character and appearance of the open countryside and the setting of heritage assets, it is considered that the proposed mitigation measures which can be secured by planning conditions would be acceptable in this case.

4. Impact on residential amenity

It is not considered that the development would have an adverse impact on

residential amenity given that it would be set a considerable distance from residential properties. Any noise data for the operational phase of the development (from transformers/electrical inverters and other associated equipment) would need to be submitted. It is expected that any potential detriment to residential amenity through glint and glare off the PV panels would be addressed through the landscape and visual assessment. Furthermore, during the construction phase there could be dust, noise from vehicle movements etc and there could also be some noisy operations. A planning condition will require the submission of a Construction Traffic Management Plan to consider this aspect in more detail and the recommendations in this document would be implemented once agreed in writing by the Local Planning Authority.

Due to the lie of the land and the distance between the nearest houses and the solar farm, estimated to be 600 metres, only a few dwellings, mainly on Chalton Heights, would be able to view the solar arrays. Furthermore, the dwellings concerned are screened by mature vegetation such that the probability of glare or glint being a significant factor in any impact on the dwellings is slight or non-existent. It is also a well accepted tenet of planning that there is no right to a view, and the simple fact of being able to see something which is objectionable to a viewer located on private land does not mean that permission should be withheld.

Noise

Outside the construction period, there would be three potential noise sources:

- Inverters
- Inverter/transformer stations
- substation

The dB rating stated in the manufacturers literature attached is 50dB measured at 1m. In this case, the inverters would be located at least 10m from the boundary. The dB rating of the inverter is less than the dB rating for normal conversation (typically between 60-65dB). The background noise from Luton Road and the M1 mean that it is likely that the inverters would be inaudible.

Taking these factors into account and given the distance between the proposed installation and residential properties, it is considered that noise would not be discernible during the operational phase and as such, the proposed development would not be harmful to residential amenity.

Glint and glare

A glint and glare report was submitted with the application and detailed assessments carried out from different viewpoints identified in the LVIA. Principally, the report notes that only the village of Chalton and a few isolated dwellings in the vicinity of the solar farm would likely have any views of the solar panels. Existing and proposed hedges would greatly reduce the visibility of solar panels and hence any solar reflections from these dwellings. Any solar reflections on these dwellings is assessed as negligible. Furthermore, it should be noted that solar panels are very dark in colour, much darker than normal glass as they are designed to absorb light to convert it to energy rather than reflect it. The report therefore concludes that any solar reflections would be significantly dimmer than from other common sources of such reflections and insignificant compared to the brightness of the sun.

Taking these factors into account including any mitigation measures that could be secured by appropriate conditions, it is considered that the proposed development would not be unacceptably harmful to the living conditions of the local residents and users of the adjoining footpaths.

5. Impact on highway safety

The Construction Traffic Management Plan(CTMP) submitted with the application states that the delivery of equipment and materials to the site would be made by heavy goods vehicles (HGVs) and would be concentrated over a period of 20 weeks. Around 10 deliveries per day would be made in 5 to 12 weeks, reducing to around 4 per day in Weeks 13 to 17. HGVs would leave the M1 Motorway at Junction 12 on route A5120 towards Dunstable and turn onto the B530 to Chalton at the signalised junction. It is proposed that delivery vehicles would be restricted to entering and leaving the site between the hours of 9.30 am and 4.30pm to avoid disrupting peak traffic hours on the local highway network. When the proposed development is operational, service vehicles would visit the site on average twice per month.

It is proposed to access the site from the B579 next to an existing field gate. However, the results of a Stage 1 Safety Audit have confirmed that the proposed access would pose a danger to users of the highway at this point due to poor visibility. It is therefore considered appropriate to attach grampian type conditions to the planning permission requiring the details of access to be agreed before development commences. Notwithstanding the Construction Traffic Management Plan (CTMP) submitted with the application, it would be appropriate to attach a further condition requiring the submission of a revised CTMP to specifically address the highway safety issues at the site entrance.

6. Community Benefit

Policy 46 of the DSCB supported by CBC's Renewable Energy Guidance states, among other things that all developers of renewable schemes are required to engage with all affected stakeholders, including local communities, at the earliest stage in order to proactively mitigate impacts and provide adequate compensation and benefits. In this respect, the applicant has agreed to sign a Section 106 Agreement consenting to contribute a sum of £1,000 per MW of installed capacity (£23,000 per annum) for a 25 year period. Given the scale of the development and its impact on the open countryside, it is considered that the contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly, proportionate and reasonably related in scale and kind to the development. (NPPF paragraph 204). The Local Planning Authority considers that there is a reasonable expectation from those communities directly affected by a development to be fairly compensated and this has been the consistent message from the relevant Parish Councils and residents through the community engagement process and the consultation responses. The NPPF suggests that community engagement is a material planning consideration and as such, the requirement for compensation and benefits from the proposed development is justified.

7. Other Matters

Third Party representations

These can be grouped into four categories as follows :

- Objections on matters of principle on the basis that the development would be inappropriate in the Green Belt and that preference should be given to brownfield sites.
- Visual harm to the open countryside.
- Additional harm due to cumulation of developments.
- Highway safety hazard at the site entrance.

It is considered that these matters have been adequately addressed in the relevant sections above. However, the applicant has submitted detailed responses considered below :

Agent's response to consultation feedback

Following comments from the Rights of Way Officer, the agent responded as follows :

- Amendment to the Landscape Strategy Plan Drwg No. TDA/2009/02 (B) produced by Tirlun Design Associates (TDA).
- In accordance with the comments from the Council's Rights of Way Officer, the route of the existing Right of Way along the Northern boundary (FP26) has now been shown correctly on the South side of the hedge. One side of the Right of Way is formed by the existing hedgerow and the other side would be formed by 2m high deer mesh fencing. There would be 5m between the hedge and the deer mesh fence so that walkers would not feel enclosed. Walkers would be able to see through the deer mesh to the arrays. Educational interpretation boards would be provided on the rights of way to give information about the benefits of solar energy generation.
- With regard to the proposed native woodland planting adjacent to the existing right of way to the South of the site this has been set back to ensure the historic width is not obstructed.
- In accordance with the Chalgrave and Chalton Local Green Infrastructure Plan the area of land closest to Luton Road at the North East corner above the site is shown as biodiversity grass land. Final details for this to be agreed.
- With regard to educational interpretation/information boards suggested locations for these are shown on the plan in positions that can be read by users of the existing Rights of Way.
- Further to the comments from the Council's Landscape Officer, the Poplar tree avenue has been changed to Oak trees as requested.
- As discussed at our site meeting in October, the hedgerow adjacent FP16 would screen views into the site from Chalton Heights. The distance between the rear garden boundary of the residential properties in the cul-de-sac at Chalton Heights and the South eastern corner of the application site is approximately 600 metres. With regards views from Crowbush Farm, this property is about 0.6 mile away from the site. Chalgrave Manor and the existing woodland, including Warrenmore Spinney, adequately screen the site from this long distance viewpoint. It was also agreed during the site

meeting that the site is well screened from key receptor points to the east at the All Saints Church, Chalgrave and footpath adjacent to White Hart Farm identified in the LCVIA.

- The proposed development would only be seen from parts of the surrounding areas due to the existing undulating topography of the site and the surrounding landscape.
- With regards the objections from Chalton Heights, it was noted during a site visit that a number of properties have existing trees and hedges in their rear gardens and there is also a well established woodland abutting the northern side of Chalton Heights and as a consequence, views into the site are limited. the existing topography of the fields between Chalton Heights and the application site restricts views. the land slopes up from the site towards Theedway and this natural ridgeline bows out and blocks the view of the eastern part of the site from properties in Chalton Heights.
- Comments relating to obstruction to drivers are ill-founded and unsupported. A Glint and Glare assessment has been provided which concludes that the effect would be nil to negligible.
- Council policy does not oppose the principle of renewable energy development in the open countryside and the acceptability of such schemes should be assessed against the measure of avoiding significant or unacceptable harm to the character or visual quality of the landscape or the setting of important features.
- The existing field patterns and boundary hedges would be maintained and screening of the site would be improved.
- The development would not be a permanent scar on the landscape as it is temporary for 25 years and any effects completely reversible.

Community Engagement

An extensive public consultation exercise was undertaken on the 16th September 2014 and a total of 41 people managed to visit the site.(Details are contained in a letter to the Council dated 19 September 2014).

Amended Site Plan following comments received, public consultation feedback and site meeting

- Plan shows the arrays to the Western part of the site removed. There would be no PV panels on this area of land and the land would remain in arable use. The area of land where the panels are removed is 3.9 acres. This would reduce the scale of the development. The removal of the arrays on the western part of the site means the proposals would be contained within the historic field boundary lines. Additional hedge planting is proposed to reinforce the existing hedge line as indicated on the amended plan.
- Any gaps in the existing hedge forming the eastern boundary of the site would be replanted and reinforced and this has been annotated on the amended plan.
- With regard to the queries relating to the method of connection to the electricity network we confirm there will be no additional overhead lines. Two small cabins are required to contain the connection switchgear. The cabins are made from GRP and will be coloured RAL 6005 Moss Green the same colour as the inverters. The location for the connection cabins is indicated on

the amended plan.

- Number of arrays reduced from circa 98,440 panels to circa 92,240 panels.
- Area of land where the panels are removed is 3.9 hectares (9.6 acres)
- Total max output based on circa 92,240 panels = 23MW

Response to the Parish Council Objections by the applicant's Landscape Architects, Tirlun Design Associates

I have reviewed the South Bedfordshire Landscape Classification Map included within Appendix 1 of our Landscape Character & Visual Impact Assessment again and can confirm that the site is indeed located within area 5B – Barton-le-Clay Vales.

As can be seen in Appendix 2 of our document the overall Landscape Strategy for this area is to enhance:

‘.....the condition of the landscape by restoring and repairing elements that have been lost or degraded (such as the hedgerow network).....’

Furthermore it states that:

‘.....there is scope for introducing new landscape elements such as woodland creation particularly aligning the main transport corridors.....’

- The development of the site facilitates the opportunity to implement some of these recommendations, including the reinstatement of historical hedgerows and the planting of a significant number of trees. In line with the philosophy of the landscape strategy for this area it is considered that these proposals would ***‘significantly strengthen the character of the vale’*** in the long term.

Please note that paragraph 6.11 of our LC&VIA states that:

‘.....it noted that the solar development (once decommissioned) can be easily removed and, by retaining proposed woodland, tree and hedgerow planting post development, provides the opportunity to improve the landscape character of the site in accordance with landscape management guidelines set out within the landscape assessment for the ‘5B – Barton-le-Clay Clay Vales’ Landscape Character Type in the medium to long term.’

- As you are aware the LC&VIA for the site was undertaken in accordance with the ‘Guidelines for Landscape and Visual Impact Assessment (3rd Edition)’ produced by The Landscape Institute and Institute of Environmental Management & Assessment (2013) and The Landscape Institute’s Advice Note 01/11 ‘Photography and photomontage in landscape and visual impact assessment’. The LC&VIA is intended to provide an overall review of the landscape and visual impacts of the solar farm and I object to any implication that it has been produced incorrectly or to mislead the local authority.
- As can be seen from our Desktop Research, Zone of Theoretical Visibility & Location of Photo Viewpoints drawing located within the Plans section of the LC&VIA the viewpoints are taken from areas accessible to the general public from a variety of locations and distances from the site.

- I consider the document to be both a professional and thorough evaluation of the landscape and visual impacts of the solar farm.
- With regards to the photographs taken by the Parish Council, these have not been taken in accordance with The Landscape Institute's Advice Note 01/11 'Photography and photomontage in landscape and visual impact assessment'. It is clear that they have not been taken with the correct camera settings (50 mm lens) and do not accurately reflect views available to the naked eye. Neither do they look at the site in its landscape context and are intended to exaggerate the visual impact of the solar farm. In addition it should be noted that they are often taken from locations not available to the general public.
- With this in mind I would also like to comment on each of the photographs in turn as the extent of the solar farm within these photographs is also incorrectly illustrated:

Photograph 1: The western periphery of the solar farm has now been restricted to the hedgerow line and it does not extend up to the adjacent western slope as illustrated by this photograph. The impact of the solar farm is therefore exaggerated and not seen in the wider landscape context. In any case this viewpoint has been included within the LC&VIA and the impacts of the solar farm reviewed and analysed.

Photograph 2: Whilst the location and extent of the solar farm are accurate it should be noted that the scheme now incorporates significant tree planting to the site's eastern boundary. Furthermore, the hedgerow along this boundary is to be in-filled as necessary and allowed to grow to 3.5 metres in height. It is therefore considered that the landscape mitigation measures would screen the solar farm from this location.

Photograph 3: The impact of the solar farm is exaggerated and not seen in the wider landscape context.

Photograph 4: The extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated. Indeed, its southern periphery will only be slightly visible above the trees in the middle ground.

Photograph 5: Again the extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated.

Photograph 6: As per photographs 4 & 5 the extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated. Furthermore, it should be noted that the northern periphery of the solar farm will incorporate new hedgerow and tree planting which will screen the visual impact of the development from this location.

Photograph 7: As per photographs 4, 5 & 6 the extent of the solar farm as

indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up to the southerly slope as illustrated.

Photograph 8: As per photographs 4, 5, 6 & 7, the extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated. Furthermore, the hedgerow along the western boundary is to be in-filled as necessary and allowed to grow to 3.5 metres in height. It is considered that the landscape mitigation measures would therefore screen the visual impact of the development from this location.

As a consequence of the above I do not consider the objections raised by the Parish Council to be accurate or a fair representation of the landscape character and visual impacts of the development.

The LC&VIA is a thorough and unbiased review of the landscape and visual impacts of the scheme and should therefore be considered as an accurate review of these impacts which are considered to be acceptable.

Please also note that we have worked very closely with the Landscape and Ecological officers within Central Bedfordshire post the production of the LC&VIA to minimise the short term landscape impacts of the scheme and to enhance the landscape structure of the site in perpetuity.

Cumulative impact

I have now had an opportunity to consider the cumulative impact of the above scheme with various developments and can confirm the following:

Renewable Developments

As indicated within paragraphs 4.22 and 4.23 of our Landscape Character & Visual Impact Assessment (LC&VIA) for the development:

'Due to the screening provided by the elevated and undulating topography of the immediate surrounding landscape, which restricts the visual envelope and influence of the site, it is not considered that the proposed solar development at Chalgrave Manor Farm will be seen in combination with any other similar development in the area.'

Consequently, as the site will be visible in isolation only, it is considered that the development will not result in a cumulative visual impact with any other schemes when viewing the site from surrounding publicly accessible areas.'

In addition to the above, whilst previous landscape character & visual impact assessments of solar farms have been limited to the cumulative impacts of such schemes with other constructed renewable projects or those at a similar planning application stage only, I have also considered the likely cumulative impacts of the proposed solar farm at Chalgrave with the proposed future Sundon Rail Freight Interchange and the proposed future Houghton Regis Housing Development and M1 road link

Sundon Rail Freight Interchange

The proposed interchange site is located in a relatively low lying location adjacent to and to the east of the M1. In addition to intervening topography and vegetation, the existing Sundon Substation and Water Treatment Works located to the east of the Chalgrave Manor site provide a visual break between the interchange site and the proposed solar farm.

In addition to the above and in relation to the interchange site, it should be noted that Central Bedfordshire Council's new development strategy confirms that:

'The design, scale and height of the buildings will respect the topography especially to the south of the site, and will seek to minimise the intrusiveness of the development on the Chilterns AONB. Landscaping will be used to enhance the environment of the RFI and be sensitive due to its close proximity to the adjoining CWS and SSSI. Landscaping will also be used to mitigate potential visual and noise impacts and improve the local wildlife habitats creating linkages with the adjoining CWS and SSSI.'

As a consequence it is considered that any cumulative impact between the future interchange and the proposed solar farm is likely to be limited.

It is important to note that should the proposed solar farm be approved and subsequently implemented, any future development at the interchange will need to consider its cumulative visual impact with the solar farm. This will need to be considered at planning application stage and any necessary landscape proposals incorporated so that any identified cumulative impacts can be adequately mitigated.

Houghton Regis Housing Development & M1 road link

The proposed M1 link road and the land allocated for housing to the north of Houghton Regis are located to the south of the proposed solar farm site below the natural ridge between Lords Hill and Chalton. This ridge, which incorporates The Chiltern Way (Theedway) is clearly illustrated by Photo Viewpoint 7 within our Landscape Character & Visual Impact Assessment (LC&VIA), provides a visual barrier between the two developments.

As a consequence cumulative views of the proposed solar farm, the proposed future M1 link road and the land allocated for housing would be limited to those located on this ridge and to people walking along the public footpath.

However, it should be noted that distant views available from the ridge are extensive and will largely remain intact. Indeed, the future link road and housing development are likely to appear as a small extension to Houghton Regis, thus reducing their visual impact.

As a consequence it is considered that any limited cumulative visual impacts are likely to be acceptable as the landscape character of the area would remain unaltered.

Grid Connection

A grid connection offer has already been made by Eastern Power Networks PLC. Furthermore there is an existing overhead line that heads towards Sundon Substation that will be used to connect the solar farm into the grid (with upgraded cable if necessary).

Human Rights issues

The application raises significant human rights issues as reflected by the objectors's comments. However, as discussed above, the matters raised could be sufficiently mitigated by planning conditions. It is therefore considered that a decision to withhold planning permission under the circumstances would materially infringe the applicant's human rights.

Equality Act 2010

The application raises no issues regarding equality.

Recommendation

That subject to the referral of the application to the Secretary of State as a Departure from Green Belt policy and to the completion of a section 106 Agreement requiring the provision of community benefit, that Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall endure for a period of 25 years from the date when electricity is first generated by the Solar Farm (the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event. Within 6 months, following the completion of the 25 year period, or the cessation of their use for electricity generating purposes, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the site and the land restored to agricultural use or to a condition to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is decommissioned and the land returned to its original use prior to the development in the interest of preserving versatile agricultural land and to preserve the openness of the Green Belt and countryside.

(Policies BE8 & N10, S.B.L.P.R and 36,43 & 50, DSCB).

- 3 **No development shall take place until full details of soft landscape have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include: plans for establishing hedgerows, understorey vegetation and trees around the perimeter of the site; written specifications (including cultivation and other operations associated with tree and plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme.**

**Reason: To ensure a satisfactory level of planting around the site in the interest of visual amenity
(Policies BE8, SBLPR and 43 & 58, DSCB)**

- 4 If within a period of 5 years from the date of the planting of any tree or hedgerow, that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To ensure a satisfactory level of landscaping in the interest of preserving the character and visual appearance of the open countryside.
(Policies BE8, SBLPR and 43,50 & 58, DSCB)

- 5 **Prior to or within one month of their installation, the transformer enclosures, grid connection building, CCTV support posts and deer fencing shall be finished in a dark green colour or any colour agreed in writing by the Local Planning Authority upon submission of appropriate details and shall be permanently retained as such thereafter.**

**Reason: To preserve the visual amenity of the Green Belt and open countryside.
(Policies BE8, SBLPR and 36,43,and 50, DSCB)**

- 6 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the character of the open countryside
(Policies BE8, S.B.L.P.R and 43 & 50 DSCB).

- 7 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason : To protect residential amenity
(Policies BE8, SBLPR and 43, DSCB)

- 8 The solar panels and associated framework shall not exceed 2.5m in height above ground level unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenity of neighbouring property occupiers, the Green Belt and open countryside .
(Policies BE8, S.B.L.P.R and 36,43 & 50).

- 9 The development hereby approved shall be completed in accordance with the recommendations in Section 7.0 of the Extended Phase 1 Habitat Survey by Acer Ecology dated November 2013. The measures shall be implemented in full throughout the life of the development, and no variations shall be permitted other than with specific written consent from the Local Planning Authority.

Reason: To ensure the development hereby approved supports biodiversity.
(Policies 43 and 57 DSCB)

- 10 The Environmental Management Plan prepared by TDA, Environment, Landscape, Design and dated October 2014 shall be implemented in full accordance with the details therein.

Reason: To ensure that the development preserves the character and visual appearance of the open countryside and provide adequate screening for the development.
(Policies BE8, SBLPR and 43,50 & 57, DSCB)

- 11 The poles to accommodate the CCTV cameras shall not exceed 2.5m above ground level. No development shall take place until details of the siting, direction and orientation, camera specifications and fields of vision have been submitted to and approved in writing by the Local Planning Authority. The CCTV cameras shall be installed in accordance with the approved details, and retained in accordance with those details thereafter.**

**Reason: To preserve the character and visual appearance of the open countryside and to protect the privacy of users of the adjoining footpaths.
(Policies BE8, SBLPR and 43 & 50, DSCB)**

- 12 Notwithstanding the details submitted with the application, no part of the development hereby approved shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990) until highway/access improvement works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure safe ingress and egress of the site and to minimise obstruction and inconvenience to users of the adjoining highway.
(Policies BE8, S.B.L.P.R and 24 & 43, D.S.C.B)**

- 13 Development shall not commence until a scheme detailing access**

provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

(Policies BE8, S.B.L.P.R and 43, D.S.C.B)

- 14 **Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

(Policies BE8, S.B.L.P.R and 43, D.S.C.B)

- 15 **Development shall not commence until details of a Construction Traffic Management Plan have been approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.**

Reason: To ensure safe ingress and egress of the site and to minimise obstruction and inconvenience to users of the adjoining highway.

(Policies BE8, S.B.L.P.R and 24 & 43, D.S.C.B)

- 16 **No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

(Policy 49, DSCB)

- 17 **No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: To record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the National Planning Policy Framework and to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the

**archaeological resource which takes place as a result of the development is appropriately mitigated.
(Policies 43 & 45 DSCB)**

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1116[BD]001A, 1116[BD]002A, 1116[BD]003A, 1116[BD]004A, 1116[BD]005A, 1116[BD]006A, 1116[BD]007B, 1116[BD]008, 0216-01, 1116[BD]009, 0216-01, TDA/2009/02 Rev. E, CBC/01 and CBC/02.

Reason: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the

Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

- 6. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

- 7. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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