

Item No. 16

APPLICATION NUMBER	CB/14/03419/FULL
LOCATION	Land North of Clayhill Farm, Greenfield Road, Westoning
PROPOSAL	Proposed 21MW solar photovoltaic (PV) installation
PARISH	Flitton/Greenfield
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Lisa Newlands
DATE REGISTERED	01 September 2014
EXPIRY DATE	01 December 2014
APPLICANT	Axiom Solar Limited
AGENT	Berrys
REASON FOR COMMITTEE TO DETERMINE	Departure
RECOMMENDED DECISION	Full Application - Granted

Summary of Representations

The proposed development is within the Green Belt and is considered to be inappropriate development, however, it is considered that very special circumstances exist that would outweigh the harm to the Green Belt. The site is well screened and with supplementary planting and the proposed mitigation measures would not have a detrimental impact on the character and appearance of the surrounding area. The proposed development would provide sufficient energy for some 5,800 homes. The proposal is considered to be acceptable in principle and would not have a detrimental impact on the residential amenity of any neighbouring residential properties. The proposal is therefore in conformity with the National Planning Policy Framework (2012), Policies CS13, CS14, CS16, CS18, DM1, DM3, DM4, DM14 and DM15 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

Site Location:

The application site is located to the north of Clayhill Farm, which is an agricultural holding sited to the north east of Westoning and to the south east of Flitwick. The site lies to the east of Westoning Road. Access to the site is taken from Westoning Road.

The surrounding area comprises predominantly arable and pasture land, with the village of Westoning lying approximately 500m to the south-west.

The site lies within the South Bedfordshire Green Belt. There are no residential properties or farm buildings within the site boundary, however, Clayhill Farm and the associated buildings lie immediately to the south. The closest residential properties are those lining Greenfield Road on the edge of Westoning, beyond the railway line

to the south west of the site. The wider settlement pattern comprises dispersed farms and dwellings.

The Application:

Planning permission is sought for a solar photovoltaic array with the generating capacity of approximately 21MW on some 36.2 hectares of land. The site benefits from an on-site 33kV electrical connection, with two lines of this capacity crossing the site.

The scheme would provide sufficient electricity to supply over 5,800 houses. It would consist of rows of south facing ground mounted solar panel arrays. The panels at their lowest point will be set some 0.5m above ground level, increasing to a height of some 1.6m.

The site will also contain 13 PV inverter substations, a primary substation and transformer at the point of grid connection.

A 2m high security fencing system will form the perimeter of the site.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance: Renewable and low carbon energy (2014)

UK Solar PV Strategy Part 1 and Part 2 (April 2014)

National Policy Statements for Energy EN-1 and EN-3 (2009)

The UK Renewable Energy Strategy (2009)

The UK Low Carbon Transition Plan (2009)

Core Strategy and Development Management Policies - North 2009

DM1 Renewable Energy

DM3 High Quality Development

DM4 Development Within & Beyond Settlement Envelopes

DM14 Landscape and Woodland

DM15 Biodiversity

CS13 Climate Change

CS14 High Quality Development

CS16 Landscape and Woodland

CS18 Biodiversity and Geological Conservation

The Emerging Central Bedfordshire Development Strategy (June 2014)

Policy 1 Presumption in favour of Development

Policy 36 Development in the Green Belt

Policy 43 High Quality Development

Policy 46 Renewable and low carbon energy development

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central

Bedfordshire, which is consistent with the NPPF. The Development Strategy was submitted to the Secretary of State in October 2014.

Supplementary Planning Guidance

Design in Central Bedfordshire: A guide for development (2014)
Mid Beds Landscape Character Assessment (2007)
Solar Farm Developments in Central Bedfordshire: Guidance Note 2

Separate Guidance

BRE Planning Guidance for the development of Large Scale Ground Mounted Solar PV Systems (2013)

Planning History

Application:	Planning	Number:	CB/13/02899/SCN
Validated:	15/08/2013	Type:	EIA - Screening Opinion
Status:	Decided	Date:	04/09/2013
Summary:		Decision:	Pre-application Advice Released
Description:	EIA Screening Opinion: Proposed solar PV array		

Representations: (Parish & Neighbours)

Parish/Town Council	Westoning Parish Council - No objection Flitton and Greenfield Parish Council - No objection Pulloxhill Parish Council - No objection
Neighbours	1 objection on the grounds that the proposal will be to the detriment of the environment, the wildlife and the people who live in the village.
Site Notices & Advertised	

Consultations/Publicity responses

Highways	No objection subject to conditions. The indicated passing space is minimal for the length of the vehicle shown using the site and is located close to the junction that it may be a problem for a vehicle entering the site to avoid any vehicle waiting to leave the site. The size of the passing bay and extent of vehicles entering the site can be ascertained by a tracking diagram which I have asked for via a condition. An additional passing bay should be provided about 240.0m along the track to allow for an additional passing space due to the length of the track, again this is something that can be dealt with by a condition. Visibility from the access is acceptable and it appears that no temporary access is being pursued only
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Strategic
Officer

Landscape

temporary alterations to the existing access.

I do not object to the principle of development as per this planning application I do maintain concerns regarding visual impact from more elevated views from the south looking north / north west especially from the public footpath adjacent to the White House (Viewpoint 1) and from the John Bunyan Trail (Viewpoint 2). Views from the public footpath access at Clayhill Farm track and Westoning Road (Viewpoint 4) will also undergo significant changes given the proximity to the proposed arrays. The scale of effect of change on these views is assessed in the LVIA.

The planning application provides text describing proposed landscape mitigation (new lengths of hedgerows and gapping up existing) but this is not supported by visual evidence / views describing development with landscape mitigation - or lapse in time before planting matures to form effective screening.

The proposed mitigation is based on deciduous hedgerows - which is appropriate in terms of landscape character - but the change in views in winter time due to loss of foliage needs to be considered.

I am concerned that the proposed hedgerow planting / gapping up will not adequately mitigate views 1 and 2. It may be necessary to consider additional woodland belt planting especially to the south / south eastern field boundaries

- Therefore further visual information is required, as photomontages, describing development and proposed mitigation at Yr 1, Yr 5 and Yr 10 for Views 1 , 2 and 4 - during summer and winter time.

The Planning & Environmental Statement describes hedgerows as being 'allowed to grow to 3m high - where this is compatible the operation of the solar farm' (5.1 pg 29). This raises concern that portions of hedgerow mitigation will be managed at a lower height which may impact on mitigation of views.

- Solar arrays must be arranged to avoid shading of hedgerows at 3m - not hedgerows maintained at a reduced height which could impact on mitigation capacity and character of planting.

The application refers to a number of structures including transformers and inverters of up to 4m x 13m x 3.6m high.

I would be grateful if location of such structures could be confirmed on plan (I couldn't clearly identify looking at plans). Also details on finishes in terms of materials and

colours and how these relate / integrate within local landscape character would be appreciated.

Additional information was submitted in response to the concerns/ comments raised by the Landscape Officer. The additional information is considered acceptable. Further detail has been requested in terms of the planting plan. Details will be requested as a condition, unless agreed prior to Committee in which case Members will be updated via the Late Sheet.

Sustainability Officer

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 (available at:

<http://www.centralbedfordshire.gov.uk/planning/strategic-planning/renewable-energy.aspx>)

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. I have however highlighted key elements below.

Agricultural land quality: The detailed study provided by the applicant classifies the area of the proposed development as being split between grades 3a and 3b. For grades 3a we would seek further justification (see P9 of the Solar Farm guidance) as well as details of how complimentary use of the land for agriculture (grazing of sheep) and habitat creation will happen alongside the Solar Farm.

Landscape: The site does not fall within an area highlighted as having low landscape sensitivity to solar development. Whilst this in itself does not make the proposal unacceptable, additional consideration will need to be given to mitigation of landscape impacts. 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: The study provided concludes that there

will be no significant impact on road users, train drivers and railway signals. However if this is not the case suitable mitigation is proposed. This should be assessed and put in place via a planning condition if this is the most appropriate route.

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: The developer is currently in negotiation with the surrounding Parish Council's regarding a community benefits payment. Whilst this has yet to be agreed, typically I would expect this sum to be equivalent in total to £1,000 per MW of installed capacity per year, so in this case £21,000 per year.

Weight to 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: I have reviewed the papers and evidence provided:

- 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 proposed development is supported by the Councils policies: CS13 on Climate Change as it would contribute to reducing carbon emissions and DM1 on Renewable Energy which encourages renewable energy developments.

- 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 the Landscape Officers comments regarding landscape impact and mitigation.

In summary, the development contributes to decarbonisation of electricity production I have no objections to planning permission being granted. 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.

Regarding 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.

Tree and Landscape
Officer

Proposal is for a solar photovoltaic installation located on existing arable land.

Looking at the Planning and Environmental Statement it would appear that there have been extensive wide ranging discussions on this sites location and layout which has included addressing issues of visibility by removing and moving areas visible from sensitive viewpoints and reducing the angle and height of the panels.

To mitigate issues of views of the site it is proposed that all the existing boundary and internal hedges will be retained and maintained at 3 metres in height. Gaps in existing hedgelines will be filled with additional native hedge planting. Additional hedgelines are to be planted within the site and on the boundaries also to reduce issues of views of the installation. The mix of planting proposed is acceptable.

The site will be maintained through the use of sheep, I would assume that all the panels are suitably constructed to remain undamaged by the sheep who will inevitably use the panels as areas of shelter and rubbing posts.

Proposal would seem to be acceptable.

Ecology Officer

Having looked at the submitted documents I am satisfied that the proposed solar array would not impact on protected species. All hedgerows and trees are to be retained and I approve of the gapping up of hedgerows

with a native species rich mix.

Field margins are to be retained and security fencing will be erected within this. 5.3 of the Ecological Appraisal states that fencing should allow for the movement of wildlife further details of this should be provided. One mammal hole was found on the site though it was not confirmed if this could be attributed to badger or not. Given the desire for security fencing one would assume that this would prevent human access therefore for the fencing to allow passage of wildlife up to the size of badgers there could be security implications. A clear mammal path was identified to the east of the site so the applicant may wish to use two-way badger gates as an alternative.

Page 15 of the Design and Access statement indicates that biodiversity enhancements will be integrated into the proposal with sheep grazing between the panels. If consideration is to be given to grazing then I understand it may be necessary to ensure the panels are erected in such a way so as to allow for this, equally if a hay cut is to be relied upon further consideration will be needed to ensure adequate space for machinery access to allow a baler through between rows. Pulloxhill Marsh SSSI is within 500m of the site and is designated for its lowland meadow habitat so complimenting this nearby feature could be beneficial through wildflower meadows creation. Details of how the site is to be managed are not evident, 5.30 of the Ecological Appraisal recommends that and overall Ecological Mitigation Strategy is produced. I would like to see this 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.

IDB	No comment to make
Network Rail	No comments received
Natural England	No objection
National Grid	No objection
Rights of Way Officer	No objection - agreed diversion of footpath and improvement with the applicant. Condition requiring
Chilterns Conservation Board	No comment
Green Infrastructure Conservation & Design	No comment to make The application has been subject to extensive pre application submissions and this application is result of those discussions.

A Heritage Assessment (HA) has been submitted looking at the impact of the proposed solar farm (PV panels) on the surrounding heritage assets to a distance of 5km from

the Proposed Development Area (PDA)

The heritage assets identified include

2 Scheduled Ancient Monument (SAM)

1 Conservation Area (CA)

1 Registered Parks and Gardens (RPG)

47 Listed Buildings (LB) of all grades

The studied conducted by CgMs Consulting produced a study based on English Heritage guidance concerning the assessment of effects on the setting of heritage assets (The Setting of Heritage Assets, 2011).

The PDA comprises of several arable fields enclosed by hedged boundaries. The site sits in an embayment with the nearby topography comprising of ridged and hilly landscapes affording reduced visibility between the existing farms and other properties.

Given the topography of the site, its setting and proximity to the identified heritage assets, the impact of the PDA on those heritage assets is considered to be minimal.

However, there is concern that the proposal will introduce a perception of increasing industrialisation. This could be mitigated by appropriate screening along boundaries that are visible.

Archaeologist

The proposed development site contains two surface artefact scatters one of post-medieval pottery and building material (HER 3655) and the other of post-medieval pottery (HER 3654). These are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*.

Although there has not been extensive archaeological fieldwork or research in the surrounding area there are sites and finds that suggest there are remains of occupation from a number of periods in the area. To the north east is the site of a medieval moated site (HER 1982) which has produced pottery dating from the 12th to 17th century. Also in the immediate area there are the remains of several platforms (HER 804) which are likely to represent medieval occupation and the site of a post-medieval hermitage (HER 1751). Remains of the medieval open field systems of Westoning and Flitton and Greenfield also survive as ridge and furrow earthworks in the surrounding area (HERs 3322 and 3511). A series of

artefact scatters and find spots including prehistoric flints (HERs 2643 and 3661) and Roman pottery and tile (HER 3635).

The proposed development can also be considered to be in the setting of a number of Scheduled Monuments including the medieval moated manor at Westoning Manor (HER 233 and National Heritage List for England N^o 1008759), Flitwick Mount motte and bailey castle (HER 228 and National Heritage List for England N^o 1010116) Sharpenhoe Clappers, an Iron Age promontory fort and medieval rabbit warren (HER 238 and National Heritage List for England N^o 1009400), located on the crest of the Chilterns to the south east; and Flitwick Manor Registered Park (HER 7027 and National Heritage List for England N^o 1000383) These are designated heritage assets with archaeological interest as defined by the *NPPF*. The setting of designated assets is part of their significance and any development which affects the setting will have an impact on the significance of the monument.

The application includes a *Heritage Assessment* (CgMs August 2014) which includes a desk-based assessment. The *Assessment* discusses the archaeological and historical context and potential of the proposed development and the relationship of the site to the settings of the designated heritage assets.

The analysis of the site's context is used to identify its archaeological potential. The *Assessment* concludes that the site has low to moderate potential to contain prehistoric archaeology, largely in the form of scatters of flint artefacts, described as being of local significance. For all other periods from the Iron Age onwards the archaeological potential is described as low to negligible. Although the *Assessment* is entirely based on existing information and does not include the results of an archaeological field evaluation to corroborate the conclusions of the desk-based assessment its conclusion that the site is unlikely to contain substantial or significant archaeological remains are reasonable. Therefore, the development is unlikely to have a major impact on buried archaeological remains or on the significance of any heritage assets with archaeological interest.

The *Assessment* also examines the impact of the proposal on the setting of designated heritage assets, particularly Westoning Manor moated manor, Flitwick Mount motte and bailey and Flitwick Manor Park. It does this by considering the relationship between the assets and the proposed development site through the means of

the Zone of Theoretical Visibility (ZTV). It concludes that there is no inter visibility between the three designated heritage assets and the development site and that the site makes little contribution to the setting of the assets and, therefore, to their significance. This is an appropriate conclusion.

The Heritage Assessment included in the application shows that the proposed development is unlikely to have an impact on buried archaeological remains or on the setting of two Scheduled Monuments and a Registered Park. Therefore, the development will not result in harm to the significance of heritage assets with archaeological interest or designated heritage assets. Consequently I have no objection to this application on archaeological grounds.

Public Protection Officer

Concerns raised regarding the noise of the invertors. Further information submitted by the applicant in the form of a noise assessment has shown that there is no impact in terms of noise. Therefore, there is no objection to the proposal.

CPRE

The need for solar energy arises from the Climate Change Act 2008. The Act acknowledges Carbon emissions from extant energy sources are a cause of climate change. The Intergovernmental Panel on Climate Change (IPCC) report; Impact, Adaption and Vulnerability describes the impact of climate change on human and natural systems. The Climate Change Act sets legally binding targets to reduce emissions by at least 80% from 1990 levels by 2050. A European Union Directive 2009/28/EC sets the Government another target; by 2020 15% of all UK energy consumption is to come from renewable sources.

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.

CPRE Bedfordshire objects to the location of the Solar Farm on Land North of Clayhill Farm for the following reason:

Part of the solar farm will be located on the Best and Most Versatile Land (BMVL). According to the Soil Environment Services' Agricultural Land Classification Report the locations of solar panel arrays F4 and F5 are on Grade 3a agricultural land and therefore its potential loss is at odds with Government's National Planning Policy Framework (NPPF), its Solar PV policy, and Central Bedfordshire's emerging Solar Farm

Development policy, all of which set out to protect BMVL.

CPRE Bedfordshire would hope that if Central Bedfordshire Council refused planning permission for the Solar Farm the developer Axiom Solar Limited would submit a revised scheme consisting of only solar panel array F2 as this array is on Grade 3b agricultural land.

NATS

No objection

Environment Agency

No objection subject to conditions

Ramblers Association

No objection subject to diversion of footpath and appropriate consultation.

Determining Issues

The main considerations of the application are;

1. The principle of development
2. The impact on the landscape and character of the area
3. Agricultural land
4. Ecology
5. Neighbouring Amenity
6. Highways
7. Any other relevant issues

Considerations

1. The principle of development

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October.

The National Planning Policy Framework (NPPF) carries a presumption in favour of development for renewable energy and states 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). Further advice at Paragraph 98 states that 'when determining planning applications, local planning authorities should,' ...approve the application if its impacts are (or can be made) acceptable.'

Planning Practice Guidance: Renewable and low carbon energy (updated 10/04/2014) sets out the planning considerations for a range of renewable energy sources including solar farms. The guidance notes that renewable energy development should be acceptable for it's proposed location, and goes on to say the factors a local planning authority need to consider for large scale ground mounted photovoltaic farms include - encouraging effective use of previously developed land, the use of poorer quality agricultural land in preference to higher quality, mitigation of visual impacts by additional landscaping, the impact of glint and glare is acceptable, impact on heritage assets is not unacceptable, and that the development is acceptable in terms of neighbouring uses and aircraft safety.

UK Solar PV Strategy also sets out guiding principles, which form the basis of Government's strategy for solar PV and advises the principles support solar PV providing proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.

Locally, the Core Strategy and Development Management Policies Development Plan Document takes a positive approach to renewable energy developments in line with guidance set out in the NPPF, and the Companion Guide to superseded guidance PPS22.

Policy DM1 of the Core Strategy states that the Council will consider favourably proposals for renewable energy installations, provided they fit into the following criteria:

- Have good accessibility to the transport network;
- Not be harmful to residential amenity, including noise and visual amenity;
- Be located and designed so as not to compromise the landscape and scenic beauty of the Chilterns AONB;
- In other areas identified through the Landscape Character Assessment as having high sensitivity, be located and designed so as to respect the character of the landscape.

In terms of the above criteria:

- The site is close to the transport network being accessed off Greenfield Road;
- The impact on residential amenity shall be assessed later in the report;
- The site is not located so as to compromise the landscape and scenic beauty of the Chilterns AONB;

The proposed site is located within a landscape transition with land rising to the south from the Flit Valley and leading up to an identifiable ridge associated with the Harlington - Pulloxhill Clay Hill. The Mid Greensand Ridge to the north is discernible in views from the Harlington - Pulloxhill Clay Hills which raises concerns of reciprocal views from the Mid Greensand Ridge to the site.

The Mid Beds Landscape Character Assessment describes the landscape character of the site and surrounds as having moderate sensitivity to change and moderate - high sensitivity visually. The impact on the character of the landscape shall be assessed later in the report.

CBC Renewable Energy Guidance: Guidance Note 2, Solar Farm Development was endorsed by Executive in May 2014 as technical guidance for Development Management purposes. However the document is not yet formally adopted as a Supplementary Planning Document because it relates to the emerging Development Strategy rather than the current adopted Core Strategy, therefore the weight attached to the document is less than the current adopted policies and guidance. Nevertheless the guidance notes the landscape area where the proposal solar farm is located in the Clayhills and Vales, where it identifies that

there is limited scope for large scale solar farms, with an area of least constraint around Westoning.

In terms of policy considerations, the proposal is considered to be acceptable as a matter of principle both at a national and local level subject to there being no significant harm on other relevant material considerations as discussed below.

2. The impact on the landscape and character of the area

A Landscape and Visual Impact Assessment has been prepared and submitted with the application and includes various photo viewpoints and a Zone of Theoretical Visibility (ZTV) plan.

The proposed site is located within a landscape transition with land rising to the south from the Flit Valley and leading up to an identifiable ridge associated with the Harlington - Pulloxhill Clay Hill. The Mid Greensand Ridge to the north is discernible in views from the Harlington - Pulloxhill Clay Hills which raises concerns of reciprocal views from the Mid Greensand Ridge to the site.

The Mid Beds Landscape Character Assessment describes the landscape character of the site and surrounds as having moderate sensitivity to change and moderate - high sensitivity visually. This is due to sloping topography of the site (up to 23m difference from west to east), the visual relationship between hills and vales and the setting of ridge lines. The LCA recommends the need to conserve clear views and visual relationships with clay vales, hills and the Greensand Ridge. The LCA also recommends that there is a need to resist urbanising development which would dilute the rural character locally.

The site and surrounds retains a strong rural feel comprising of mid to large primarily arable fields with some hedgerow structure and associated hedgerow trees. The area also offers important recreation access routes with a significant number forming a strong network of footpaths, one of which crosses the site, and the John Bunyan Trail which runs immediately along the southern site boundary.

The proposed solar panels would be low lying and would not be visually dominant in the landscape from ground level, with a maximum height above ground of 1.6m. The structure would consist of three panels at a 20 degree angle. Views of the panels would be limited given the existing and proposed screening along the boundaries of the site. The ZTV identifies that the potential visibility of the proposed development is generally limited by the undulating topography of the surrounding landscape. The ZTV shows that the potential visibility is limited to 1km of the site and a small number of high points with the Chilterns AONB to the south, along the Mid Greensand Ridge to the north and towards Toddington to the south-west.

Mitigation has been included within the proposal as an integrated part of the design. In addition to this the final design of the scheme has been subject to extensive pre-application discussion with Officers at the Council to overcome original concerns regarding the visual impact of the proposed development. The discussions have resulted in a reduced scheme with the visually more sensitive areas within the original scheme being removed, this is set out in the Design and Access Statement submitted with the application.

The site is enclosed by existing vegetation, the layout of the arrays has been designed to preserve the existing field boundaries, with appropriate buffers along all boundaries, so that existing structure of ditches, hedgerows and trees will remain undisturbed.

The method of construction allows for minimal disturbance to the ground and existing levels, and the land underneath the panels will be grazed by sheep, retaining some of its agricultural character. Associated structures and fencing have been designed in neutral recessive colours to minimise their visibility and impact on the landscape, while lighting is restricted to emergency night-time use only, to avoid impact on the rural character of the landscape.

The following mitigation measures have been integrated into the design:

- existing boundary and internal hedgerows will be retained; boundary hedgerows allowed to grow to up to 3m high where compatible with the operation of the solar farm;
- filling in gaps of more than 0.5m wide within existing boundary hedgerows to further increase screening;
- plant new sections of hedgerows along the southern and western boundaries of field 4, which would mitigate the visual effects on footpath users and screen/filter views of the development from Westoning Road;
- plant new sections of hedgerows along the southern boundary of field 5, which would mitigate the visual effects on Clayhill Farm;
- Plant new sections of hedgerows along the eastern boundary of field 2, which would mitigate the visual effects on footpath users;
- the public footpath that currently runs across field 4 and 5 would be diverted in part and follow an existing farm track and would be upgraded in accordance with the specification required by our Rights of Way Officer.

The Landscape Officer has not objected to the application and has been extensively involved at the pre-application stage. The Landscape Officer raised concerns at the application stage regarding views of the solar array from the John Bunyan trail. However, the applicant has proposed further planting in this area and whilst there will still be views of the array from the trail it is not considered that this would be detrimental to the enjoyment of this footpath, or warrant refusal of the application. Further details in terms of planting will be required by condition on the grant of any planning permission.

It is proposed that the site would be decommissioned after 25 years, thereafter the development would be removed from the site and the site reinstated to its former land use.

For security purposes the site would be enclosed by a wire fence and internally the site would include 13 invertors, a primary substation, CCTV cameras mounted on poles and emergency lighting, all of which are considered to be of acceptable scale and design.

Overall, the proposed array and associated infrastructure are not considered to result in significant harm to the character and appearance of the surrounding landscape. Therefore, the proposal is considered to be in accordance with Policy DM1 of the Core Strategy and the Governments objectives toward renewable

energy sources and as such acceptable.

3. Agricultural land

The site is classed as 3a and 3b agricultural land on the classification map. Guidance suggests that the best most versatile agricultural land should be avoided. The applicants have undertaken an agricultural statement which provides further justification.

20.3ha of Grade 3a land is proposed to be included in the solar array, this represents 7% of the owned farmland area and 4% of the total area farmed by the business. The remaining 16.7ha is Grade 3b agricultural land.

Field 4, which contains the bulk of the Grade 3a land, is crossed by 3 overhead electricity lines with 10 poles in the field. This makes for significant inefficiencies in machinery operation and additional overlaps of inputs. The location of these poles are therefore relevant to the justification for choosing this Grade 3a site. In addition to this the area under the solar panels will continue to be used for grazing opportunities.

The small proportion of land lost to the solar array will not change the scale of economies and efficiencies of the business in any significant way. In addition to this given the extensive pre-application discussions, it is not considered that there would be any other suitable lower grade land to accommodate the proposed development.

Given the justification, and that the development would have a lifespan of 25 years and would therefore at that point be returned to agricultural use, it is considered that the use of the grade 3a land in this instance would be acceptable and in conformity with our guidance.

4. Ecology

An ecological appraisal has been submitted in support of this application. The site has been assessed in terms of potential for protected species. The hedges and trees are likely to support a good invertebrate population, providing food for birds and bats and nesting opportunities for birds.

The habitats of ecological interest identified will not be directly impacted by the development as the solar arrays will only be situated on the arable land which is of little ecological value. The peripheral woodland, hedgerows, trees and ponds will not be affected. Given that it is proposed to gap up the existing hedges and to plant additional sections this will provide opportunities to enhance the ecological value of the site and provide wildlife corridors.

The Council's Ecologist has not objected to the application and is satisfied that the proposal would not have a detrimental impact on any protected species. The Ecological Assessment does not make it clear how the site will be managed and notes that an Ecological Management Strategy is proposed in the assessment. The Officer has requested that the management strategy be imposed as a condition on the grant of any planning permission.

5. Neighbouring Amenity

The closest residential properties are Clayhill Farm, Brunswick House, The White House and Highambury House. There would be views of the solar arrays from these properties, in particular The White House as this would look down on to the solar array.

However, given the proposed mitigation measures and the natural vegetation screening, it is not considered that the proposal would result in detrimental harm to the residential amenity of these properties and therefore complies with Policy DM1 and DM3 of the Core Strategy.

6. Highways

Access to the proposed solar farm is to be gained off the Westoning Road, which bounds part of the site to the north-west. The access will be along the existing access track to Clayhill Farm which will be upgraded as part of the development. This track will extend between fields 4 and 5 and along the north-western boundary of field 2. A temporary site compound will be located to the north of Clayhill Farm during the construction phase.

In terms of traffic generation, the construction of the solar panel arrays will result in the temporary generation of construction traffic over a period of approximately 5 months. It is envisaged that there will be in the region of 200 HGV movements plus a number of light goods vehicles including cars and vans.

The Highways Officer has raised no objection to the application and has recommended a number of highway conditions relating to passing bays and construction and environmental management plan has been requested as a condition should planning permission be granted.

Following the construction period, and once the site is operational, there will be minimal on site activity. Vehicle movements will be limited to scheduled maintenance work, emergency repairs, and security reasons if required. There will also be a small number of movements associated with the management of sheep grazing the land or maintenance of the grassland. It is therefore considered that at this stage the development would have no material impact on the highway network.

7. Any other relevant issues

Rights of Way

The John Bunyan Way crosses part of the development site and will not be affected by the proposed development. There is a further footpath that crosses the site. This is proposed to be diverted and upgraded and an application has been submitted concurrently to the Rights of Way Officer in relation to this matter. The Rights of Way Officer is satisfied with the improvements and the suggested diversion and has raised no objection to the application.

Glint and Glare

The proposed development site is in part located adjacent to Westoning Road and also the railway line runs to the west of the site. A full Glint and Glare study has been undertaken and submitted in support of the application.

The report considers that there will be no significant impact from Glint and Glare on road users, train drivers or railway signals. Network Rail have been consulted on the application but to date no response has been received.

It is suggested that a suitably worded condition should be attached to any planning consent granted requiring appropriate mitigation should a problem occur.

Other Solar Farms

There are a number of Solar farms within the District in the Green Belt and being proposed within the Green Belt that are to be considered at Development Management Committee. The proposed applications are Land adjacent to Chalgrave Manor, Toddington; Land north of Leighton Road, west of Hawthorn, Leighton Road, Eggington and Land at Millfield Farm (Phase 2) Caddington.

There is not considered to be any cumulative impact in terms of the impact on the Green Belt and the landscape in relation to these pending applications and approved applications.

Community Benefits

Opportunities for community benefits should be explored where possible and necessary. Such benefits may include a community benefit trust, local or community ownership of the panels and infrastructure contributions. In this case the developer has agreed a community benefits scheme with Westoning Parish Council, Flitton and Greenfield Parish Council and Pulloxhill Parish Council and submitted a Unilateral Undertaking securing this scheme. The named Parish Council's are in agreement and satisfied with the scheme.

The BRE Guidance on Ground Mounted Solar PV states in page 18 that while community benefits can be encouraged, the offer should not be relevant to the consideration of a planning application. The principle of undertaking a community benefit should not be proposed in order to mitigate or remedy a specific planning objection. The guidance goes on to say -

"As such any requirement for community benefit is not considered to be compliant with the CIL Regulations 2010 (as amended) and cannot be required under planning law. Therefore no weight can be given to the inclusion of a community benefit"

Human rights/Equality

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No development shall commence until a scheme detailing the additional and supplementary planting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

Reason: In the interests of the visual amenities of the site and the area generally.

- 3 **No development shall commence until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved plan.**

Reason: To ensure existing or new habitats affected by development are managed effectively over an established period.

- 4 **No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure adequate provision of on-site facilities to accommodate the traffic likely to be associated with the development in the interests of highway safety and convenience on the public highway.

- 5 Within 12 months of the completion of the development hereby approved, in the event of any complaint to the Council relating to Glint or Glare from the development, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure safety of users of the railway.

- 6 Should the solar panels not be used for the production of energy for a continual period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the retention of development in the countryside that is not being used for its intended purpose.

- 7 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, the solar panels, support structures, associated buildings and cabling shall be removed in their entirety and the land shall be restored to its former condition.

Reason: To ensure that the development is decommissioned and to protect the character and appearance of the locality

- 8 **No development shall commence until the footpath known as Westoning Public Footpath No.1 and Flitton and Greenfield FP17 have been diverted in accordance with the details submitted.**

Reason: To ensure that the footpath remains open for all users during and after the construction phase.

- 9 **No development shall commence until details of the external finishes of the transformers, substation and inverters have been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interest of visual amenity and landscape character.

- 10 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, the management of junctions to, and crossing of, the public highway and other public rights of way, details of escorts for abnormal loads, temporary removal and replacement of highway infrastructure and street furniture, the reinstatement of any signs, verges or other items displaced by construction traffic, banksman and escort details. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

- 11 **No development shall commence until tracking diagrams have been provided and approved in writing by the Local Planning Authority for a 16.0m length heavy goods vehicle entering and exiting the site, and tracking diagrams of these vehicles passing each other at the passing area located at the junction of the access track. The development shall not be brought into use until the temporary alterations to the junction, the temporary widening of the access and the temporary passing bays have been constructed in accordance with the approved details for the duration of the construction phase only and thereafter shall be**

returned and reinstated to their original dimensions.

Reason: To provide adequate and temporary access and passing of vehicles clear of the highway during the construction phase.

- 12 **No development shall commence until details of an additional temporary passing bay located within the site have been submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the additional temporary passing bay has been constructed in accordance with the approved details for the duration of the construction phase only and thereafter shall be removed and the area reinstated.**

Reason: To provide adequate passing and manoeuvring of vehicles along the access.

- 13 The vehicular access shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 11.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 14 The turning space for vehicles illustrated on the approved drawing no. 1029-821/A shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 15 No development shall commence until details of the siting of the security cameras, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and landscape character.

- 16 The development hereby approved will not be externally lit except in an emergency. Prior to the operation of the development details of the emergency lighting, including the siting of any lighting columns, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of visual amenity and landscape character.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Site location; 1029-111-D; 1029-112/T; 1029-113/C; 1029-141/B;

1029-142/A; 1029-144/A; 1029-145/A; 1029-146/B; 1029-147/B; 1029-821/A; 14020; TS13-184L1; TS13-184L2; 3624_LVIA_007_A; Noise Assessment; Planning Statement; Agricultural Land Classification; Agricultural Statement; Habitat Creation; Landscape and Visual Impact Assessment; Flood Risk Assessment; Solar Photovoltaic Glint and Glare Study; Ecological Appraisal.

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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.
2. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

3. The applicant is advised that no works associated with the construction of the widened 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 contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. 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 widened 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
- 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 is advised that no works associated with the CTMP 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 contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under the Highways Act to be implemented.

DECISION

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