

Item No. 18

APPLICATION NUMBER	CB/14/03113/FULL
LOCATION	Land North of Leighton Road West of Hawthorn, Leighton Road, Eggington
PROPOSAL	Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras and fence.
PARISH	Eggington
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Abel Bunu
DATE REGISTERED	18 August 2014
EXPIRY DATE	19 December 2014
APPLICANT	Lightsource SPV 106 Ltd
AGENT	Lightsource Renewable Energy Ltd
REASON FOR COMMITTEE TO DETERMINE	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, contribution to the rural economy, new hedgerow planting along the site boundaries 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 in open countryside situated approximately 700 metres north of Eggington Village and lies to the north west of Leighton Road A4012, south west of Hawthorns, south of Clipstone Brook beyond which is Manor Farm and the Listed Clipstone Cottage. The site comprises two fields measuring approximately 18 hectares and the majority of it forms part of an agricultural farm classed as Subgrade 3b (moderate quality land). Only 1.3 hectares of the land falls within Subgrade 3a (Excellent). The application site lies within the Green Belt and the surrounding area comprises a large arable field with a similar pasture field adjoining the Clipstone Brook. The site is separated from the Hawthorns in the north east by a woodland. A public right of way cuts across the main field in an east-westerly direction.

The Application:

seeks planning permission for the construction of a 6.8 MW Solar Farm (reduced from 7.5 MW), including access and associated infrastructure as detailed below:

Installation of Photovoltaic panels

The panels and associated infrastructure would occupy about 25% of the land in order to leave sufficient gaps between the rows of panels to avoid one row shading another and to make sure that there is adequate separation distances with the boundary vegetation to avoid further shading. Circa 22,800 reduced from (Circa 29,436 panels shown in the original application details) would be fixed onto mounting frames in fixed rows running in an east-westerly direction at an angle of 20 degrees so that the panels would face a southerly direction. The mounting frames would be pile driven into the ground to a depth of 1.5 metres and no concrete or foundations would be required. The mounted solar panels would be spaced at 3.8 and 5 metre distances apart, have a maximum height of 2.4 metres above ground level and 0.8 metres at the lower end to allow for sheep to graze underneath. The estimated output is 6.84MW which would provide approximately 2,155 average households with their total electricity needs and avoid approximately 3,667 tonnes of CO² emissions per year.

Installation of Inverter Stations

4no. inverter cabins mounted on concrete bases would be installed measuring about 2.4 metres high, 7.7 metres long and 1.0 metres wide. 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.

Transformers

4no. transformers measuring approximately 2.2 metres high by 2.3 metres long and 1.8 metres wide.

Erection of boundary fencing

A 2 metre high agricultural timber and wire fence 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 2.4 metres in height.

Communications Building

The structure would measure approximately 3.6 metres long, 3.0 metres wide and 2.5 metres high. An aerial or satellite dish would be affixed to the cabinet if reception issues render it necessary to do so.

Storage Shed

The shed would measure approximately 2.5 metres long, 3 metres wide and 2.6 metres high.

Swale

A swale would be constructed to improve runoff and reduce flood risk on site.

Access improvements and construction

Construction access and operational access would be from Leighton Road.

Temporary compound

A site compound would be installed close to the site entrance.

The application is supported by the following documents:

- Planning, Design and Access Statement - July 2014
- Statement of Community Involvement - 31 July 2014
- Ecological Appraisal - 4 August 2014
- Agricultural Land Classification Assessment -25 July 2014
- Biodiversity Management Plan -4 August 2014
- Cultural Heritage Desk Based Assessment - August 2014
- Landscape and Visual Impact Assessment (Revised) - October 2014
- Flood Risk Assessment - 30 July 2014
- Construction, Decommissioning and Traffic Management Method Statement - July 2014
- Glint and Glare Study - July 2014
- Draft Heads of terms for a Section 106 Agreement
- Plans

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/14/02155/SCN Installation of a solar farm.

Representations: (Parish & Neighbours)

Eggington Parish
Council

Earlier in the progress of this Solar Farm application, Lightsource contacted our Parish Council directly with an unsolicited and unconditional offer of an annual payment of £1K per MW of installed capacity, up to a maximum of £150,000 over 20 years. The offer to us was "we would like to formally offer a community benefit payment to Eggington Parish Council (the Parish Council) to be applied towards a project or projects to benefit the local community at the discretion of the Parish Council." The Parish Council duly discussed this matter at our Parish Council meeting in October, and following our resolution (in the positive) we responded to the company. [We do note the difference in the period you use - 25 yrs compared to Lightsource's 20 yrs in their offer to us!]

The parish of Eggington's population is set to rise dramatically over the next decade or so, and it was envisaged that such a contribution would help fund improvements to our currently rather meagre recreation facilities, to say nothing of trying to generally improve our village amenities in various other ways! We had even considered using some of the money as a contribution towards the cost of maintaining a bus service through the village, thus saving CBC some money!

However, no sooner had we responded to Lightsource than we were informed by them that "The Council have requested that the community benefit offer be dealt with under a Section 106." This came as a terrible blow to us, and when contacted further Lightsource said this was not something which they had previously experienced with their other sites. We took it to mean that they would not therefore be going forward with the paperwork for their offer to us, and so contacted our Ward Councillor - Mark Versallion - to ask for his guidance, who (no doubt following advice from yourself) said that most likely a Panel would be created to oversee the use of these monies. I have to say that all members of our Council were extremely concerned at this turn of events, fearing the very worst.

Now to the best of my knowledge, funds sought from a developer (Developer contributions) under s106 are "supposed" to be for the benefit of the location wherein the development takes place - Developer payments contribute to the provision of infrastructure or refurbishment of existing provision to support the additional burden new development makes on the local infrastructure. They are focused on site specific mitigation of the impact of development.

S106 agreements are often referred to as 'developer contributions' along with highway contributions and the Community Infrastructure Levy. The balance between the use of s106 and CIL will be different depending on the nature of the area and the type of development being undertaken. There is further guidance on the balance between s106 and CIL set out in the CIL Guidance April 2014: CiL would, I believe, revert at least some money directly to EPC, were it in operation here!

So, my query relates to the appropriateness of the use of s106 on this occasion. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development.

Can I ask what was it about this application "that was not acceptable" in the first instance, which required a s106 agreement to make it "acceptable"? After all, this development doesn't require that any roads or similar 'infrastructure' be provided - by CBC or anyone else for that matter. I accept that such an agreement could specify that the land only be used for the specified purpose and in the specified way, but there seems no evidence that Lightsource were considering doing otherwise.

A planning obligation can be subject to conditions, it can specify restrictions definitely or indefinitely, and in terms of payments the timing of these can be specified in the obligation.

"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

In this case, wouldn't a Condition imposed on the application apply equally to the owners of the land (Messrs Sear) so that they couldn't subsequently decide to use the land for some other development (perhaps claiming prior use by Lightsource themselves), and ensure that the area would have to be returned to agricultural use at the termination of the 30 year period which Lightsource expect to be using those two fields?

And couldn't another straightforward 'Condition' be applied to this application to ensure that the Community Benefit

contribution would be - and continue to be - paid to the Parish Council for the specified duration? After all, we know that s106 agreements can be modified or even discharged after 5 years!

Under the Planning Act s106(A) a person bound by the obligation can seek to have the obligation modified or discharged after five years. The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for making an application to amend planning obligations, including standard forms. The principles for modifying an obligation are that it "no longer serve a useful purpose" or "continues to serve a useful purpose equally well".

I don't personally perceive that the offer which Lightsource were prepared to make directly to ourselves would be any easier to 'get out of' in the future - but, not being a lawyer, maybe that's being somewhat naive.

Under the terms of the offer made, expenditure of the contribution offered would be "on projects within the parish and at the discretion of the Parish Council" - a democratically elected body solely representing the people of the parish. As far as the Panel you refer to (including "a representative of the Parish Council to agree on use of the money") our fear is rather the opposite - that other members (who wouldn't necessarily have any connection to our parish) could easily 'out-vote' that sole parish representative and collude with others to ensure that the money was spent on some scheme more of their own choosing - and not necessarily for the direct benefit of the parish of Eggington! [You will, I'm sure, understand that, after the mauling that I have experienced at the hands of the Planning Committee (who were almost unanimously ranged against our Parish) specifically with regards the applications for Clipstone Park and the Stearn land developments, I have very little faith that any of those members would agree to a project/application which was put forward by our Parish Council.]

Perhaps you could enlighten our Council on what the likely make-up of such a Panel might be? Who else might be appropriately concerned with such 'non-planning matters' within this parish? Are we Parish Councillors not trusted to play by the rules when it comes to such expenditure, whereas other Councillors are? And just what are those as per sect 106 terms" you refer to?

Neighbours
Hawthorns, The
Meadows, Charity Lane,
Claridges Farm,
Number One The
Orchard, Eggington

Support

- Development would be of benefit to the local community and wider community.
- We need to continue to expand our reliance on renewable energy and cut back on fossil fuels. Some

Lodge, Eggington,
11 The Pyghtle, MK 45
5LJ, Boundary Farm,
New-Purcell, 35
Frenchs Gate,
Dunstable, 10a Heath
Court, Leighton
Buzzard, Leven Close,
Linslade

of the public opposition to this is therefore surprising. Fossil fuels pollute the planet and at the same time, we remain vulnerable to volatile price fluctuations of global fossil fuel markets.

- The proposal includes measures for biodiversity enhancement including new hedgerow planting, bird boxes, bat boxes, wildflowers and log piles to benefit invertebrates and small mammals.
- Wide gaps between solar arrays mean that the majority of the solar farm's grasslands remain completely open and uncovered.
- solar parks are desirable as the supply is more even than with wind turbine production.
- Solar parks are easily screened and hence unobtrusive.
- They also provide a welcome haven for species that are often disturbed by agriculture.
- The developer is known to be environmentally and community conscious.
- It is very pleasing to know that the solar farm would feed into a very innovative battery at Woodman Close in Leighton Buzzard.

Consultations/Publicity responses

Landscape Officer

Having studied the documents and visited the site surrounds I do not object to the proposals in principle but I do have concerns regarding change in character / impact of change on views especially from the south looking north to the application site.

South Beds LCA : 8A Toddington-Hockliffe Clay Hills describes the existing landscape structure of gentle rolling clay hills with a strong network of hedgerows and hedgerow trees flanking drainage ditches and subtle vales including the Clipstone corridor (to the north of the application site).

The South Beds LCA recommends:

- Strengthening landscape patterns, eg hedgerow network.
- Conserve subtle valleys carved by Clipstone Brook and tributaries.
- Avoid development that leads to isolation of land parcels.

The South Beds LCA highlights the visual sensitivity of views from areas of higher local ground (eg. Charity Farm and Eggington) which have a higher sensitivity to change due to more elevated views across local vales. The openness of the Clipstone vale is quite distinctive - in part due to topography but also due to gappy or highly managed hedgerows in this local area. View from

Leighton Road looking north across the application site and Clipstone vale; describing openness of vale, managed hedgerows and few trees offering limited screening.

View from Footpath2 Leighton Rd/Eggington looking north to the application site (brown field in middle ground). The site is open, framed by managed hedgerows offering limited screening.

With reference to the **CBC Guidance Note 2: Solar Development in Central Bedfordshire** the application site is not located within a landscape area assessed as having low sensitivity to solar development therefore the capacity of landscape character / sensitivities to accommodate this form of change needs to be assessed along with potential visual impact of change on receptors/ sensitivity of receptors:

The farmed landscapes to the east of Leighton Buzzard retain a traditional, intimate rural character which is important to conserve. The scale of development in terms of area and height of array units is set within an existing landscape structure consisting of relatively level ground within an established hedgerow framework. At this level I assess the capacity of the immediate landscape is able to accommodate this change but the landscape rises to the south to the Eggington ridegline which offers more elevated views to the north and across to the site increasing sensitivity of views to north to change.

Public Rights of Way (PRoW) cross the site, follow site boundaries and form part of the wider footpath network hence conserving the current quality of experience of walkers must be considered.

Therefore:

- Elevated views on to the site and wider landscape context needs to be protected/ screened especially from views from the south - increase in landscape screening will be required on site.
- Enjoyment of landscape for walkers needs to be conserved - although immediate views into solar farms can be interesting I would suggest extent of views to arrays from footpaths immediate to the site need to be agreed and interpretation agreed. The RoW Officer provides guidance regarding spatial amenity of footpaths crossing the site.
- Landscape mitigation must be in keeping with landscape character/landscape enhancement aspirations.

Landscape mitigation: Whilst the application describes strengthening of existing hedgerows around the application site and introducing new hedgerow planting along the PRow FP2, to assist in screening proposed development,

- I recommend there is opportunity to include wider hedgerows in parts to form a more substantial screen to development.
- Such measures should include additional peripheral site landscape structure planting with more hedgerow trees and small stands of trees especially at hedgerow nodes - to vary planting structures more in keeping with surrounding structure planting, enhancing local landscape character and increasing screening effects.

I would also add:

- The LVIA provides assessment of cumulative impact of development - especially that of future urban development associated with the east of Leighton Linlade growth area; I assess the application site is of a distance away from and intervening landscape is of a character able to accommodate change according to the scale and area of said development proposals but further increase/extension of development could jeopardise balance of local landscape capacity to accommodate further increase in similar character of change.
- I note that the application includes a number of buildings/structures but I was not able to find details on finishes - details would be appreciated. I would also query the use of the remaining parcel of land to the north west of the site adjacent to Clipstone Brook - what use this parcel will be put to/managed - if there is opportunity for habitat creation associated with the brook ? Further information would be appreciated.

Tree and Landscape
Officer

The Design and Access Statement refers to a planting plan submitted in support of this application, which is intended to serve to strengthen the existing boundary hedge planting and treeline around the site perimeter. I can see no reference to this planting plan on the online documents. It is also hoped that such a planting plan will indicate the exact position of the new security fence, in order to demonstrate that there will be no conflict with the fenceline, and both the new and existing boundary landscape planting.

Highways Officer

The applicant has submitted a speed survey to assess the 85th percentile speed of the main carriageway and has applied the appropriate visibility splays for this speed.

The amended plan drawing number L332/1 rev B indicates the revised position of the access in order to achieve the required visibility splays and they are as follows. The splay towards the northeast of the site is 2.4m x 195m and the splay to the southwest is 2.4m x 215m. The visibility splay to the northeast will require the existing hedgerow to be removed and the new hedgerow planted behind the visibility splay line.

The geometry of the proposed access is acceptable, however I am unable to find any construction material details but this can be conditioned. The new access and the closure of the redundant access shall be constructed under a section 278 (small works) agreement with the Highway Authority.

Any security gates to the site will have to be erected a minimum distance of 17m behind the highway boundary. This will enable an articulated vehicle to enter the site without overhanging the highway, in the event that the gates are closed. This distance may be reduced once the site has been constructed to reflect the smaller vehicles which are likely to use the site post commissioning. I would also suggest that the access is hard surfaced up to this point in order to prevent any loose granular material being deposited on the public highway.

I would not wish to raise any highway objection to the application subject to the following conditions.

1. Development shall not begin until the construction details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no vehicle associated with the construction of the solar farm shall cross the highway verge until the access has been constructed in accordance with the approved details.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

2. Visibility splays shall be provided at the junction of the new access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 195m in a north easterly direction and 215m in an south westerly direction, measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any

obstruction.

Reason

To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.

3. Any gates provided shall open away from the highway and be set back a distance of at least 17metres from the limit of the public highway.

Reason

To enable vehicles to draw off the highway before the gates are opened.

4. Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason

In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

5. The development shall not be brought into use until a turning space for articulated vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

Reason

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

6. No development shall commence until a wheel cleaning facility has been provided at the site exit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason

In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

7. No development shall take place until a Construction Transport 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. 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.

8. 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.

9. The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 17m 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 the highway.

Informatives are also recommended in the event that permission is granted.

Public Rights of Way
Officer

Public Footpath No 5 runs directly across the application site and I am pleased to see that the applicant has referenced that within the documentation provided. The proposal shows that the Public Footpath will be fenced on both sides, so that the public will not be able to stray into the Solar Farm area. Whilst I understand and appreciate the need to keep the public out of the site once it is up and running there is a minimum width that we require for

access through the fenced corridor. As the Public Right of Way is a Footpath we will require a minimum of 4m between the fences in accordance with previously CBC approved applications of this nature, to allow for access to maintain the footpath surface.

The application indicates that a 2m high agricultural timber and wire fence will be installed around the perimeter of the site. I would therefore assume that the fences adjacent to the footpaths will also be of a similar construction. If this is not the case then fence alongside the footpath should ideally be a post and wire stock fence; any barbed wire must not be on the path side of the fence. Should barbed wire be needed, a strand of plain wire must be provided on the path side of the fence. This is to ensure that should a walker stumble and fall against the fence, they grab the plain wire rather than the barbed.

The application also intends to plant a new hedgerow that screens the footpath running through the site. I would question the need for this as it would be more of a hindrance to public access than a benefit? I would also need reassurances that should a hedgerow need to be planted that it is done on the panel side of the fence rather than the footpath side. This is to ensure that there is no encroachment on the useable width of the footpath, in this case the 4m required between each fence.

Further comments following more information

Following further information provided by our Landscape Team and Andy Chester at Hyder Consulting, I would like to confirm that I have no objection to the proposed application.

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. Key points are detailed below.

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. I have however highlighted key elements below.

Agricultural land quality: The Land is largely classed as grade 3b (92.7% of the proposed site falls within this classification), so a solar farm proposal would be

acceptable. The proposal also details how complimentary use of the land for agriculture (grazing of sheep) and habitat creation.

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 Glint and glare study provided raises the possibility of impact on residents, road users and train drivers. However the study is clear that this is likely to be limited to early hours in the morning and any reflection from the panels will have far less impact than glare from the sun. The study also states that in most cases impact will also be mitigated by shielding from trees and hedges.

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: Community engagement has happened as detailed in the Statement of Community Engagement that accompanies the application. A package of 'community benefits' has been proposed to be although it is not clear of the value. Normally we would expect to see an annual payment by the developer to either the Parish Councils 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 £7,500 per year.

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:

- 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 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 and, assuming any other impacts can be adequately mitigated (heritage, ecology etc). I have no objections to planning permission being granted, however 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 and RoW are adequately dealt with.

Ecologist

Having read the Ecological Appraisal, I am satisfied that the proposal would not result in a detrimental impact to biodiversity. The submitted documents include a Biodiversity Management Plan (BMP). As the development site falls within the Greensand Ridge Nature Improvement Area I would wish to see a **condition** in place to require all works to be undertaken in accordance with this BMP to ensure the development delivers a net gain for biodiversity throughout the lifetime of the project.

Archaeologist

Original comments

There is some evidence of Roman activity on the northern edge of the site (EBD 123) which is likely to relate to a substantial Iron Age and Roman settlement identified immediately to the north of the Clipstone Brook (HER 11123). This is a heritage asset with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. The site is also located within a landscape containing evidence of settlement and other activity from the Bronze Age onwards. There are recently identified remains of Bronze Age, Iron Age and Roman occupation to the north east and there is also evidence of later prehistoric, Roman and Saxon occupation to the east of the village of Clipstone (HER 9) to the south. The present settlements of Clipstone and Eggington have origins in the Saxon and medieval periods (HERs 10797 and 16879 respectively). There are earthwork remains of

ridge furrow, part of the open field system of Eggington (HER 5462) immediately to the west and there is evidence that the proposed development site also contained ridge and furrow. The site, therefore, has the potential to contain archaeological remains relating to occupation from the prehistoric period onwards.

A Scheduled Monument: Church Farm Moat, Hockliffe (HER 10 and National Heritage List for England Number 1012915), is located to the north east of the proposed development site. This is a designated heritage asset of the highest importance. The development would be within the setting of the designated heritage asset. The setting of a heritage asset forms part of the significance of the heritage asset and any development which has an impact on the setting of an asset could affect its significance.

In their response to a request for pre-application advice (CB/14/00263/PAPC, February 2014) the Archaeology Team identified archaeological potential of the proposed development site and said that a Heritage Statement would be required as part of any planning application based on the results of an archaeological field evaluation comprising geophysical survey and trial trenching. This is in line with the requirements of paragraph 128 of the *NPPF*.

The application includes a *Cultural Heritage Desk-Based Assessment* (Hyder 2014). This examines the archaeological context and potential of the site and concludes (Section 9) that further information on archaeology may be required in order to determine this application and recommends that a geophysical survey is undertaken. The geophysical survey and trial trenching have not been completed, therefore, there is insufficient information on archaeology and heritage assets with archaeological interest to be able to assess the impact of the proposal on archaeology or identify an appropriate mitigation strategy.

The *Assessment* also considers the impact of the proposal on the Church Farm Moat Scheduled Monument. It concludes that as the Monument is c.1.75km away from the proposed development site that will only have a neutral or slight adverse impact on the setting and, therefore, significance of the designated heritage asset. The *Assessment* does not describe the contribution the setting makes to the significance of the designated asset and does not present any visual evidence to support the conclusion that there will be a minimal impact on the setting of the Monument. Therefore, there is insufficient information on the impact of the proposal on the setting of the Scheduled

Monument at Moat Farm, Hockliffe to be able to assess its impact on the significance of the designated heritage asset.

The proposed development has the potential to impact on buried archaeological remains within the boundary of the site and the setting of a Scheduled Monument. Although the application includes a *Cultural Heritage Desk-Based Assessment* it does not include the results of an archaeological field evaluation, the requirement for which was identified in the pre-application process. Nor does it provide adequate information to justify the conclusion that there will be no impact on the setting of the designated heritage asset. There is insufficient information to be able to assess the impact of the proposed development on archaeology or on the significance of the designated heritage asset or the heritage assets with archaeological interest. Therefore, this application should be refused on the grounds that it is contrary to paragraph 128 of the *National Planning Policy Framework*, policy 45 of the *Development Strategy for Central Bedfordshire* (Revised Pre-submission Version, June 2014), *Guidance Note 2: Solar Farm Development in Central Bedfordshire* (2014) and this Authority's pre-application advice.

Revised comments

Further to my earlier comments on this application (17th September 2014) I have now received additional information on the heritage assets with archaeological interest: a geophysical survey of the proposed development site (ArchaeoPhysica Ltd, 28th October 2014) and a detailed assessment of the impact of the proposal on the setting of the Church Farm Moat, Hockliffe Scheduled Monument designated heritage asset (a letter from Hyder Consulting, 28th October 2014).

The setting of Church Farm Moat is described as having two main elements. Firstly, its relationship with the existing settlement of Church End, Hockliffe and the related surviving contemporary settlement and field system earthworks; and secondly the wider landscape which emphasises the rural, agricultural nature of the moat's context and its prominent location on higher ground highlighting its status and that of its owners. The assessment of the setting concludes that the proposed development will not have any impact on that part of the Moat's setting comprising the existing village and associated earthworks. The development is some distance away from the designated earthwork and would not affect our understanding and interpretation of the monument and its immediate setting. In terms of the wider landscape setting the assessment concludes that while the solar farm would introduce a "...new, non-

agricultural element into the rural landscape...” it would only have a limited negative impact on the setting of the Monument so that it would not have a major impact on significance of the designated heritage asset. It also suggests that the enhanced planting around the perimeter of the development will help to integrate the site into the landscape thus further minimising the impact of the development on the setting of the designated heritage asset. The description of the setting of Church Farm Moat to its significance and the analysis of its impact on the setting and significance of the Monument are reasonable and appropriate. Although there will be a small affect on the wider landscape setting of the Moat it will still be possible to understand and appreciate the monument in its setting once the development has been built. Any resulting harm to the significance of the monument will be on a small scale and certainly much less than substantial harm (NPPF paragraph 132). Therefore, I have no objection to this application on grounds of its impact on the setting of the Church Farm Moat designated heritage asset. The geophysical survey of the proposed development site identifies an area of ridge and furrow, part of the medieval field system of Eggington in the northern part of the site. These remains survive as earthworks. Ridge and furrow earthworks were once a common feature of the Bedfordshire landscape and the most common remains of the medieval landscape of the county. Developments in agricultural practices since the mid 20th century have resulted in the loss of most of the ridge and furrow earthworks, to the point where less than 4% of the original stock of this monument class survives. The remains at Eggington form part of one of the best preserved and most extensive areas of ridge and furrow earthworks in Bedfordshire. Elsewhere the geophysical survey has identified a number of anomalies of probable geological origin or representing ferrous debris, no anomalies of archaeological origin were found. Geophysical surveys in the immediate area that have been tested by intrusive investigation have shown that the geophysical survey results represent an accurate picture of the survival of archaeological deposits. On that basis it is unlikely that the site contains any further archaeological remains that are likely to be effected by the proposed development. Construction and eventual decommissioning of the solar farm will have an impact on the ridge and furrow earthworks that survive at the northern end of the site. 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 a full earthwork survey of the ridge and furrow earthworks; the post-fieldwork 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.

“No development shall take place until a written scheme of archaeological investigation; that includes post fieldwork 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).

Conservation Officer

The application site is part of rolling farmland immediately beyond the A4012 Leighton Road. It is part of the wider traditional landscape that forms the contextual setting of three historic settlements - Eggington village, to the south; the hamlet of Clipstone to the north west, and Hockliffe Church End at a somewhat greater distance to the north east. All three settlements contain listed buildings representative of the traditional building stock of the area, and both Eggington and Hockliffe Church End are designated Conservation Areas in their own right.

The traditional landscape setting of this comprehensive array of 'heritage assets' is an integral part of their enduring significance and charm. The inevitable intrusion of the proposed development into this intimate, traditional rural landscape, which is notably pylon-free, needs to be carefully weighed up, along with the practical credibility of the landscaping mitigation measures proposed as part of the application.

In respect of the proposed mitigation measures, it should be noted that two of the three historic settlements in the vicinity of the site (Hockliffe Church End and Eggington village) occupy, in whole or part, significantly elevated ground, with commanding views over the surrounding countryside, (including the application site) into which they are both topographically and historically 'bedded'.

Of the two settlements, it is the impact upon the north-eastern part of Eggington Conservation Area, along with its overall landscape setting to the north of the designated Conservation Area, that gives me cause for considerable concern; in both contexts there are both open and glimpsed views from significantly elevated ground, north across the application site, that will be incapable of meaningful mitigation screening.

In addition, existing screening afforded by established hedgerow growth at the north-eastern end of the designated Conservation Area, north of Eggington House, is reliant on appropriate hedgerow management not in the control of the applicant.

The Eggington village core sits beneath a ridgeline, and there are consequently no views to the application site from the village High Street. Opposite the Church, however, a public footpath runs north towards the crest of the ridge, exiting the Conservation Area northern boundary before the ridge crest. The footpath continues north beyond the Conservation Area boundary to the ridge crest, from where there is a dramatic and open view across the rolling and traditional rural landscape that forms the wider Conservation Area setting. This notable, and traditional, landscape view includes the application site, prominently in the foreground of the wider view, and the proposed development will consequently have a significant (and alien) visual impact upon it.

The landscape assessment set out above is based on fieldwork around the Conservation Area undertaken on the morning of Tuesday 18th November. The described viewpoints approximate to Viewpoints 9 and 3, respectively, of the submitted Landscape and Visual Assessment. In respect of the latter, I note that the

submission Viewpoint photographs were evidently taken at the height of Summer (confirmed to me as being taken during the week commencing 7th July). My own fieldwork photographs show a somewhat different situation in respect of vegetation cover, and I am consequently unable to agree with the assessment of visual impact at these two key contextual locations set out the Landscape and Visual Assessment submission, which I think has been considerably downplayed.

While it could be argued that any visual impact of the proposed development from *within* the designated Conservation Area is limited to its north-eastern extension, beyond Eggington House, it is my considered view that this impact will be significant and (uncontrollably) harmful to the character of the village Conservation Area itself, for the reason that this character is both partly-derived from, and sustained by, its traditional rural landscape setting; in the terms of the NPPF, landscape setting is here an integral part of the *significance* of the Conservation Area designation.

The NPPF specifically recognises that the *significance* of a designated heritage asset can be lost or harmed through development within its setting, and this, in my view, is the crucial yardstick for assessing the current application. Visual impact is unavoidable – an extensive, intrusive feature in a (remarkably pylon-free) local landscape of traditional character.

While I am generally supportive of responsibilities towards the adoption of renewal energy sources, under the term of reference provided by the NPPF in respect of the conserving and enhancing of the historic environment, I do not think that public benefit outweighs demonstrable harm in this case, and must **object** to the proposed scheme of development as a result.

Public Protection

Original Comment

In order for Environmental Health to make an informed planning consultation response in respect to the solar farm application we require a full acoustic assessment to be undertaken by a competent qualified acoustician that demonstrates that the proposal will not be to the detriment of local residents in terms of noise. It is understood that such sources may include generators etc.

Once we are in receipt of this information we will make comment accordingly but in the meantime I wish to object

to the application.

Revised Comments

Having reviewed the revised acoustic assessment I am satisfied providing that the mitigation is implemented as stated that the resultant noise from the solar farm will not be detrimental to the amenity of local residents. I therefore ask that the following condition is attached to any permission :

The noise mitigation scheme stated in Acoustics Report Ref 4397-2 (Dated 10/11/2014) shall be implemented in full prior to the use hereby permitted being first brought into use.

Environment Agency

We have reviewed the submitted FRA and consider this to be acceptable for the scale and nature of the proposed development. The FRA indicates that Sustainable Drainage Systems (SuDS) will be used to attenuate the additional volume of runoff, which will be discharged into Clipstone Brook and an unnamed watercourse to the west of the site at Greenfield runoff rates. However, a detailed surface water drainage plan has not been provided.

As such, we recommend that the following condition is imposed on any planning permission.

CONDITION

The development hereby permitted shall not be commenced until such time as a surface water drainage scheme, based on the approved Flood Risk Assessment (FRA) dated 30 July 2014, ref. 5001-UA007283-NE-UU41-01, has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include details of how the surface water drainage system will be monitored and maintained for the lifetime of the development. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.

Reason

To ensure there is no increase in flood risk elsewhere as a result of the proposed development.

Advice for the Applicant

In order to discharge the above condition, a clearly labelled surface water drainage plan should be provided, which shows the layout of the proposed SuDS features. The plan should demonstrate that the required

attenuation storage volume can be provided on site. If an outfall discharge control device is to be used, such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated. Details of how the SuDS features will be monitored and maintained for the lifetime of the development should be provided to ensure these will operate effectively and there will be no increase in flood risk elsewhere.

Advice for the LPA

As the applicant is proposing to discharge surface water runoff into an Internal Drainage Board (IDB) watercourse (i.e. Clipstone Brook), the Buckingham and River Ouzel IDB should be consulted regarding the proposed discharge rates.

Internal Drainage Board Storm water discharge will not be allowed into a watercourse under the Board's control without the prior consent of the Board. I would suggest that the means of storm water disposal is resolved prior to the issue of planning consent or that any planning consent given is conditional to the method of storm water disposal being resolved prior to the commencement of development.

Natural England

No objection.

No conditions requested. This application is in close proximity to Nine Acres Pit 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 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.

Local Sites

If the site is on or adjacent to a local site, eg Local Wildlife Site, the LPA should make sure it has enough information to fully understand the impact of the proposal before making a decision.

Biodiversity Enhancements

This application may provide an opportunity to incorporate features into the design which are beneficial to wildlife such as roosting opportunities for bats or the installation of bird nest boxes.

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.

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.

CPRE

Objection.

Initially, we were minded to not object as the proposed installation is relatively small and it appears there is little concern about it from the local residents of Eggington.

However, due to latest developments, this position has changed to an objection. A larger solar development is being proposed 2 miles away at Tilsworth, reference, (CB/14/03129). Given that both sites are in the Green Belt and due to their proximity to each other, they should be assessed together rather than in isolation as they would conflict with the purposes of including land in the Green belt, specifically that of safeguarding the countryside from encroachment.

We note however that CBC policy, in line with the NPPF, does not wholly rule out solar farm development in the Green Belt. However, the NPPF, at paragraph 91 makes it clear that some elements of renewable energy constitute inappropriate development requiring justification through very special circumstances. The

NPPF indicates that such very special circumstances may include the contribution made to the country's renewable energy targets as a whole.

CBC's own policy whilst reiterating the NPPF position, emphasises that, when in the Green Belt or otherwise, solar farms must be located appropriately and this should not only mean just in terms of how the installation would fit within the immediate topography, but also how it would impact visually within the immediate and wider landscape, and how it impacts on issues such as agriculture, ecology and biodiversity. Within the Green Belts, appropriately must also mean how it impacts on the countryside's openness - the preservation of its openness being specified at paragraph 79 of the NPPF as one of the fundamental objectives of Green Belt policy.

In general, the applicant's proposals can be considered not to be unduly intrusive into the landscape, nor unduly damaging in terms of agricultural and ecological considerations, etc. The proposals do however involve the erection of a number of small buildings which are, by definition, inappropriate in the Green Belt by reason of loss of openness. However, taking this application in isolation and in view of the contributions to wider renewable energy needs, the very special circumstances test can arguably be said to be fulfilled.

However, to consider this application in isolation is no longer an option due to the cumulation of solar farms, taking the Tilsworth proposal into account. The overall level of encroachment of solar farms into the Green belt countryside locally is now potentially wholly inappropriate in terms of loss of openness and unacceptably damaging in terms of local visual impact and local landscape character.

In the right locations, CPRE is supportive of renewable energy projects though we believe, as the Government does, that focus should move from large scale solar panel installations on the ground, to a more dispersed approach focusing them on rooftops of homes, offices, warehouses and factories.

English Heritage

No in principle objection

However, some design scheme changes could be employed to reduce the level of impact and resulting harm.

Whilst there are no designated heritage assets within the application site, there are several highly grade listed buildings, conservation areas and scheduled monuments within the wider surrounding landscape. The solar farm

would impact the setting of a number of these designated assets and result in harm to their significance.

The application is supported by a Cultural Heritage Desk-Based Assessment (Hyder Consulting 2014) which has assessed the impact from the solar farm on the designated and non-designated historic environment. We do have some strong reservations over the quality of the assessment, and the comprehensiveness of its description and assessment of the heritage assets, their setting and their significance. The significance of a heritage asset derives not only from its physical presence, but also from its setting. The setting of a heritage asset is defined in the National Planning Policy Framework (NPPF) as the surroundings in which a heritage asset is experienced. Setting is not restricted to visual receptors and includes, for example, how the monument was approached and traversed, how its surroundings and historic land-use contribute to an understanding of its significance and how it is appreciated within a wider historic landscape. In our opinion, the Cultural Heritage Desk-Based Assessment has failed to clearly and concisely set out the significance of the individual assets, what comprises their setting and how different parts of the setting contribute to that overall significance. It is limited in its detail and assessment of the impacts upon setting and, in particular, the resulting benefit, harm or loss of significance (as required by the NPPF). The assessment fails to reference any Conservation Area Appraisals, which would be key sources for any such assessment, and the supporting site walk-overs (and visuals used within the Landscape and Visual Impact Assessment) appear to have neglected to assess some key viewpoints – such as the Church Farm scheduled monument (which has a public footpath running through it).

Paragraph 128 of the National Planning Policy Framework (NPPF) requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance. It could therefore be argued that the assessment has failed to fully meet the requirements of Paragraph 128 of the NPPF. However, English Heritage have used the assessment (and the LVIA) as an evidence base upon which to undertake site visits, and we are content to use this evidence in order to provide our advice regarding the Church Farm scheduled monument and the Hockliffe and Eggington Conservation Areas. The Church Farm moated site is a scheduled monument situated on the edge of the village of Hockliffe, within the Conservation Area. There is significance in the preserved

archaeological evidence within the monument, including both the upstanding earthworks and below ground deposits, and the potential for preserved palaeoenvironmental evidence within the waterlogged deposits of the monument's moated areas. The monument's setting includes its relationship with the village, the Grade II* listed church and its position and command of the wider surrounding landscape to the west, south and north. The way in which the settlement was approached and experienced is also part of its setting. The wide agricultural character of this landscape provides context to the monument. The proposed solar farm lies within this setting.

The undulating agricultural landscape also forms part of the setting of the Eggington and Hockliffe Conservation Areas. Hockliffe is a dispersed settlement, but with the conservation area quite tightly drawn around a small nucleated area, centred on the Grade II* church. The area includes the smaller pastures around the Church, The Rectory, The Lodge and Church Farm (which includes the scheduled monument), was probably the core of the historic settlement on the higher ground in the parish, before the focus moved lower down to the crossroads of the A5 and the A4012. The centre of the Conservation Area is quite enclosed; however the western area includes several pastures and views which look out towards the surrounding landscape. The agricultural and generally undeveloped nature of this surrounding landscape provides context to the Conservation Area.

Eggington is a small east to west linear settlement, situated on the northern side of a vast village green (now enclosed). The majority of the Conservation Area has a relatively enclosed character and is nestled along the village High Street. There are some open views and glimpses between buildings which link the village with its immediate rural landscape, including to the south in the western half of the village.

The eastern end of the village is more rural in character, with more open spaces and pasture fields (some containing earthworks related to a shrunken settlement pattern) running up to street edge, and the areas of Manor Farm and Eggington House located at this end of the settlement. Views northwards out of the Conservation Area towards the proposed Solar Farm site are mostly constrained by the undulating topography of the area and it is only in the north-eastern end of the Conservation Area that views are likely to be possible. This part of the Conservation Area was drawn to include Eggington House and its associated grounds and woodland;

although proposals in the March 2010 Conservation Area Appraisal suggest the area of the shrunken medieval village might also be included in the future. In this part of the area the land and roadway rises to a ridge where views open up of the surrounding landscape to the north and back across the pastures towards the village.

The proposed solar farm would be particularly prominent in these views, when leaving the village and Conservation Area. It is also probable that the solar farm site would appear in views leaving the village (but not the Conservation Area) in the west and when emerging from the settlement along the footpath running due north out of the centre of the village.

The proposed solar farm would impact the setting of the two conservation areas and the scheduled monument through the erosion of the landscape's historic and agricultural character and the visual intrusion. The views westwards out of Hockliffe Conservation Area and the Church Farm scheduled monument contribute to the significance of these two heritage assets. The more immediate surroundings, which would have directly related to the settlement, contribute the most to significance within these westerly views; although there is still some importance in the longer views - particularly in regards to the scheduled monument which includes high ridges and commanding of views westwards over the surrounding earthworks and out across the middle distance. Similar wide views are also possible from the rear of the churchyard. The impact from the proposed solar farm upon the assets' setting and its visual intrusion would be somewhat reduced by its distance and by the fact that the panels would be facing away from the asset. The site would also partially be screened by hedgerows and adjacent woodland – although this is not consistent and could be improved as part of the application. The level of impact upon the setting of Hockliffe Conservation Area and the Church Farm scheduled monument would be comparatively low and in our view is unlikely to result in any notable harm to the significance of these assets.

The impact and harm could be reduced through improved screening on the east and north-eastern boundaries of the proposed solar farm and reducing the scale of the development. The impact of the proposed solar farm upon the setting of Eggington Conservation Area would be more notable. The landscape around Eggington contributes to the significance of the Conservation Area; placing the settlement within its wider historic context. The proposed solar farm would directly impose upon the historic agricultural landscape surrounding the settlement and be clearly visible from within the northeastern corner

of the area. It would face directly towards the Conservation Area and be particularly pronounced as part of the landscape when leaving northwards out of the settlement. However, the surrounding topography does mean the visual intrusion on the wider Conservation Area would be limited (if at all) and the most notable views out of the Conservation Area do appear to be towards the historic green in the south.

The level of impact would also be reduced to some degree by the low visual sensitivity of the north-eastern corner of the conservation area and its comparatively low contribution to the overall significance of the Conservation Area as a whole (as compared to, for example, the High Street or the Church). We would conclude that although the magnitude of impact would be relatively high upon the north-eastern part of the Eggington Conservation Area, the overall level of harm to the areas' significance is unlikely to be serious or substantial. The impact and harm could be reduced through a smaller scale of solar farm development, with less panels and smaller coverage. Improved screening on southern boundary could also assist.

Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It states that the more important the asset, the greater the weight should be given to its conservation and goes on to identify scheduled monuments as heritage assets of the highest significance. It concludes that *any harm* or loss of significance should require clear and convincing justification. Paragraph 133 states that a development leading to the substantial harm to or total loss of significance should be refused, unless this is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal and Paragraph 137 identifies that opportunities should be sought for new development within the setting of heritage assets to enhance or better reveal their significance

Recommendation

English Heritage does not object in principle to the proposed solar farm development.

However, it is our view that the development would impact the nearby designated heritage and result in harm to its significance, in terms of paragraphs 132 and 134 of the NPPF. We would recommend design scheme changes be incorporated to increase screening on the

east, northeast and south of the solar farm development and reduce the adverse visual impact of the development. We would also recommend reducing the scale of the solar farm and size of the panels, in order to minimise the level of impact and harm upon the Eggington Conservation Area. The Council should be satisfied that application shows clear and convincing justification for any harm, and for this 'less than substantial' harm to be out-weighed by the public benefits of the proposal. The Council is best placed to weigh up the public benefits of the proposal however, in line with the NPPF, if a clear and convincing justification for the harm is not found, including arguments that the benefit could not be delivered through a less impactful scale and design scheme, we would recommend the Council should refuse the application.

Should any additional information or amendments be submitted, we would welcome the opportunity of advising further. If, notwithstanding our advice above, the Council proposes to approve the scheme in its present form; please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Determining Issues

The main considerations of the application are;

1. Principle of the development - Green Belt considerations
2. Agricultural Land Quality and Use
3. Impact on the character and appearance of the open countryside and setting of the heritage assets
4. Impact on residential amenity
5. Impact on highway safety
6. Financial contributions under Section 106 Agreement
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) (and echoed in Policy 36 of the emerging Development Strategy for Central Bedfordshire) 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

- Paragraph 91 of the NPPF accepts that the wider environmental benefits of increased production of energy from renewable sources could be considered as very special circumstances.
- A recent appeal decision regarding a solar farm in the Green Belt, reference (APP/CS105/A/13/2207532) concluded that it is clear that 'renewable energy projects are not prohibited outright in the Green Belt. It is, as ever, a matter of balancing any benefits they would bring forward against any harm they would cause.'
- The development is estimated to produce sufficient power to satisfy the requirements of 1896 average homes (reduced from 2050 homes following amendments to the scheme) with their total electricity needs and avoid approximately 3235 tonnes of CO² emissions per year.

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.

Other benefits that would be had from the development include the following:

- Improvement of the character and appearance of the open countryside through hedgerow planting although there might be short term harm while the hedgerow establishes.
- Biodiversity enhanced through creation of new grassland habitats, within the rows of solar panels.
- The development would promote agricultural diversification and hence support the rural economy and would assist the long term regeneration of agricultural land.
- There are likely to be work opportunities generated for local contractors during the construction phase and during the life of the solar farm.
- During its life, the development would contribute £6,800 per annum, secured through a Section 106 Agreement, to be paid into a Community Benefit Fund for use by the local communities of Eggington to fund community projects.

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 1,896 homes and would reduce CO₂ emissions by an estimated 3,235 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 to the open countryside and nearby heritage assets 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 Land Classification Assessment which concludes that the site falls within Subgrades 3a and 3b with the latter forming the majority. Subgrade 3a land constitutes only 7.3% (or 1.3 hectares) of the site and Subgrade 3b constitutes 93% (or 16.5 hectares) of the site. The Planning Practice Guidance (PPG) stresses that where greenfield land is to be used, the LPA should be satisfied that the proposed use of agricultural land has been shown to be necessary and that the proposal gives preference to poorer quality land instead of higher quality land and the proposal allows for continued agricultural use where applicable and/or biodiversity improvements around the arrays. The majority of the site comprises poorer quality land and will continue to be grazed by sheep and thus there would be no loss of agricultural production as a result. The proposal would therefore 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 proposed development would, in this respect, be in conformity 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

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 site falls within an area identified in the South Bedfordshire Local Character Assessment (LCA) as comprising an existing landscape structure of gentle rolling clay hills with a strong network of hedgerows and hedgerow trees flanking drainage ditches and subtle vales including the Clipstone corridor to the north of the application site. Visual sensitivity of views from areas of higher local ground (eg. Charity Farm and Eggington) is highlighted. The CBC Landscape Officer notes that these areas have a higher sensitivity to change due to more elevated views across local vales. The openness of the Clipstone vale is quite distinctive - in part due to topography but also due to gappy or highly managed hedgerows in this local area. From Leighton Road looking north across the application site and Clipstone vale the land is marked by openness of the vale, managed hedgerows and few trees offering limited screening. The farmed landscapes to the east of Leighton Buzzard retain a traditional, intimate rural character which is important to conserve. The scale of development in terms of area and height of array units is set within an existing landscape structure consisting of relatively level ground within an established hedgerow framework. The CBC Guidance Note 2: Solar Development in Central Bedfordshire indicates that the application site is not located within a landscape area assessed as having low sensitivity to solar development and hence the capacity of landscape character / sensitivities to accommodate this form of change needs to be assessed along with potential visual impact of change on receptors/ sensitivity of receptors. The Landscape Officer considers that at this level the capacity of the immediate landscape is able to accommodate this change. It should however be noted that the landscape rises to the south to the Eggington ridgeline which offers more elevated views to the north and across the site increasing sensitivity of views to the north to change.

In this case, the LVIA offers mitigation measures which follow the recommendations of the South Bedfordshire LCA which requires, among other things, the strengthening of hedgerow networks. The LVIA acknowledges that there are a number of receptors within close proximity of the site which would experience partial changes to the existing view immediately following construction. The PRoW which cuts across the site would experience a major change in character, changing from an open to an enclosed view. New hedgerow planting along with existing hedgerow reinforcement would, overtime, reduce the overall impact and as a result, after 7-10 years following mitigation planting there would remain at worst, a moderate impact for receptors within close proximity of the site.

The (LVIA) further assesses the cumulative impact of development, in this case,

the future urban development associated with the east of Leighton Linlade growth area which comprises 2,500 dwellings, employment land and other complementary uses. The CBC Landscape Officer concurs with the conclusion of the LVIA in this regard and notes that the application site is of sufficient distance away and intervening landscape is of a character able to accommodate change according to the scale and area of the development proposals. However, the LVIA was carried out prior to the erection of the wind turbine at the Double Arches Quarry site. This wind turbine is clearly visible from the application site and from elevated points on the Eggington ridgeline. Given that the solar frames would stand at a maximum height of 2.4 metres above ground level and taking into account the additional planting to be secured by conditions, it is debatable whether the solar panels would be read in the landscape as having a cumulative harmful impact with the wind turbine.

Whilst raising concerns about change in character and impact of change on views especially from the south looking north to the application site, the CBC Landscape Officer does not object to the proposals in principle.

It is therefore considered that whilst the proposed development would introduce a change to the landscape, the associated harm from different receptors could be satisfactorily mitigated by planning conditions. This does not however mean that the solar panels would not be visible from selected elevated view points.

Biodiversity

The application is supported by a Biodiversity Management Plan (BMP) which identifies the main habitats/land within the site as comprising arable and semi improved grassland fields, poor hedgerows, a line of trees, a river, dry ditches and an area of bare ground. Field boundaries comprise managed hedgerows all of which are species poor with some containing a number of trees. These boundary features are considered to offer good wildlife corridors connecting habitats across the site. The BMP also details habitat protection and enhancement measures for the proposed solar farm development. The CBC Ecological Officer confirms that the measures contained in this document are satisfactory and the proposal would not result in a detrimental impact to biodiversity. To ensure the development delivers a net gain for biodiversity throughout the lifetime of the project, it would be reasonable to attach a condition to require all works to be undertaken in accordance with this BMP. Furthermore, an ecological appraisal notes that the site does not form part of any statutory or non-statutory designated site. However, Clipstone Brook situated just outside the site, is a designated County Wildlife Site (CWS). Nevertheless, with the implementation of pollution prevention and control measures, no impacts are anticipated on this or any other designated sites.

Whilst acknowledging that the development would impact negatively on the character and appearance of the open countryside, it is considered that the proposed mitigation measures which can be secured by planning conditions would ameliorate the visual intrusion to the open countryside. Furthermore, the bottom part of the site is not visible from the south elevated view points due to the lie of the land and the strong hedgerow enclosure around this field and as such, the impact of the development is somewhat reduced.

4. Impact on Heritage Assets

The NPPF defines a heritage asset as a building, monument, site place, area or

landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. It goes further to define the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Significance is the value of a heritage asset which derives from archaeological, architectural, artistic or historic interest and this derives not only from the heritage asset's physical presence, but also from its setting.

The application site is considered to constitute part of the wider agricultural landscape which forms the setting of three historic settlements, namely, Eggington Village, to the south; the hamlet of Clipstone to the north west, and Hockliffe Church End at some distance to the north east. All three settlements contain listed buildings representative of the traditional building stock of the area, and both Eggington and Hockliffe Church End are designated Conservation Areas in their own right.

The proposed development would no doubt have different levels of impact on these heritage assets given their different locations in relation to the application site. English Heritage considers that the level of impact upon the setting of Hockliffe Conservation Area and the Church Farm scheduled monument would be comparatively low and in their view, unlikely to result in any notable harm to the significance of these assets. The views westwards out of Hockliffe Conservation Area and the Church Farm scheduled monument contribute to the significance of these two heritage assets. The impact from the proposed solar farm upon the assets' setting and its visual intrusion would be reduced by its distance and by the fact that the panels would be facing away from the asset. The site would also partially be screened by hedgerows and adjacent woodland although this is not consistent and could be improved. English Heritage concludes that the level of impact upon the setting of Hockliffe Conservation Area and the Church Farm scheduled monument would be comparatively low and unlikely to result in any notable harm to the significance of these assets. The impact and harm could be reduced through improved screening on the east and north-eastern boundaries of the proposed solar farm and reducing the scale of the development.

The applicant's agent has since submitted an amended plan which shows a reduction in the number of panels in the southern end of the top field and enhanced planting along the adjacent boundary. Although the top field would continue to be visible from higher ground, these suggested measures would help to soften the visual impact of the development in this direction.

The impact of the proposed solar farm upon the setting of Eggington Conservation Area would, however be more notable. The landscape around Eggington contributes to the significance of the Conservation Area; placing the settlement within its wider historic context. The proposed solar farm would directly impose upon the historic agricultural landscape surrounding the settlement and be clearly visible from within the northeastern corner of the area. The solar panels would face directly towards the Conservation Area and be particularly pronounced as part of the landscape when leaving northwards out of the settlement. However, the surrounding topography does mean the visual

intrusion on the wider Conservation Area would be limited and the most notable views out of the Conservation Area do appear to be towards the historic green in the south.

The level of impact would also be reduced to some degree by the low visual sensitivity of the north-eastern corner of the conservation area and its comparatively low contribution to the overall significance of the Conservation Area as a whole. English Heritage therefore concludes on this point that although the magnitude of impact would be relatively high upon the north-eastern part of the Eggington Conservation Area, the overall level of harm to the areas' significance is unlikely to be serious or substantial. The impact and harm could be reduced through a smaller scale of solar farm development, with less panels and smaller coverage. Improved screening on the southern boundary could provide further screening. As discussed above, the applicant's agent has since submitted a revised scheme which shows a reduced number of solar panels by 20% and the introduction of additional planting.

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 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. However, 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. A condition to secure this recording would therefore be appropriate.

Notwithstanding the Conservation Officer's objection, the preceding appraisal makes it clear that the harm to the setting of the heritage assets would be less than substantial. From the north western edge of the Eggington Conservation Area, the application site is not visible - It only starts coming into view as one walks down the ridge. Whilst acknowledging that the development would impact negatively on the setting of heritage assets, it would not detract from appreciating the significance of these assets. What lends weight to this conclusion is the fact that the application site lies outside the Conservation Area. Taken together with the proposed mitigation measures which can be secured by planning conditions, it is considered that the benefits to be had from the development would far outweigh the harm to the setting of the heritage assets. The fact that the proposal has received support from the local residents with no opposition registered, has also been given weight in drawing this conclusion.

5. Impact on residential amenity

The residential properties at the Clipstone hamlet and the Hawthorns are closest to the application site and are the most likely to be affected by the development. Outside the construction period, there would be three potential noise sources, viz, from the inverters, from the inverter/transformer stations and the substation. An acoustic assessment was carried out which recommended the erection of an acoustic fence around the potential noise sources. This is considered acceptable mitigation to operational noise from the development. A glint and glare report submitted with the application raises the possibility of impact on residents, road users and train drivers. However the study is clear that this is likely to be limited to early hours in the morning and any reflection from the panels will have far less impact than glare from the sun. The study also states that in most cases impact

will also be mitigated by shielding from trees, hedges and the terrain.

It is therefore considered that the proposed development would not be harmful to residential amenity.

6. Impact on highway safety

Although the site benefits from an existing access, this would not be able to achieve the required visibility splay as the land to the left is outside the applicant's control. A revised scheme showing access to the site on the south western boundary is considered acceptable subject to conditions and informatives recommended by the Highways Officer. The development would therefore not be prejudicial to highway safety.

7. Other Matters

Community benefit

Policy 46 of the DSCB supported by the 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 signed a Section 106 Agreement consenting to contribute a sum of £1,000 per MW of installed capacity (£6,800 per annum) for a 25 year period.

Representations

Parish Council Comments

The terms of the section 106 Agreement are quite clear that the financial contribution is meant for the benefit of the local community that is likely to be affected by the development and the vehicle to deliver that benefit is a Community Benefit Fund Panel which comprises, the Designated CBC Officer, an elected Central Bedfordshire Council Ward Member, a representative of the Developer, a representative of Eggington Parish Council, and one co-opted person. Whilst CBC sets up the Fund account and acts as the trustees, the section 106 Agreement makes it clear that the decision to spend the money rests with the Panel. All projects requiring funding would be submitted to the Panel for approval before the release of funds and a report would be presented annually to the Panel by the CBC Designated Officer on the state of the account. The 25 year term for the operation of the development is standard to CBC and would be secured by a planning condition which requires the land to be returned to its original use. This is the standard requirement throughout the country for solar developments.

Agent

The applicant's agent was given an opportunity to respond to the representations received and below is a summary of their reaction:

Tree and Landscape Officer

The planting plan requested by the Tree and Landscape Officer is contained within the LVIA (drawing No is Fig.1.9)

PROW Officer

I can confirm that the hedge is on the footpath side of the fence. The PROW officer queries whether a hedgerow along the route of the footpath is needed as they consider it to be more of a hindrance than a benefit. I note that the landscape officers comments suggest that the extent of view to the arrays need to be agreed. The hedgerow along the route of the footpath was proposed following the community information evening at which the majority of people that attended did require the proposed development to be screened from the footpath.

Community Benefit

Since submitting the draft S106, Lightsource has since amended its internal policy on the community benefits that we offer in response to feedback that we have received during our community engagement processes. The new offer to the Eggington Parish Council comprises a long term benefit payment of £1000 per Megawatt capacity installed as part of the Development per year for 20 years (this will be approximately £7,500 per year, subject to the final design, and a total of £150,000 over 20 years) to be applied towards a project or projects to benefit the local community at the discretion of the Parish Council. The letter setting out the new offer to Eggington Parish Council was sent on the 18th September but I am yet to hear from the Parish Council at this stage.

(Officer Note : The scheme has been amended further by the reduction of the number of panels and hence there is a corresponding reduction in the financial contribution).

Human Rights issues

The application raises no human rights concerns.

Equality Act 2010

No equality issues are raised by this proposed development.

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, countryside and setting of the heritage assets.
(Policies BE8 & N10, S.B.L.P.R and 36,43,45 & 50, DSCB).

- 3 **Notwithstanding the details submitted, 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 and along the footpath; 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 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 satisfactorily 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 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 The noise mitigation scheme stated in Acoustics Report Ref 4397-2 (Dated 10/11/2014) shall be implemented in full prior to the use hereby permitted being first brought into use.

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

- 8 The solar panels and associated framework shall not exceed 2.4m 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 the Biodiversity Management Plan by Avian Ecology dated 4th August 2014. 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 poles to accommodate the CCTV cameras shall not exceed 2.4m 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)

- 11 **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 the construction details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no vehicle associated with the construction of the solar farm shall cross the highway verge until the access has been constructed in 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)

- 12 **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 and provision for on-site parking for construction workers 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)

- 13 **No development shall take place until a Construction Transport 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. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

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)

- 14 **Visibility splays shall be provided at the junction of the new access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 195m in a north easterly direction and 215m in an south westerly direction, measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.**

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.

(Policy 43, DSCB)

- 15 **The development shall not be brought into use until a turning space for articulated vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.**

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

(Policy 43, DSCB)

- 16 **Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning**

Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

(Policy 43, DSCB)

- 17 No development shall commence until a wheel cleaning facility has been provided at the site exit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

(Policies BE8, SBLPR and 43 DSCB)

- 18 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 17m 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 the highway.

(Policies BE8 SBLPR and 43, DSCB)

- 19 Any gates provided shall open away from the highway and be set back a distance of at least 17 metres from the limit of the public highway.

Reason: To enable vehicles to draw off the highway before the gates are opened.

(Policy 43, DSCB)

- 20 The development hereby permitted shall not be commenced until such time as a surface water drainage scheme, based on the approved Flood Risk Assessment (FRA) dated 30 July 2014, ref. 5001-UA007283-NE-UU41-01, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of how the surface water drainage system will be monitored and maintained for the lifetime of the development. The scheme shall be fully implemented and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure there is no increase in flood risk elsewhere as a result of the proposed development.

(Policy 49, DSCB)

- 21 **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)**

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers UK-1611-S100, MFE_02, FIG 1.7 -UA007283-Issue01, TYP_P_E, CSR_01, DNO_01, SB_01, ID_01, SITE_AUX_TRANSFORMER_01, TD_01, CB_01, CCTV_01 , UK-Hullavington-C600-Inverter Details, UK-Hullavington-C610-Building-MV-Details, UK-Hullavington-C620-Transformer Details, L332/1 Rev. B, L332/2 Rev. A & CBC/001(DEER FENCE).

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 it will be necessary for the developer of the site to enter into a 'small works' agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated closure of the redundant access. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
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. In order to comply with the details of the surface water drainage scheme, a clearly labelled surface water drainage plan should be provided, which shows the layout of the proposed SuDS features. The plan should demonstrate that the required attenuation storage volume can be provided on site. If an outfall discharge control device is to be used, such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated. Details of how the SuDS features will be monitored and maintained for the lifetime of the development should be provided to ensure these will operate effectively and there will be no increase in flood risk elsewhere.
- 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.
- 8. 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.

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 at the pre-application stage and 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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