

Item No. 19

APPLICATION NUMBER	CB/14/04064/FULL
LOCATION	Land at Millfield Farm (Phase 2) Millfield Lane, Caddington, Luton, LU1 4AJ
PROPOSAL	Proposed solar park, incorporating installation of solar PV panels, associated infrastructure and access
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Abel Bunu
DATE REGISTERED	21 October 2014
EXPIRY DATE	20 January 2015
APPLICANT	Emsrayne Ltd
AGENT	Pegasus Group
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, including harm to the Area of Outstanding Natural Beauty (AONB), 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 measures approximately 9.3 hectares and lies within the Green Belt, Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV) , to the south west of Caddington Village. The land is currently classed as pastoral agricultural Subgrade 3a and 3b. The former comprises 3.2 hectares (42%) and the latter, 4.4 hectares(58%). A portion of the site estimated to be 1.6 hectares is classed non-agricultural. The site adjoins Millfield Lane to the east and agricultural land to the north, west and south. To the east and south east are residential properties and the Cotswold Business Park. The site is enclosed by hedgerow and trees along three boundaries in the north, east and south and a public footpath runs along the southern boundary from Millfield Land towards the west. The western boundary is open and the land falls steeply towards the A5. The existing access to the site is situated opposite the Cotswold Business Park entrance.

The Application:

seeks planning permission to install a solar park, incorporating installation of solar PV panels, associated infrastructure and access and planting along the western boundary as detailed below :

Installation of Photovoltaic panels

The panels would be laid out in arrays of rows running from east to west across the site and each array would be mounted on a simple metal frame spaced at approximately 3.9 metres 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 19,964 panels would be installed at an angle of 25 degrees facing a southerly direction. The mounting frames would be pile driven into the ground to a depth of 0.8 metre and no concrete or foundations would be required. The mounted solar panels would have a maximum height of 2.2 metres above ground level and 0.8 metre at the lower end to allow for sheep to graze underneath. The estimated output is 4.99MW which would provide approximately 1,200 average households with their total electricity needs and avoid a substantial amount of CO² emissions per year for 25 years.

Installation of Inverter Cabinets

3no. inverter cabins measuring 2.6 metres in height would be installed to house the inverter, transformer and associated equipment to convert DC energy produced by the arrays into AC energy required by the national grid. 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.

Transfer Station

The transfer station would accommodate equipment to connect the PV plant to the local distribution network. This station would be situated in the north eastern corner of the site adjacent Millfield Lane.

Erection of boundary fencing

A 2.4 metre high security fence would be erected inside the hedgerow boundaries. The fence would be open steel mesh coated in dark green, allowing views into and through the site.

Access improvements and construction

Construction access and operational access would be from Millfield Lane.

The application is supported by the following documents :

- Planning Statement with statement of community consultation
- Design and Access Statement - by Pegasus Group dated October 2014
- Extended Phase 1 Habitat Survey by Prime Environment, Ecology Consultancy dated September 2014
- Flood Risk Assessment dated October 2014
- Appraisal of Landscape and Visual Effects by Pegasus Group, dated August 2014
- Heritage and Archaeological Assessment by Bournemouth Archaeology, dated September 2014
- Inverterstation including transformer technical details by F&S Solar, received 22 October 2014
- Glint and Glare study by Emsrayne Ltd, dated 16 October 2014
- Agricultural Land Classification confirmation by Reading Agricultural Consultants, dated October 2014
- Draft s106 Heads of Terms
- Plans

The application constitutes a second phase of solar farm development following the approval and installation of Phase 1 situated to the south east of Cotswold Business Park. This solar park has been developed on 11 hectares of land. No generation of electricity has commenced yet.

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
NE3 Control of Development in AGLV
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/14/03270 /SCN	Installation of a solar farm.
CB/14/03255	PAPC. Installation of a solar farm.

Related History (Phase 1)

- CB/14/03482/NMA Granted. Non Material Amendment to planning permission CB/13/02954/VOC "Split up of the substation building into 2 separated buildings (following UKPN instructions), a client-substation and a DNO-switchroom; Revised panel layout within red line area to take account of the above. Reduced number and revised location of inverter cabinets (2 instead of the previous 5), Revised location and number of the substation buildings(s) (2 instead of the previous 1), Visual changes to the inverter cabinets and substation appearance.
- CB/13/02954/VOC Permission. Variation of Conditions: 2, 4, and 9 of planning permission CB/11/00455/FULL - Construction of a solar energy farm, to include the installation of solar panels, transformer housings, access track, security fencing, and other associated works.
- CB/11/00455/FULL Permission. Construction of a solar energy farm, to include the installation of solar panels transformer housings, access track, security fencing, and other associated works.

Representations: (Parish & Neighbours)

- Parish Council To be reported at the meeting.
- Neighbours None. Any responses subsequently received would be reported at the meeting.

Consultations/Publicity responses

- Environmental Policy Manger 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 (available at:
<http://www.centralbedfordshire.gov.uk/planning/strategic-planning/renewable-energy.aspx>)
The guidance has had input from specialists from across the Council and provides 'key principals' for consideration so will provide a useful steer to solar farm developers as to the sort of issues and information that would be expected to be address and provided. Detailed responses, specific to the proposal, will of course be provided directly form the specialist officers as part of the consultation to the planning application in relation to the key themes covered in the guidance. I have however highlighted some of the key elements below that may fall outside this below.

Weight 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.

Agricultural land quality: The detailed Agricultural Land classification and Soil Resources study provided shows the site to be split between grades 3a (42%) and 3b (58%). As an area of the proposed site is 3a then some further justification (detailed on P9 of the guidance document) should be provided. The application does state that the site will be managed in order to deliver a biodiversity net-gain for the development, namely as a wildflower meadow – the applicant would be expected to provide and agree a Biodiversity management Plan for the site with the council's ecologist.

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. It's important to note that the proposed site just falls inside the Chilterns AONB, with the AONB boundary running along the western edge of Millfield Lane.

Glint and Glare: The Glint and Glare study concludes that it is unlikely that there would be any negative impact on receptors (namely the airport).

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

Community engagement: Details of Community Engagement carried out are provided with the application and I am satisfied with what has been carried out to date. The package of 'community benefits' which has been proposed equivalent in total to £1,000 per MW of installed

capacity per year is in line with what we would expect and the difference in scale with the first Millfield Lane solar farm due to there being a higher feed-in-tariff rate at the time of application is accepted.

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. Consideration needs to be given to cumulative impact of Solar Farm developments in this area.

In summary, the development contributes to decarbonisation of electricity production and, assuming any other impacts can be adequately mitigated and planned for (landscape, ecology etc) I have no objections to planning permission being granted.

Sustainable Growth
Officer

The proposed development of 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 Council's technical Guidance Note 2: Solar Farm Development in Central Bedfordshire does not identified this site as an area of low sensitivity to solar development and therefore additional consideration needs to be given to the Landscape Officer comments regarding landscape impact and mitigation of this development and also cumulative impacts of other development within the area.

I have no objections to planning permission being granted and will support this development if other impacts, particularly landscape, can be adequately mitigated.

Landscape Officer

Original Comments

Following receipt of a revised draft planting plan, I have a few queries and would appreciate your thoughts regarding the following:

1: PROW – the plan doesn't appear to show the 5m footpath clearance offset from the ecological edge buffering the actual hedgerow - @ 7m wide corridor ? I am not sure if the hedgerow within the site behind the deer fence will mitigate the visual intrusion of the proposed deer fence @ 2m high. Could you confirm the fence will be 2 ms and not 2.4 ms high ?

2: The existing hedgerows are described as being maintained to a height of 3ms – existing hedgerow trees must not be cut, the treed hedgerows are a distinctive landscape / planting characteristic in this area and must be maintained. Could you clarify please?

3: The revised site access, as discussed during the site meeting on Monday, isn't shown on this plan ? Planting at the footpath access of Millfield Lane isn't clear as to where the proposed planting will be located.

4: I have concerns regarding the proposed western site boundary; 1) the proposed hedgerow alignment doesn't tie in with the existing woodland planting to the northwest of the site, 2) the hedgerow proposed will not effectively screen the development from wider elevated views from the AONB to the west for a significant portion of the developments life and in winter months. We discussed tree and hedgerow planting along this boundary on site to aid mitigation.

5: Could you confirm if the overhead power line parallel to the southern site boundary is proposed or existing please?

6: Sambucus tends to self set so I suggest is deleted from schedule and proportion of hawthorn increased. I haven't identified Taxus in the local hedgerows – I may have missed it - but would suggest replacing Yew with an alternative, increasing Hazel or introducing Field Maple possibly.

A last thought; it would be useful if the application red line boundary could be shown on the planting plan.

Revised comments

Having visited the site and surrounds I am concerned that the development may extend out, beyond the apex of the plateau and will be visible for a considerable time

/number of years from a number of viewpoints to the west within the AONB - at least until landscape mitigation has time to mature in to an effective screen. It is also important that landscape mitigation ties in with existing landscape character so I have suggested to the Agent a treed screen may be required rather than a hedgerow and await a revised plan– I have also requested cross sections to help assess this.

The visual impact on the wider AONB landscape is a key concern as is the amenity of walkers. I also have concerns regarding the quality of environment for walkers along the footpath to the south site boundary having seen the fencing and visual impact of arrays from footpaths in Millfield Phase 1. I suggest the proposed hedgerow to the southern site fence line needs to be on the footpath side, not within the site, to screen the fence and arrays. I chatted very briefly with the ROW Officer about this and I understand she appreciates why I request this but she urges the need for design to be detailed to ensure adequate space is maintained for walkers over future years.

Ecologist

After a useful site visit and having read through the submitted Phase 1 habitat Survey by Prime Environment I would like to offer the following comments;

- Site access, the Landscape Features Plan by Pegasus shows an 'existing gap in the hedgerow for access' in the northern part of the site but the habitat plan within the ecology report shows this gap further down the eastern boundary, in accordance with where we saw it on the ground today. The ecological report makes reference to the need for minimal removal of hedgerow to facilitate access and I believe this is on the basis of the true existing gap, therefore we should be looking to use this point of access as per our discussions on site and to steer away from access in the northern corner which has not been adequately assessed ecologically.
- The ecological assessment states in the conclusion that the resulting wildflower grassland will be of net benefit to wildlife in the area, however, on looking at Phase 1 under construction and on discussions with Emily and Sam I am concerned that we need to ensure an Environmental Management Plan is created for the site and most importantly adhered to. The EMP of Phase 1 states that sheep grazing will be the management tool with supplementary cutting if necessary. I stated in my response to the Phase 1 application, and the same applies here, that the true benefit from a site will be dependant on

management and this will involve grazing or a hay cut. It can be difficult to secure a grazier for a period of 25 years so panel spacing should be sufficient to allow access for machinery should a hay cut be required. I do not feel that the distance of 3.9m between panels will be enough for this?

- I note that a Heritage Meadow wildflower mix is proposed in 4.3.1 of the Phase 1 report but the site layout and planting proposals plan shows Emorsgate EG26 which is a 'old fashioned grazing mixture'. Whilst the two may sound similar the latter only has 2 flower species amongst other grasses so would not achieve a net gain and, as it says is a grazing mix meant for livestock so not suitable for the likely use here. Equally the suggested application method is for overseeding but in a field such as this site where there are a number of dominant grasses and frequent herbs this method would be pointless. The EMP would have to look at meadow establishment and management in greater detail with clear specifications as I feel this is where Phase 1 has not been strict enough.

Overall I feel the existing field would have benefits to wildlife in its current state albeit that this is not a unique habitat locally. With the necessary grassland management subject to a satisfactory EMP to include a monitoring programme check on establishment and assurances of an alternative site access I would have no objection.

Additional Comments

I just wanted to add in a comment about the new hedgerow that is proposed and the existing southern hedge. It was really to confirm what we discussed on site that the 5m width of the RoW should be taken from the current edge of the vegetation / scrub and not the centre of the hedge. There is a good graduation of height on this boundary and it provides valuable opportunities for all wildlife so I would want any management of the RoW corridor to ensure this graded edge is retained.

Equally the new hedge to go across the field should be a staggered double row of native species with standard trees included within this. At a seminar, I heard of a case study whereby 3 years after establishing the hedge a wildflower hedgerow mix was sown at the base which is a nice idea and something that could be incorporated into the management plan?

Rights of Way Officer

Public Footpath no. 17 should be left as a minimum of 5 metres wide with the footpath clearance measured from the ecological edge buffering the actual hedgerow - so at least a 7m wide corridor. I am not so keen on the hedge on the footpath side for a number of reasons but if so I would need at least 7 metres then left for the path before any hedge – so a 5 metre path measured from the existing vegetation, then another 2 metres to protect the 5 metre path from being affected by hedge growth in the future and then the hedge – so they would need probably 8 metres (if the hedge itself takes up another metre). The width is needed because you will be more enclosed than now – even with just the fence, even more so if the hedge is there too and hedges do grow out into paths. As explained to Emily, we had a suggestion from Oxfordshire’s rights of way team that they were asking for 10 metres for paths. I am also slightly reluctant of the hedge on the path side as then it means that a vehicle needs to be driven along the path to maintain the hedge which sometimes, if not done sympathetically, makes a big mess of the surface as we saw on the other side. Cross sections can be provided for both options but I will be asking for at least 7 metres for path if the hedge is going on the path side.

Planting at the footpath access of Millfield Lane isn’t clear as to where the proposed planting will be located. I’m concerned that the “Gap in hedgerow infilled with native hedgerow species at 5per square metre” in the south west corner will simply squeeze the public footpath in this area and grow into the path.

A clear maintenance regime for any new planting and the public footpath should be provided – perhaps by a condition?/included in the landscape plan?

Ideally the vehicle access should be kept separate to the public footpath entrance/exit but I may be willing to accept it in this location if it can be designed so that users of the Public Footpath remain unaffected and are kept safe at all times from site traffic. Further detail could be provided by condition?

An interpretation board would be good at some point along the public footpath.

Tree and Landscape Officer

In recognition that the site is on elevated ground, and that its southwestern boundary is open edge with no vegetation present, I have concerns regarding the visual impact on the surrounding AONB Chiltern landscape, when viewed from public rights of way along the high ground to the south and southwest of the site. This is confirmed by Viewpoints 16 to 19 inclusive, which

all show significant visual impact of the site when photographs were taken from various PRow looking north/northeast towards the site. The applicant plays down the significance on the AONB by referring to the presence of overhead power lines and disused buildings. However, I do not consider that this can fully excuse the significance of the visual impact on the surrounding countryside caused by this application.

The new planting being proposed on the southwestern boundary, in mitigation of landscape impact, represents only a thin strand of new hedge that will take many years to establish, and is too thin to be effective in providing the 3m high mature hedge being managed elsewhere around the site. It is my view that the planting along this boundary needs to take the form of a deep, screening buffer zone, at least 8m wide, to provide the depth of planting that will be in scale with the feature being contained within, incorporating larger tree specimens such as Beech as well as Field Maple.

In respect of the hedgerow mixture, I'm surprised to see Elder (*Sambucus nigra*) being specified in the mix, as this forms a shrub of weak constitution, becoming bare at its base and not responsive to traditional hedgerow maintenance. This results in a gappy hedge with a poor screening value, and in this respect, it is recommended that Elder should be replaced with Spindle (*Euonymus europaeus*).

Highways Officer

The proposal is for a large solar farm which would attract a substantial number of trips along a single lane road (Mansfield Lane) of 10 HGV and 24 vehicle movements per day for 20 weeks. There will also be a need for access for maintenance over the life of the development.

This is a significant number of vehicles using the proposed access which would suffer from substandard inter visibility.

Millfield Lane is subject to the national speed limit (60mph), however, this is a lane where the average speed would be low. Further the design standard would be in relation to the standard suggested in Manual for Streets. Therefore, the visibility splay could be (subject to a speed survey) 2.4m by 54m. It would be fair to say (with the support of a speed survey) that the 85%ile of the traffic is likely to be 30mph. With this the visibility could be reduced further to 2.0m by 43m. This will require the removal of some hedge row which could be determined on site which I would be willing to do with the applicant's agent. In the meantime I am willing to offer standard conditions.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

Development shall not begin until details (the improvements to) (of) the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction 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.

Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.0m measured along the centre line of the proposed access from its junction with the channel of the public highway and 54m 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.

Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

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

No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

Reason

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

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. (HC 38)

Reason

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

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued :-

The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

Public Protection

Recent experience with Solar Farms has indicated that whilst noise is a consideration and indeed can have a material impact on sensitive receptors it can in all instances so far be mitigated. I therefore have no reason to believe that the same will not be applicable to this application and I therefore recommend the following condition be inserted:

“A noise mitigation scheme shall be submitted to and approved by the Local Planning prior to the use hereby permitted first being brought into use and thereafter maintained throughout the life of the development”.

Environment Agency

We have no objection to this application.

The Flood Risk Assessment (FRA) submitted is acceptable. We do not need to see any further details of the drainage strategy.

Chilterns Conservation Board

The Board writes to object to the planning application for the following reasons:

- The development is located within the nationally protected Chilterns AONB and would be clearly visible from existing rights of way, particularly those in the vicinity of the site. The visibility of the development would increase with any glint and glare associated with the solar panels, their frames and any buildings and other infrastructure on the site. Equally any impacts will increase during the autumn and winter periods and will be experienced from further afield. The Board considers that these likely impacts have not been adequately assessed as part of the submissions made in connection with the application.
- The Board considers that in order to properly assess the issue of glint and glare in connection with this application a full and rigorous study should be undertaken to assess the likely impacts of reflection, glint and glare, particularly on users of the rights of way both in the immediate vicinity of the site as well as other users of the Chilterns AONB on more distant routes. Such a study should include validated visualisations / photomontages. The Board considers that what has been submitted, and claims to be a ‘glint and glare review’, does not adequately assess the likely implications.
- The Board considers that the development would introduce into an essentially lowland, pastoral, undulating landscape an incongruous industrial use on a significant scale that would fail to achieve the purpose of the Chilterns AONB (namely the conservation and enhancement of the natural beauty of the area). Furthermore, the Board considers that the development would have a detrimental impact on the enjoyment of users of the AONB.
- The Board considers that the submitted landscape and visual impact assessment (LVIA) fails to take proper account of the likely impacts on the Chilterns AONB and its users and as the site is clearly visible within the AONB any assessment should properly reflect the sensitivity of this designation to change.
- The Board considers that based on the sensitivity of the AONB to change, the visibility of the site and the

extent of the view that would be affected the effect would be 'moderate/major adverse' and not 'moderate/minor adverse' as claimed.

- The development is considered to be contrary to the development plan, which includes the following:
 - o The National Planning Policy Framework;
 - o The National Planning Practice Guidance, and
 - o The emerging Central Bedfordshire Development Strategy (Policy 46 in particular, and the Board notes that engagement with interested stakeholders should take place at the earliest opportunity – the letter from the Council alerting the Board to the planning application is the first official notification that the Board has had in connection with this proposal).
- The development is also considered to be contrary to the adopted statutory Chilterns AONB Management Plan and the Board's Position Statements on 'Renewable Energy' and 'Development affecting the setting of the Chilterns AONB' (attached for information to the email that included this response).
- The application is also considered to be contrary to the Department of Energy and Climate Change's 'UK Solar PV Strategy Part 1: Roadmap to a Brighter Future', in particular Principle 3 which states that support for solar PV should 'ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them'.
- This principle is reflected in planning practice guidance issued by the Department for Communities and Local Government which makes it clear that proposals 'in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration'. The local planning authority will clearly be aware of this issue as they were reminded of it in a letter from the Minister of State for Energy and Climate Change in November 2013.
- The Board notes that the application is described as an extension to a previously permitted solar farm development (on a completely separate site which is located outside the Chilterns AONB and on the eastern side of Millfield Lane).
- The Council will no doubt be aware that the previously approved scheme has been commenced. However, unless a lot of activity has taken place recently, only a

tiny fraction of that site has actually been developed (see photo at Appendix 1 which was taken earlier this year). The Board wonders why yet more agricultural land should be blighted by the current proposal when there does not appear to be the demand for even currently permitted schemes to come forward.

- The Board considers that, because the development is considered to neither conserve nor enhance the natural beauty of the Chilterns AONB, it would have detrimental impacts on users of the AONB, it is contrary to planning and other policy and there are no overriding circumstances that would warrant a departure, the application ought to be refused.

The Chiltern Society

As a Planning Officer of The Chiltern Society I have looked at the plans etc on Council's web site for the above application and my colleague has visited the locality. I now write on behalf of The Society to express our opposition to this planning application for a proposed 2nd Phase Solar Farm on land at Millfield Farm, Caddington.

In principle The Chiltern Society is not against "Solar Energy" development, and we did not object to the Phase 1 solar farm. However we do have a number of principle objections to the second one proposed in this location, and we would ask Council to consider these when examining this planning application.

- We note that not only is the proposed site for this solar farm in the South Bedfordshire Green Belt, it is also in the Chilterns AONB, both of which we consider are unacceptable in principle as locations for a solar farm.
- We believe the proposed development is contrary to the provisions of the NPPF because of its situation described above. NPPF states that planning permission for development in AONBs should only be granted in exceptional circumstances and in the public interest. Neither is applicable in this case, nor is it an intrinsic development in attractive countryside, nor would it enhance the area.
- It will involve the loss of good grade agricultural land (believed to be Grade 3 or 3a), which is also contrary to NPPF principles for permitted developments. We also understand that it could infringe Council's own policy in this regard.

- The second Solar Farm, unlike the first one, will be very visible because of the openness of its proposed location and consequently it will have a visually unacceptable impact on the setting of, and views from parts of the AONB and from the Chiltern Hills.
- The proposal for a Solar Farm is clearly against current Government policy as clearly defined by the Energy Minister, which is to move away from locating solar farms on agricultural land and, instead, to “utilise existing commercial and residential roof spaces for solar panels”.

For all the reasons outlined above The Chiltern Society urges Council to refuse permission for this planning application (CB/14/04064/FULL)..

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Campaign to Protect Rural England (CPRE)

Proposal not acceptable in terms of :

- Green Belt and AONB
- Landscape Impact
- Agricultural Implications

Green and AONB

the case for very special circumstances should be weighed against the degree of harm involved and the declining level of Government support for ground mounted pv solar panels as reflected by the cut in subsidies for such installations. Due to the open nature of

the site, the harm by reason of loss of openness would be substantial. taken together with Phase 1, 20.7 hectares of Green Belt land would be covered by solar panels. the test of exceptional circumstances required to approve such major development in the Green Belt is not passed in this case. The existence of grid connection is not an exceptional circumstance. the government requires high protection of the AONB.

Landscapes Impact

CBC's own policies and solar guidance require high protection of landscape. there would be adverse visual harm to walkers on the PROW.

Agricultural implications

No convincing evidence has been put forward to justify the use of agricultural land of high value. there are also concerns regarding the requirement to de-commission the development after 25 years. Electricity generation could cease before the expiry of the 25 year period. CPRE recommends that a financial bond be attached to any permission so that the developer forfeits the money if restoration of the site is not done.

Determining Issues

The main considerations of the application are;

1. Whether or not the proposed development is acceptable in principle having regard to its location within the Green Belt
2. Impact on the Chilterns Area of Outstanding Natural Beauty, character and appearance of the open countryside and biodiversity
3. Agricultural Land Quality and Use
4. Impact on residential amenity
5. Impact on highway safety
6. Other Matters

Considerations

1. Principle of the development

Green Belt considerations

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

development would be occupied by the solar panels and other associated structures) and encroachment into the countryside. The NPPF advises, at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence. This approach is echoed in Policy 36 of the emerging Development Strategy for Central Bedfordshire (DSCB). 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.
- The development is estimated to produce sufficient power to satisfy the requirements of 1,200 average homes with their total electricity- needs and avoid a substantial amount of CO² emissions per year. Combined with the output from Phase 1, the development would supply enough power for the whole village of Caddington and hence, this village would become the first self-sustaining village in CBC.
- The proximity of the site to Phase 1 would enable operational efficiency and as stated above, enhance environmental benefits which come with combined output.
- There is an existing grid connection close by for the scale of the development without which the development would not be viable.
- The proposed landscaping would remain in situ long after the de-commissioning of the development hence providing long term environmental benefits which would include screening views from the AONB and biodiversity.

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.
- Whilst acknowledging the resultant loss of openness to the Green Belt, it should also be noted that the solar arrays would be arranged in rows spaced approximately 3.9 metres apart such that views across the site would still be possible through these gaps. Furthermore, the structures would not require foundations and any harm would be temporary. Taken together with the proposed planting, the loss of openness to the Green Belt would not be significant.
- 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 £4,990 per annum, secured through a Section 106 Agreement, to be paid into a Community Benefit Fund for use by the local communities of Caddington 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 1,200 homes and would reduce CO2 emissions into the atmosphere. 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 AONB and encroachment onto the open countryside and any other harm as will be discussed in the following sections.

2. Impact on the Chilterns Area of Outstanding Natural Beauty, character and appearance of the open countryside and biodiversity

The application site lies within the AONB and whilst enclosed on three sides, it is exposed to wider views in the west from high ground beyond the A5 Trunk Road. The Landscape Visual and Impact assessment(LVIA) submitted with the application assesses the sensitivity of visual receptors and notes in particular that given that the existing PROW is situated within the AONB, the value of the views to the users of this PROW is high. The overall sensitivity of this receptor to change due to the proposed development is therefore assessed as high. CBC's Landscape Officer considers that planting within along the PROW would assist to mitigate the visual harm due to the fence and the pv panels. The Public Rights of Way Officer agrees provided that sufficient width is made available to avoid conflict between the hedgerow and the footpath.

In the LVIA, it is proposed to plant hedgerow along the western boundary and it is claimed that this hedgerow would be visible from the time of planting and would help reduce visibility of the development as soon it was planted. It is predicted that by Year 5, the hedgerow would have established itself and would be maintained at a height of 3 metres and hence the magnitude of the change from this direction would be negligible due to screening of the development by the hedge. CBC's Landscape Officer however considers that tree planting would be preferable to hedgerow planting in order for the mitigation measures to reflect the existing landscape character. The NPPF requires, at paragraph 115 that great weight should be given to conserving the landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty. The NPPF also states that "planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest" (paragraph 116). In this case, the contribution of the development to the reduction in carbon emissions and addressing climate change through supplying renewable energy to a large number of households in Caddington, provides adequate exceptional circumstances required by the national advice and clearly this would be in the public interest. Furthermore, the A5 and associated urban forms of development which include electricity pylons along this transport corridor mean that the proposed development would not be introducing a new urbanising character that would be alien to the AONB. Given that the solar arrays would run from east to west, it means that gaps between these arrays together with their narrower ends would ameliorate the visual impact on the AONB from the western direction till the planting along this boundary is established.

The Extended Phase 1 Habitat Survey submitted with the application notes that

the proposed access in the north eastern corner of the site would breach the existing hedgerow. However, following discussions on site, an alternative access point was identified where the hedgerow has already been removed. It is therefore considered that the development would minimise the removal of existing planting. This alternative access is being pursued by the applicant's agent and awaits the results of a speed survey.

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 & 50 of the emerging Development Strategy for Central Bedfordshire (D.S.C.B).

The (LVIA) further assesses the wider setting of the development and considers its cumulative impact, in this case, the solar farm at Phase 1. It is noted that the application site is of sufficient distance away from the Phase 1 development and the two sites cannot be seen together due to intervening woodland.

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. The greatest potential effect on visual amenity would be from within the site along the PROW which runs along the south eastern boundary and from elevated points in the west. Views from Millfield Lane would be filtered by existing hedgerow and trees and any additional planting to be introduced.

Biodiversity

The application is supported by an Extended Phase 1 Habitat Survey which identifies the main habitats within the site which may lead to a requirement for mitigation as comprising grassland, hedgerows, great crested newts, reptiles, and birds. The majority of the site's habitats which would be affected by the development are common and widespread and considered to be of low intrinsic biodiversity value. The trees which may support roosting bats would not be affected by the proposal. The report concludes that the site as a whole is not of sufficient intrinsic ecological value to warrant whole-scale protection from development providing that the features of greater biodiversity value are retained. The predicted negative impacts of the development are considered minimal. Furthermore, on completion of the works, the development would result in a net gain to the site's and local area's biodiversity. An area of wildflower grassland and hedgerow would be created which would be of benefit to wildlife. The CBC Ecological Officer confirms that subject to detailed environment management measures which can be secured by a planning condition, the development proposal would not be objectionable. It is therefore considered that in order 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 the management plan outlined in the Extended Phase 1 Habitat Survey.

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 AONB and open countryside. Although there would be some disturbance to the existing habitat, under the NPPF advice, development should seek to contribute a net gain in biodiversity and in order to achieve this, losses which cannot be mitigated must be compensated for and additional biodiversity provided by the scheme. In this case, the only part of the development proposal which requires compensation is the hedgerow to be lost to create an access to the site. However, as already discussed, an alternative access point is being explored which would make this loss and compensation unnecessary.

3. 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 42% (or 3.2 hectares) of the site and Subgrade 3b constitutes 58% (or 4.4 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.

4. Impact on residential amenity

The residential properties that are likely to be affected by the development lie to the east of Millfield Lane and front onto it. Outside the construction period, there would be three potential noise sources, viz, from the Inverters, from the inverter/transformer stations and the substation. CBC's Environmental Health Officer considers that whilst solar development can be associated with noise issues, these could be successfully mitigated. It is therefore considered a noise mitigation condition as recommended by the Officer would be justified to deal with operational noise. A glint and glare report submitted with the application makes the observation that PV panels are designed to absorb solar energy and convert it directly to electricity and any reflected light is lost energy and as such, specialist materials and processes are employed to maximise absorption. The strength of reflection is much lower than from other materials and features like glass houses, car parks, etc. Taking these factors into account and given the intervening planting, it is considered that the proposed development would not be harmful to residential amenity.

5. 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 right is outside the applicant's control. A revised scheme showing access in a more central position where the hedgerow has already been broken has been assessed and agreed on site and as such, would form the basis of planning conditions. The conditions recommended by the Highways Officer would therefore be reasonable and the development would therefore not be prejudicial to highway safety.

6. 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 offered to sign a Section 106 Agreement consenting to contribute a sum of £1,000 per MW of installed capacity (£4,990 per annum) for a 25 year period.

Representations

Agent's response to consultation responses from :The Chiltern Conservation Board, The Chilterns Society and CPRE and CBC internal consultees.

In the first instance, I would refer you to the submitted Planning Statement and LVIA, which robustly addresses the points raised by the Chiltern Conservation Board (CCB). However, I have looked at the points raised and can provide you with the following feedback, the first being a general point.

- The viewpoints suggested by the LPA were re-taken and additional photographs taken from locations sent on a plan marked up by the Landscape Officer involved. Winter views were discussed and it was explained within the LVIA that :
'The field survey was undertaken during the summer months when deciduous vegetation was in full leaf. It is therefore possible that the visibility of the site may be increased during the winter months when such deciduous vegetation is not in leaf. However, the density and thickness of the majority of the screening vegetation, combined with the fact that for many views the screening vegetation occurs in multiple layers (e.g. views are screened by more than one field boundary hedge) means that even in winter visibility is likely to be restricted to receptors close to the site'
- It is not agreed that there is declining support for Government Ground-Mount solar schemes. The Government's position is clearly set out within the planning statement. Specifically I highlight some of the most recent guidance dated October 2013 and April 2014; a two-part UK Solar PV Strategy was published by the DECC. This encourages the use of Solar PV as a ***"mature, proven technology"*** (Part 1, para 9) in a ***"variety of locations and contexts including domestic roofs, commercial and industrial properties, and on the ground in Brownfield and Greenfield sites"*** (Part 1, para 10). The CCB suggest the proposal does not accord with this guidance, referencing that proper weight and careful consideration are required to be given to all material issues. Indeed, this has been undertaken, within the suite of submitted landscape and environmental documents. The local community have also been consulted, as confirmed within the submitted planning statement, and would also directly benefit as a result of the proposed community contribution which can be secured by s106.
- In the context of the site's location, paragraph 91 of the NPPF also acknowledges that ***"very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources"***. Therefore, there remains National support for such schemes and in such designated locations. It is not therefore agreed that the scheme does not have National support.
- A glint and glare study has been undertaken and submitted, by a professional consultant qualified to assess such matters. A similar study was accepted by the Council for the nearby 'Millfield 1'

scheme. The approach to this application is therefore consistent with that proposal. I am satisfied that the conclusions reached in the submitted study are sound; that there would be no adverse glint/glare effect from the proposed development.

- The LVIA clearly highlights the sensitivity of the area and visual receptors however it clearly states that the value of views are reduced by the level of human influence within and on the edge of the AONB and has clearly stated Year 1 and Year 5 impacts to bring attention the degree of visual impacts of the proposed development over the different stages of the development. The AONB already has significant detractors within the landscape however although the proposed development is located within an elevated position the proposed mitigation measures would enclose the site and prevent views onto the site therefore the development would not be apparent within the existing overall view once these have established due to its low lying nature. Views from the AONB are already overlooking the A5 and several unsightly developments along its route which have not been mitigated against and there are several large scale over head power lines and pylons present cutting across the landscape.
- As for the users enjoyment of the AONB this is questionable due to the level of human influence present and the A5 cutting across the landscape. The PRoW to the west are widely used I agree but there are larger visual detractors that also would affect users enjoyment of the AONB. As for the PRoW running adjacent to the site I do wonder how widely this is used in reality.
- **With regard to planning policy and the AONB Management plan, we have referred Central Bedfordshire's Guidance Note 2 'Solar Farm Development in Central Bedfordshire' on mitigation retaining as much of the existing and surrounding vegetation around the Application Site and ensuring that new planting proposals are in keeping with the local character of the area. Existing vegetation is utilised where possible to assist with screening and mitigating the proposals with limited removal of existing vegetation within the site.**
- **The extent of provision of photomontages should have been clarified at pre-application stage. I do not know if the CCB have seen all of the most up to date submitted information with regard to views, but if additional photomontages are required, we can discuss this at our meeting on Monday 24th November. The Council's landscape officer was consulted prior to the application submission, and required only viewpoints at that time, which have been provided within the LVIA.**
- **The effect of the development on the PRoW has been assessed by the Council's PRoW team and they are best placed for advising on the effect of PRoW users. Amendments to the plans have been made in accordance with PRoW consultee comments, to achieve a 5m width along the footpath to the south of the site. A notification board is also proposed, to increase awareness of renewable energy developments and improve 'interaction' with local network users.**

- **With regard to the Agricultural Land Classification, it is firstly worth of note that the site does not fall within Grade 1 or 2, nor is all of the site Grade 3a. In addition, the purpose of preferring land of a lower quality is so that the ‘best and most versatile’ land is not lost through development proposals. The nature of this proposal is for a mixed use development; renewable energy and agriculture, and so this latter use would not be lost as a result of the proposal. During operation, the agricultural use would continue for the growing of a wildflower meadow. In addition, the proposal is for a temporary period of time and with minimal ground work required, and thus would not adversely affect the quality of the soil on the application site, which will fully revert to agricultural use at the end of the 25 year period.**
- **Finally, I am satisfied that the conditions applied for the ‘Millfield 1’ scheme were sound, and met the relevant ‘tests’. I therefore have no objection to similar conditions being utilised again for this application proposal.**

Highways

Concern expressed that visibility splays would not be sufficient.

Speed survey being undertaken w/c 24th November to measure road speed and include visibility splays accordingly. Depending on speed results, the position of the access may be moved further south to take advantage of a natural bend in the road and this would have dual benefit of requiring the removal of less vegetation. Agreed with the PROW officer that the existing access cannot be used as there would be conflict with PROW users. Speed survey results and revised site layout plan to be submitted.

Landscape

Wide concern expressed that visibility of solar panels would be harmful on the character and appearance of the AONB.

Agreed that the western boundary planting was not robust enough, and that planting along the southern boundary should be introduced, to mitigate long range views of the site as seen from the west, and directly from the PROW to the south. Revised planting plan, site layout plan and new cross section plan to be submitted.

PROW

Agreed that the southern PROW should be 5m wide and this will be detailed on revised site plan. The 5m will be measured from the edge of the existing planting to the new security fencing to avoid planting on both sides ‘growing in’ and reducing path width.

Site Layout Plan

The arrangement of the panels will need to be amended to take account of the above changes, and I will instruct the developer to provide a revised site layout plan once the implications of the speed survey/access and landscaping are known.

The information will be ready by **Wednesday 10th December.**

Shading

I have investigated the impact of shading on the panels as a result of comments from our visit. Obviously, the effects of shading depends on the grade and amount of the shading, i.e. if it is only a small shade from a single tree or from overhead lines it will be less than larger areas of shade from groups of trees. However, it is normal to have partial shading of the panel arrays during winter months when the sunlight is at a lower angle and the shadows cast are longer. This effect would be reversed in summer when the sunlight is at its strongest and the shadows their smallest. Due to the higher topographical levels of the application site, the shading caused by the existing and proposed boundary treatment will not adversely affect the power generation of the panel arrays.

The LPA is satisfied with the response given by the applicant's agent and agrees that the identified harm to the AONB, Green Belt and open countryside is capable of mitigation through planning conditions. Furthermore, it is agreed that the visual harm would be temporary while the planting establishes.

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, and other

associated equipment shall be removed from the site and the land restored to agricultural use or to a condition to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is decommissioned and the land returned to its original use prior to the development in the interest of preserving versatile agricultural land and to preserve the openness of the Green Belt and visual interest of the AONB and countryside.
(Policies BE8 & N10, S.B.L.P.R and 36,43 & 50, DSCB).

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

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

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

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

- 5 **Prior to or within one month of their installation, the transformer enclosures, grid connection building, perimeter 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 and AONB.
(Policies BE8, S.B.L.P.R and 43 & 50 DSCB).

- 7 A noise mitigation scheme shall be submitted to and approved by the Local Planning Authority prior to the development hereby permitted first being brought into use and thereafter maintained throughout the life of the development.

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 Section 4.0 of the Extended Phase 1 Habitat Survey by Prime Environment Ecology Consultancy dated September 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 Notwithstanding the details submitted with the application, an Environmental Management Plan shall submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that the development preserves the character and visual appearance of the open countryside and AONB and provide adequate screening for the development.
(Policies BE8, SBLPR and 43,50 & 57, 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 highway/access improvement works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

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

- 12 Notwithstanding the details submitted with the application, development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The**

scheme shall be operated throughout the period of construction work.

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

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

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

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

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

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

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

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

- 15 **The approved development shall be implemented in strict accordance with the recommendations of the Flood Risk Assessment prepared by RMA Environmental Ltd, dated October 2014.**

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

(Policy 49, DSCB)

- 16 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, BNL.0617_06-6, CBC/002, CBC/003, BNL.0617_06-A, TS14-278W1, BNL.0617_01-A, BNL.0617_02-A, BNL.0617_03-A, BNL.0617_04-A, BNL.0617_07-A and SCP/14920/F01 Rev. A**

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. 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.
7. 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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