

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.

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 be 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, CBC/002, CBC/003, BNL.0617_06-E, TS14-278W\1, BNL.0617_01-A, BNL.0617_02-A, BNL.0617_03-A, BNL.0617_04-A, BNL.0617_07-A, BNL.0617_10-A, SCP/14920/F01 Rev.A and SCP/14920/F02 Rev.A

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

17. Development shall not commence until construction details of the proposed access, including details of materials and gates to be installed have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of preserving the visual amenities of the AONB. (Policies BE8, SBLPR and 43, 50 & 58, DSCB).

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.

[Notes:

1. In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of the consideration of the application the Committee were advised of a correction to the report, additional/amended documents submitted and additional consultation responses as set out in the Late Sheet attached to these minutes.
3. In advance of the consideration of the application the Committee were advised of an additional condition 17 and a correction to condition 16 as follows:

CBC/001, BNL.0617_06-6, CBC/002, CBC/003, BNL.0617_06-E, TS14-278W\1, BNL.0617_01-A, BNL.0617_02-A, BNL.0617_03-A, BNL.0617_04-A, BNL.0617_07-A, BNL.0617_10-A, SCP/14920/F01 Rev.A and SCP/14920/F02 Rev.A.
4. **The Committee requested the S106 agreement be amended from 20 years to 25 years.**