

## **Item No. 18**

<b>APPLICATION NUMBER</b>	<b>CB/14/03113/FULL</b>
<b>LOCATION</b>	<b>Land North of Leighton Road West of Hawthorn, Leighton Road, Eggington</b>
<b>PROPOSAL</b>	<b>Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras and fence.</b>
<b>PARISH</b>	<b>Eggington</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>18 August 2014</b>
<b>EXPIRY DATE</b>	<b>19 December 2014</b>
<b>APPLICANT</b>	<b>Lightsource SPV 106 Ltd</b>
<b>AGENT</b>	<b>Lightsource Renewable Energy Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Development and Departure from the Development Plan for development in the Green Belt.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval subject to referral to the Secretary of State</b>

### **Reasons for Recommendation**

Whilst the proposed development would be inappropriate in the Green Belt and would be harmful to its openness, it is considered that very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm. In reaching this conclusion, great weight has been placed on the NPPF's presumption in favour of developments for renewable energy which requires that Local Planning Authorities recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources', (paragraph 97). Principally, this national advice stresses that very special circumstances in such cases may include the wider environmental benefits associated with increased production of energy from renewable sources, (paragraph 91). Furthermore, Paragraph 98 makes it clear that 'when determining planning applications, Local Planning Authorities should, ...approve the application if its impacts are (or can be made) acceptable.' In this case, the suggested mitigation measures which would be secured by planning conditions are considered satisfactory. In taking this approach, the Local Planning Authority (LPA) is mindful of the NPPF advice at paragraph 203 which makes it clear that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Taking into account all the other benefits to be had from approving the development which include, farm diversification, biodiversity, community benefits, regeneration of agricultural land, contribution to the rural economy, new hedgerow planting along the site boundaries and the fact that the development is temporary being capable of complete reversal, it is considered that on balance, the proposal has passed the tests for renewable energy development set out in Policies SD1, BE8, NE10, R15 (SBLPR) and Policies 1, 3, 23, 36, 43, 45, 46, 49, 50, 57 and 58 (DSCB) and the CBC 'Guidance Note 2: Solar Farm Developments and national advice within the NPPF and PPG.

## Recommendation

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

### RECOMMENDED CONDITIONS

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

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

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

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

(Policies BE8 & N10, S.B.L.P.R and 36,43,45 & 50, DSCB).

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

**Reason: To ensure a satisfactory level of planting in the interest of visual amenity**

**(Policies BE8, SBLPR and 43 & 58, DSCB)**

- 4 If within a period of 5 years from the date of the planting of any tree or hedgerow, that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,

another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

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

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

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

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

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

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

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

- 8 The solar panels and associated framework shall not exceed 2.4m in height above ground level unless otherwise agreed in writing with the Local Planning Authority.

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

- 9 The development hereby approved shall be completed in accordance with the recommendations in the Biodiversity Management Plan by Avian Ecology dated 4th August 2014. The measures shall be implemented in full throughout the life of the development, and no variations shall be permitted other than with specific written consent from the Local Planning Authority.

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

- 10 **The poles to accommodate the CCTV cameras shall not exceed 2.4m above ground level. No development shall take place until details of the siting, direction and orientation, camera specifications and fields of vision have been submitted to and approved in writing by the Local Planning Authority. The CCTV cameras shall be installed in accordance with the approved details, and retained in accordance with those**

details thereafter.

**Reason :To preserve the character and visual appearance of the open countryside and to protect the privacy of users of the adjoining footpaths.**

**(Policies BE8, SBLPR and 43 & 50, DSCB)**

- 11 **Notwithstanding the details submitted with the application, no part of the development hereby approved shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990) until the construction details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no vehicle associated with the construction of the solar farm shall cross the highway verge until the access has been constructed in accordance with the approved details.**

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

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

- 12 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress and provision for on-site parking for construction workers has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

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

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

- 13 **No development shall take place until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, the management of junctions to, and crossing of, the public highway and other public rights of way. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

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

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

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

vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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

(Policy 43, DSCB)

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

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

(Policy 43, DSCB)

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

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

(Policy 43, DSCB)

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

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

(Policies BE8, SBLPR and 43 DSCB)

- 18 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 17m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

(Policies BE8 SBLPR and 43, DSCB)

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

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

(Policy 43, DSCB)

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

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

(Policy 49, DSCB)

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

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

**(Policies 43 & 45 DSCB)**

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers UK-1611-S100 P15, MFE\_02, 101-UA007283 Issue 2, FIG 1.9 UA007283 Issue 06, TYP\_P\_E, CSR\_01, DNO\_01, SB\_01, UK Hullavington C600 Inverter details, UK Hullavington C620 Transformer details, CCTV\_01, UK-Hullavington-C610-Building-MV-Details, L332/1 Rev.B, L332/2 Rev.A, &CBC/001(DEER FENCE)

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

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that it will be necessary for the developer of the site to enter into a 'small works' agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated closure of the redundant access. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from The Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. In order to comply with the details of the surface water drainage scheme, a clearly labelled surface water drainage plan should be provided, which shows the layout of the proposed SuDS features. The plan should demonstrate that the required attenuation storage volume can be provided on site. If an outfall discharge control device is to be used, such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated. Details of how the SuDS features will be monitored and maintained for the lifetime of the development should be provided to ensure these will operate effectively and there will be no increase in flood risk elsewhere.
7. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
8. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

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

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

[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 corrections 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 consideration of the application the Committee were advised of amendments to the following conditions:

Condition 9 – Biodiversity Management Plan dated December 2014

Condition 22 – UK-1611-S100 P15, MFE\_02, 101-UA007283 Issue 2, FIG 1.9 UA007283 Issue 06, TYP\_P\_E, CSR\_01, DNO\_01, SB\_01, UK Hullavington C600 Inverter details, UK Hullavington C620 Transformer details, CCTV\_01, UK-Hullavington-C610-Building-MV-Details, L332/1 Rev.B, L332/2 Rev.A, &CBC/001(DEER FENCE).

4. Cllr M A G Versallion asked for the comments from DCLG Minister Kris Hopkins MP be recorded as follows:

“New planning guidelines published in March 2014 sets out the particular factors relating to solar farms that a local council will need to consider. These include making effective use of brownfield land.

“ The National Planning Policy Framework and the guidance can be a material consideration in planning decisions.”

5. **The Committee requested the S106 agreement be amended from 20 years to 25 years and to allow for Hockliffe Parish Council in addition to Eggington Parish Council.]**