

Item No. 9

APPLICATION NUMBER	CB/15/01204/FULL
LOCATION	Land North of Chiltern Green Farm (Lawrence End Park North Herts) Hyde, Luton, LU2 9PN
PROPOSAL	Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, pole-mounted CCTV cameras and fence.
PARISH	Hyde
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Abel Bunu
DATE REGISTERED	27 March 2015
EXPIRY DATE	26 June 2015
APPLICANT	Lightsource SPV 180
AGENT	Lightsource Renewable Energy Ltd
REASON FOR COMMITTEE TO DETERMINE	Major application and Departure from Development Plan
RECOMMENDED DECISION	Full Application - Recommended for Approval

Reasons for Granting

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, 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, NE3, NE10, R15 (SBLPR) and

Policies 1, 3, 23, 36, 43, 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 which falls within the Hyde Parish area, is part of a larger site that straddles two Local Planning Authority boundaries, viz CBC and North Hertfordshire (North Herts). It comprises two fields (identified in this report as Fields 1 & 2 for ease of reference), with a total area of 13.1 hectares. Field 1 extends over an area of 6 hectares of which only about 5 hectares of the site falls within Central Bedfordshire and is classed as lower grade agricultural land (Grade 3b). Field 2 falls wholly within North Herts and measures approximately 7 hectares. The part of the application which falls within CBC is bounded by Chiltern Green on its western boundary, and the remainder of Field 1 which extends towards the east and is itself separated from Field 2 by a dense woodland which stretches towards the south east. Field 1 opens out into the countryside in the north and south. The site is washed over by the Green Belt and is classed as an Area of Great Landscape Value (AGLV).

The Application:

seeks planning permission for the construction of a Solar Farm which would be operated over a period of 30 years and 6 months, including access and associated infrastructure. The solar panels would be installed in four distinct areas, two in each field. The total area of land covered by infrastructure within CBC is estimated to be 1.1 hectares and the rest would be situated in North Herts. The area within Central Bedfordshire would accommodate 3636pv solar panels, the District Network Operators substation, which would be situated next to the access to allow easy access by the District Network Operator maintenance of that piece of infrastructure, the site access and deer fencing around the perimeter of the site. The details of the proposal are summarised below:

Installation of Photovoltaic panels

The panels and associated infrastructure would occupy about 22.5% of the total site (Fields 1 & 2) 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. The panels would be fixed onto mounting frames in fixed rows running in an east-westerly direction at an angle of 25 degrees so that they would face a southerly direction. The mounting frames would be pile driven into the ground to a depth of 1.5 metres and no concrete or foundations would be required. The mounted solar panels would be spaced at 3.5 metre distance apart, have a maximum height of 2.1 metres above ground level and 0.8 metres at the lower end to allow for sheep to graze underneath. The total estimated output from both fields is **5MW** which would provide approximately 1,424 households with their total electricity needs and avoid approximately 2,430 tonnes of CO² emissions per year. Of this generating capacity, approximately 1.9MW would be generated within the Central Bedfordshire District area, enough energy to power approximately 544 typical homes and save approximately 927 tonnes in CO₂ emissions per annum.

DNO substation

This would be situated next to the Chiltern Green Road access and would measure

5.5 metres long, 5 metres wide and 4.4 metres high.

Erection of boundary fencing

A 2 metre high agricultural timber and wire fence would be erected around the perimeter of the site. A 5 metre wide clear zone would be provided between the hedgerow and the fence and the same clearance would be maintained between the fence and the solar panels.

CCTV cameras

CCTV cameras would be mounted on steel poles not exceeding 2.4 metres in height.

Access

Field 1 would be accessed from an existing access on Chiltern Green Road and Field 2 would be accessed from Dane Street via an existing agricultural access. Both accesses would be upgraded.

Landscaping

This is detailed in the Planting Plan and would include new hedgerows grown to a height of 3 metres.

The application is supported by the following documents:

- Planning, Design and Access Statement - 23 March 2015
- Statement of Community Involvement - 25 March 2015
- Agricultural Land Classification Assessment - March 2015
- Biodiversity Management Plan - March 2015
- Archaeology and Cultural Heritage Assessment - February 2015
- Landscape and Visual Impact Assessment - February 2015
- Planting and Maintenance Specification - February 2015
- Flood Risk Assessment - March 2015
- Construction, Decommissioning and Traffic Management Method Statement - 25 March 2015
- Transport Assessment - March 2015
- Glint Assessment - February 2015
- Preliminary Ecological Appraisal - April 2015
- Plans

The application was the subject of pre-application discussions with North Herts and the officer's advice which was positive, is included as part of the application documents. A screening opinion was also sought and the officer confirmed that the proposal would not constitute EIA development. No similar consultations were carried out with CBC.

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

South Bedfordshire Local Plan Review

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them.

SD1 Keynote Policy
BE8 Design Considerations
NE10 Agricultural Diversification
R15 Retention of Rights of Way Network

Development Strategy for Central Bedfordshire

(The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014, after initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. Its status therefore currently remains as a submitted plan that has not been withdrawn and its policies carry weight in accordance with the NPPF. This also reflects the fact that its preparation is based on a considerable amount of evidence gathered over a number of years and is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State.)

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 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
- Central Bedfordshire Renewable Energy Guidance (2013)

Other Guidance

Change Study (Parsons Brinckerhoff, 2010)

Planning History

CB/15/01484/OAC - Pending. Installation and operation of solar farm, associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, sub stations, communications building, access tracks, pole mounted CCTV cameras and fence (North Herts reference : 15/00845/1).

Representations: (Parish & Neighbours)

Parish Council	No objection.
Neighbours 1-2 Laburnum Cottages, 1 Rose Cottages, Chiltern House, Chiltern Green,3 The Green, Peters Green	<p>Objection for the following reasons:</p> <ol style="list-style-type: none"> 1. The area is rich in wild life and herds of deer are seen travelling through these fields. The erection of the fence to allow small animals to travel through will stop the deer from free access. 2. This will be the start of further developments of the ugly solar blight across the area, I frequently travel along the M4 where vast acres have been lost to solar farms. Also in Newmarket, hundreds of acres of metal & panels are blighting the land in clear view of the roads. 3. The public meeting was poorly communicated and only a limited number of houses in the area notified. There was no real effort from Lightsource to engage with the local community and to keep the event as low key as possible. 4. We have had no formal notification that this planning application has been made, how is a community to become engaged in the planning process when the applicant is doing all that is possible to fly under the radar. 5. The access to the site is very rural, one of the access routes was not included in the area of the mail out for the application. The roads to this site are unsuitable for HGV traffic and will cause damage to the roads and hedgerows getting to the site.

6. It is not the best use of our land. This land is capable of the widest variety of crops and can produce the highest yields. It does not necessarily matter what is grown on it as long as it is still in crop production and can respond to the demands and opportunities of the next 25 years. Once there are solar panels on the land, it cannot respond to anything other than producing electricity. There are better places to put solar panels, as well as wildflower meadows and sheep grazing.

7. I argue that a proposed flower meadow would be difficult to establish on this site as Nitrogen and Phosphate levels are likely to be too high following intensive arable farming techniques and this is more smoke and mirrors to try to detract from the ugly metal and glass structures that will cover the fields.

8. The visual aspect from the country roads will change dramatically. The proposal to plant new hedgerows is not going to hide the fact that thousands of tonnes of steel, glass, concrete & wires have been put onto agricultural land. This development is overbearing and out of character with the rural community and area surrounding the site.

9. Current government thinking is showing a lack of support for these new developments, the revenue generated will not be used in any way to help the local community, and the only people to benefit are Lightsource as they continue to rape the land.

10. We do not need more solar farms, information from developers show how inefficient they are, ref: <http://www.itv.com/news/anglia/update/2015-03-04/newmarket-solar-farms-branded-a-waste-of-money/> where 2/3s of the energy is lost when transported.

11. The Photoshop altered images do not give a true representation of solar fields and how ugly they are.

12. Unnecessary use of Green Belt when there are many other places more appropriate for this type of development i.e. brown field sites and roof tops.

13. Development is out of character for the site. The eyesore of reflective black panels is not in keeping with our floral and fauna and the development would be detrimental to the environment.

14. No public notice has been displayed by the Council nor has the applicant informed the residents. Information had to be requested.

15. Loss of local farmland heritage currently being eroded by other developments.

16. Contrary to the applicant's claims, much of the site can be viewed when passing. By proposing additional planting, this would in fact remove the ability of the landscape to be seen.

17. Residents have a right to view the dimensions of the proposed ancillary structures.

18. Unacceptable level of disruption and inconvenience during the construction phase. It is unclear how the applicant would move more than 150 HGVs along rural roads with a 7.5 tonne weight limit.

19. Contrary to the applicant's claims, most residents were not very supportive of the proposal.

20. A precedent could be set if permission were to be granted.

Dane Street Farm

Support.

- The solar farm would power 1,424 households with clean, locally produced energy reducing the carbon footprint of the district.
- The additional planting would improve natural screening and provide new habitats, food resources and better connectivity for wildlife.
- The woodland bounding the site would be protected and disturbance to bats and birds would be minimised with day time construction and a 15 metre no construction buffer between the woodland and the site.
- The proposal also includes measures for biodiversity enhancement.
- We all need to use electricity but continued reliance on fossil fuels will pollute the planet and remain vulnerable to volatile price fluctuations of the global fossil fuel markets.

Consultations/Publicity responses

Environmental Policy
Manager

The national and local planning policy context is set in the following document, which has been adopted by the Council as technical guidance for Development Management purposes. Key points are detailed below.

Guidance Note 2: Solar Farm Development in Central Bedfordshire (available at:

<http://www.centralbedfordshire.gov.uk/planning/strategic->

[planning/renewable-energy.aspx](#))

The guidance has had input from specialists from across the Council and provides 'key principals' for consideration. Detailed responses, specific to the proposal, will be provided directly from the specialist officers as part of the consultation in relation to the key themes covered in the guidance.

Comments on key aspects of application are provided detailed below.

Agricultural land quality: The Agricultural land classification indicates this area to be grade 3a and 3b with 80% of the proposed solar farm area being in the lower quality 3b. For grades 3a we would usually ask for further justification (see P9 of the Solar Farm guidance) as well as details of how complimentary use of the land for agriculture (grazing of sheep) and habitat creation will happen alongside the Solar Farm. A Biodiversity Management Plan is provided, although the content of which will need to be assessed with the Council's Ecologist.

Landscape: The site falls within an area highlighted as having low landscape sensitivity to solar development. This in itself does not make the proposal acceptable without additional consideration will need to be given to mitigation of landscape impacts. The Landscape Officer will provide a more detailed assessment of landscape impacts and whether the impact can in fact be adequately mitigated and whether the proposed mitigation is acceptable.

Glint and Glare: The assessment made of the possible impacts of glint and glare covers everything that I would expect and I am satisfied with the conclusions it reaches.

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

Community engagement: Community engagement has happened and is detailed in the Statement of Community Engagement. It is not clear whether a package of 'community benefits' has been proposed.

Normally I would expect to see an annual payment by the developer to either the Parish Councils or into a community grant fund. Typically this sum is usually equivalent in total to £1,000 per MW of installed capacity per year, so in this case £5,000 per year. It is important to

stress that this would not be a planning consideration and whether any fund is or isn't included should not have any bearing on the planning decision made.

Weight to given to 'Guidance Note 2: Solar Farm Developments in Central Bedfordshire': This document has been adopted by Executive as Technical Guidance for Development Management purposes. It therefore does not have the weight that a supplementary planning document (SPD) would have. It does also however provide a more detailed understanding of how aspects such as landscape etc should be considered. These have been identified in the 'Planning Practice Guidance for Renewable and low carbon energy' and Guidance Note 2 could therefore be considered as providing local clarification to some of the issues raised in this document, which itself would be a material consideration.

Conclusion: I have reviewed the papers and evidence provided:

- The proposed development of the solar farm is supported by the UK national planning guidance on sustainable development and Renewable energy set in the National Planning Policy Framework (2012).
- The project would contribute towards achieving UK's renewable energy generation and carbon emission reduction targets set in the UK Renewable Energy Strategy (2009).
- The site is identified as being in an area of low sensitivity to solar development in the Council's technical Guidance Note 2: Solar Farm Development in Central Bedfordshire, however, as always consideration should be given the Landscape Officers comments regarding landscape impact and mitigation.

In summary, the development contributes to decarbonisation of electricity production and, assuming any other impacts can be adequately mitigated (heritage, ecology etc). I have no objections to planning permission being granted. This is also dependant on whether the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact.

Solar Farms in particular the inverters and sub stations are known to give rise to noise. However, given the locality of the solar farm adjacent to other noise sensitive land uses and the fact that they tend to not operate 24hrs a day I do not wish to raise an objection subject the imposition of the following condition to protect the residential amenity of residents :

Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Landscape Planner

I have no objection to the proposals in principle but I do have the following comments:

The proposed development to the north-east of Withstocks Wood would be screened effectively by Birch Spring Wood to the west but having been out on site and looking at the layout and topography I am concerned that the proposed arrays will be visible from Dane Street Farm and wider field to the north even with proposed hedgerow planting therefore I would suggest that a more wooded edge be introduced along this northern site boundary or the arrays are reduced away from this northern edge.

Screening of proposed development to the western site area parallel to Chiltern Green Road is dependent on the existing western boundary hedgerow and proposed gapping up - which I fully support - but I was unable to find details on visibility splay requirements for proposed access which may require removal of part of the hedgerow. More information is required on this.

At present the field access is a low key agricultural access with no kerbing or signage -further details of design and treatment of access are required.

The proposed hedgerow screening to the northern boundary of the western site area will assist in screening views from the north.

Given the number of built structures shown to the southern site boundary - potentially up to 3 metres in height and up to 4.5metres in length - I would request an additional hedgerow is included to screen any views from the south and from Chiltern Green Road. Hedgerows are described as being managed at between 2.5 and 3metres height; given that arrays panels will be at 2.2 metres height and structures up to 3 metres height I would recommend that hedgerows be managed at 3 metres minimum height.

Tree and Landscape Officer

Further to the landscaping comments already made in respect of the external impact on the Bedfordshire Countryside, I advise you that I have no further comments to make.

Ecologist

This application straddles the CBC and North Herts

boundaries and hence I am primarily commenting on that part of the application which falls within CBC. Having read through the well considered Biodiversity Management Plan I am satisfied with the proposals. I approve of the grassland mix beneath the panels and of the proposed management for this and associated hedgerows. I note there is to be 15m buffer strip between the panels and the existing woodland to the east and this is welcomed. Overall I have no objections to the proposal but would suggest that the BMP is made a planning condition to ensure the construction and future operation of the site is undertaken in a way so as to achieve a net gain for biodiversity.

Public Rights of Way
Officer

No Public Right of Way as shown on the Council's Definitive Map is directly affected by this proposal. Please find attached a copy of the map showing the location of the nearest public rights of way to this land - public bridleways nos. 2 and 3, Hyde, which lie on the other side of Chiltern Green Road. I note that the solar farm may be visible in some way from these public rights of way but am happy to be led by the Council's Landscape Officer's opinion in this regard. I therefore have no public rights of way objection to this proposal.

Highways Officer

The proposal is for a solar farm at the above site which takes access from the public highway at two points. The northern most access is not within this authority's jurisdiction and for that reason I will not comment further, while the westerly access from Chiltern Green Road is within this authority's jurisdiction.

While I have not got an objection in principle I am very concerned at the lack of vehicle to vehicle intervisibility from the proposed access from Chiltern Green Road.

This visibility can be improved by moving the access northerly along Chiltern Green Road but even then I would be concerned at the degree of visibility at this access.

I understand that access for the entire site can be gained from the northerly access from Dane Street and I believe that this is the most appropriate way forward.

If this is not possible then I feel that further investigation should be carried out as to the suitability of an alternative location of an access along Chiltern Green Road before permission is granted.

Alternatively it could be placed in the management plan that either an acceptable access proposal to take access from Chiltern Green Road is made and accepted or the entire site is accessed from Dane Street. An appropriate

condition can be attached to the planning permission in this regard.

With exception to the point of access from Chiltern Green Road I would not have an objection to the proposal.

London Luton Airport

No objection. We have concluded from the Glint and Glare Assessment that there would be no adverse effects to pilots on approach or takeoff based on the proposed layout and angles of the PV panels. However, based on Air Navigation Orders, articles 137-221-222, the owner will be fully responsible for the correct maintenance and alignment of the PV panels and that if pilot distraction is reported, the owners will have to make any adjustments as requested by LLAOL at their cost.

Cranfield Airport

No objections as the site falls outside of our safeguarding area.

Public Protection

Solar Farms in particular the inverters and sub stations are known to give rise to noise. However, given the locality of the solar farm adjacent to other noise sensitive land uses and the fact that they tend to not operate 24hrs a day I do not wish to raise an objection. However, a noise condition is recommended in order to protect the residential amenity of residents.

Natural England

No comments to make but advises as follows:

Unless there are additional local consultation arrangements in place, Natural England **should** be consulted for all developments where:

- The proposal affects a protected species not covered by the [Standing Advice](#) (further details available [here](#)).
- The proposal requires an [environmental impact assessment](#).
- The proposal is likely to damage features of a Site of Special Scientific Interest (SSSI).
- The proposal is likely to have a significant effect upon Special Area of Conservation (SAC), Special Protection Area (SPA) or Wetland of International Importance under the Ramsar Convention (Ramsar Sites).
- The proposal could lead to the loss of more than 20 ha of the [best and most versatile agricultural land](#).
- Any minerals and waste development where the land will be restored for agriculture

Bedford Group of
Drainage Boards

No comments .

Determining Issues

The main considerations of the application are;

1. Principle of the development - Green Belt considerations
2. Agricultural Land Quality and Use
3. Impact on the character and appearance of the open countryside including biodiversity
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) (and echoed in Policy 36 of the emerging Development Strategy for Central Bedfordshire) lists the developments that are not considered inappropriate in the Green Belt. Paragraph 90 of the NPPF states that other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. In this case, the development would result in loss of openness to the Green Belt (in the sense that land previously not occupied by a development would be occupied by the solar panels and other associated structures) and encroachment into the countryside. For these reasons, the development would, by definition, be considered inappropriate in the Green Belt and as such, very special circumstances (VSCs) would need to be established to permit the development.

In an attempt to prove the existence of very special circumstances, the applicant has submitted the following information :

VSCs

- Paragraph 91 of the NPPF accepts that the wider environmental benefits of increased production of energy from renewable sources could be considered as very special circumstances.
- The development is estimated to produce sufficient power to satisfy the requirements of 1,424 households with their total electricity needs and avoid approximately 2,500 tonnes of CO² emissions per year.
- The UK is committed to meeting its legally binding target of 15% of all energy consumption being from renewable sources by 2020. The strategy includes a target of producing 30% of the UK's electricity generation from renewable sources by 2020. By the end of 2013, total electricity generation from renewable sources was 13.9% which means that significant growth is required to reach 30% by 2020.

- The growth of renewable energy would cushion both CBC and North Herts from the volatility in the global fossil fuel markets.
- A careful site selection process was carried out by the applicant and no suitable sites were identified outside the Green Belt. The application site was identified as presenting the lowest level of harm to the Green Belt.
- The solar farm would support the economic resilience of the agricultural enterprise at Lawrence End Park by diversification through a mixed agricultural and renewable energy generation use. This would support the sustainable growth and operation of the farm business thus fulfilling one of the national objectives stated within the NPPF which aim to promote a strong rural economy.
- With the habitat monitoring and management regime proposed, it is considered that the proposals would contribute a long term benefit to the biodiversity value of the site.
- The fields are well enclosed and hence there would be no adverse impact on visual amenity.
- The proposed development is temporary and it would be dismantled and removed from the site in its entirety at the end of the operational period without any harm to the landscape. Upon decommissioning, the site would return to sole agricultural use and would retain its greenfield status. There would therefore be no permanent harm on the Green Belt.
- A recent appeal decision regarding a solar farm in the Green Belt, reference (APP/CS105/A/13/2207532) concluded that it is clear that 'renewable energy projects are not prohibited outright in the Green Belt. It is, as ever, a matter of balancing any benefits they would bring forward against any harm they would cause.'

Assessment of the very special circumstances case

In assessing the applicant's very special circumstances case, great weight is placed on the national advice within the NPPF. This national advice is quite clear that whilst many renewable energy projects will comprise inappropriate development in the Green Belt, very special circumstances in such cases may include the wider environmental benefits associated with increased production of energy from renewable sources,(paragraph 91). There is also strong support for renewable energy and the UK is committed to reducing CO2 emissions. In this respect, the proposal has the 'in principle' support of the NPPF and Planning Practice Guidance (PPG). The UK Solar PV Roadmap of October 2013 and other government publications are material considerations which add weight to the case in favour of the proposal. The UK Renewable Energy Strategy (July 2009) sets a renewable energy target of 15% of total energy to be generated from renewable sources by 2020. In addition to this the Climate Change Act 2008 makes binding the need to cut UK greenhouse gas emissions by 80% by 2050.

In this respect, the Local Planning Authority (LPA) gives significant weight to the NPPF's presumption in favour of developments for renewable energy. This national advice states further that, in order 'to help increase the use and supply of renewable energy and low carbon energy, Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources',(paragraph 97) and at Paragraph 98 it states that 'when determining planning applications, Local

Planning Authorities should, '...approve the application if its impacts are (or can be made) acceptable.'(paragraph 98, Bullet point 2). This approach is followed in Policy 46 of the emerging Development Strategy for Central Bedfordshire (DSCB). Further guidance is provided in Planning Practice Guidance (PPG) of March 2014 which has replaced Planning Practice Guidance for Renewable and Low Carbon Energy (2013).The underlying theme is that renewable energy is to be welcomed if its impacts are acceptable, or can be made so. This is a consistent message of government guidance. To provide greater detail and further clarification CLG produced further guidance in the summer of 2013. With regards to solar farms this states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

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

- Improvement of the character and appearance of the open countryside through hedgerow planting although there might be short term harm while the hedgerow establishes.
- Biodiversity enhanced through creation of new grassland habitats, within the rows of solar panels.
- The development would promote agricultural diversification and hence support the rural economy and would assist the long term regeneration of agricultural land.
- There are likely to be work opportunities generated for local contractors during the construction phase and during the life of the solar farm.

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 1,424 households and would reduce CO₂ emissions by an estimated 2,430 tonnes of CO₂ emissions per year. On balance, the Local Planning Authority considers that very special circumstances exist to outweigh harm by reason of inappropriateness and as such, the proposed development is supported subject to satisfactory mitigation of the harm by reason of loss of openness to the Green Belt, visual harm to the open countryside and encroachment onto the open countryside and any other harm as will be discussed in the following sections.

2. Agricultural land quality and use

National advice within the NPPF states that Local Planning Authorities (LPAs), should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is

demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of higher quality. (Paragraph 112). The Planning Practice Guidance follows this advice and states that the Agricultural Land Classification (ALC) system provides a method for assessing the quality of farmland and to enable informed choices about its future use and Natural England (NE) has a statutory duty to advise LPAs about land quality issues. In this case, NE has not commented directly on the proposal given that the site falls below the threshold of 20 hectares which they would normally be obliged to offer an opinion on. 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 identifies the site within Central Bedfordshire as falling within Subgrade 3b. 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 site comprises poorer quality land and will continue to be grazed by sheep and thus there would be no loss of agricultural land 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 30 years. Furthermore, national advice within the PPG makes it clear that LPAs need to take into account the fact that solar farms comprise temporary structures and as such, planning conditions can be attached to ensure that the installations are removed when no longer in use and the land restored to its previous use.

The proposed development would, in this respect, be in conformity with Policy NE10 of South Bedfordshire Local Plan Policy Review (SBLPR), Policies 46 and 50 of the DSCB, the CBC Solar Guidance Note 2 and national advice within the NPPF and PPG.

3. Impact on the character and appearance of the open countryside,

including biodiversity

Policy BE8 requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. The setting of any development should be carefully considered, whether in the countryside or built-up area and attention should be paid to its impact on public views into, over and out of the site to ensure that those views should not be harmed, and opportunities should be taken to enhance them or open up new views. This criterion is echoed in Policies 43 & 45 of the emerging Development Strategy for Central Bedfordshire (D.S.C.B).

Whilst the proposed development in Field 1 would be well screened on three sides, the arrays would be visible from Dane Street Farm and the wider field to the north even with proposed hedgerow planting. The Landscape Officer raises no objections but recommends that a more wooded edge be introduced along this northern site boundary or the arrays are reduced away from this northern edge. It is also considered that access improvements could result in the loss of some of the existing vegetation and as such, details of these improvements would need to be made the subject of a planning condition. Given the number of built structures shown close to the southern site boundary standing at a height of 3 metres, it is considered justifiable to attach a planning condition for an additional hedgerow is included to screen any views from the south and from Chiltern Green Road and to manage hedgerows at 3 metres minimum height.

It is therefore considered that whilst the development would be visible from certain directions within the open countryside, additional planting to be secured through planning conditions would offer adequate mitigation to landscape harm.

Biodiversity

The application is supported by a Biodiversity Management Plan (BMP) which concludes that the majority of the site has low ecological value, being cultivated farmland. The proposed development therefore presents an opportunity to enhance the biodiversity values of the site. The BMP details habitat protection and enhancement measures for the proposed solar farm development. The CBC Ecological Officer confirms that the measures contained in this document are satisfactory and the proposal would not result in a detrimental impact to biodiversity. To ensure the development delivers a net gain for biodiversity throughout the lifetime of the project, it would be reasonable to attach a condition to require all works to be undertaken in accordance with this BMP. Furthermore, an ecological appraisal notes that the site does not form part of any statutory or non-statutory designated site.

Whilst acknowledging that the development would impact negatively on the character and appearance of the open countryside, it is considered that the proposed mitigation measures which can be secured by planning conditions would ameliorate the visual intrusion to the open countryside.

4. Impact on residential amenity

Outside the construction period, there would be three potential noise sources, viz, from the inverters, from the inverter/transformer stations and the substation. The CBC's Public Protection Officer however considers that a noise condition would provide adequate mitigation to operational noise from the development. A glint and glare report submitted with the application raises the possibility of

impact on residents, road users, train drivers and air traffic. However the study is clear that the impact would be mitigated by shielding from trees and hedges.

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

5. Impact on highway safety

The proposed access from Chiltern Green Road would not achieve adequate vehicle to vehicle intervisibility and as such would be prejudicial to highway safety. The Highways Officer recommends that a condition be attached which requires that details be submitted showing an acceptable access on Chiltern Green Road. Alternatively, the scheme could be revised to show no access from Chiltern Green Road and all traffic to be channelled through Dane Street in North Herts. Given that CBC cannot control what happens in North Herts, it is considered reasonable to attach a Grampian type of condition which requires the submission of access details off Chiltern Green Road. Such a condition is considered appropriate given that access improvements could result in the loss of existing trees and hedgerow which could be detrimental to the visual appearance of the countryside.

6. Other Matters

Referral to the Secretary of State

Given the limited scale of the development and the limited impact on the Green Belt within CBC and taken together with the acceptable mitigation measures, it is not considered appropriate to refer the application to the Secretary of State. In adopting this approach, the Council is mindful of the Government advice that it is not necessary to refer applications merely because they depart from policies in the development plan given that the Departures Direction was cancelled in 2009. However, great weight should be given to the location of the site within the Green Belt and the impact on its openness as stated in paragraphs 3(a) & 4(b) of Circular 02/2009 : THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009. Furthermore, the larger site which falls within North Herts is unlikely to be referred to the SOS and as such, for consistency, this consideration adds weight to the reasons for not referring the application lodged with CBC. The North Herts application is due to be decided on the 25th June and hence, if the Committee resolves to refer the application to the SOS, it would be logical to refer the CBC application as well given that the development would be seen as a whole.

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 submitted a Statement of Community Involvement detailing how the local community has been engaged prior to submitting the application. A community benefit fund of £1,000 per MW of installed capacity per year for 20 years would be offered to be split between Hyde and Kings Walden parish councils. Furthermore, since April 2013, local authorities have been able to keep business rates from renewable energy schemes rather than it being collected nationally.

Representations

It is considered that the suite of documents submitted with the application sufficiently address the reasons stated in the letters of objection and in particular, the Planning, Design and Access Statement presents a detailed analysis of the key issues including the very special circumstances case. The appraisal detailed above acknowledges the harm to the Green Belt and weighs this against the benefits to be had from approving the development. With regards consultations, a press advertisement was published in the local press on the 19th April followed by site notices placed in strategic locations on the 30th April. The supporting documents were scanned onto the CBC website on the 2nd April.

It is also worth noting that one letter of support was received from a local resident.

Human Rights issues

The application raises no human rights concerns.

Equality Act 2010

No equality issues are raised by this proposed development.

Recommendation

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 30 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 30 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, SBLPR 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 satisfactory 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 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, SBLPR and 43 & 50 DSCB).

- 6 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To protect residential amenity.

(Policies BE8, SBLPR and 43, DSCB).

- 7 The development hereby approved shall be completed in accordance with the recommendations in the Biodiversity Management Plan by Wardell Armstrong dated March 2015. 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).

- 8 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).

- 9 **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 and ensure that visibility can be achieved without the loss of existing trees or hedgerow which could be harmful to the visual appearance of the countryside.
(Policies BE8, SBLPR and 24 & 43,50 & 58 DSCB).

- 10 **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, SBLPR and 43, DSCB).

- 11 **Notwithstanding the details submitted, no development shall take place until an updated 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, SBLPR and 24 & 43, DSCB).

- 12 **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).

- 13 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).

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LEP_01_Rev4, PE10486/ Figure 18, TYP_E_3L,ID_01, DEER FENCE,CSR_01, SB_01, CB_01, CCTV_01, DNO-01 and TC_01.

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

Notes to Applicant

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 any 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The application has been recommended for approval. The Council acted pro-actively through positive engagement with the applicant 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) Order 2015.

DECISION

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