

<b>APPLICATION NUMBER</b>	<b>CB/20/01505/FULL</b>
<b>LOCATION</b>	<b>Land at Double Arches Quarry, Watling Street, Heath and Reach, Leighton Buzzard, LU7 9LD</b>
<b>PROPOSAL</b>	<b>Installation of a ground mounted solar array, frame mounted inverter units, transformer/switchgear enclosure, security fence, security cameras, underground cabling and associated infrastructure.</b>
<b>PARISH</b>	<b>Heath &amp; Reach</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Andrew Cundy</b>
<b>DATE REGISTERED</b>	<b>18 May 2020</b>
<b>EXPIRY DATE</b>	<b>17 August 2020</b>
<b>APPLICANT</b>	<b>Checkley Wood Energy Limited</b>
<b>AGENT</b>	<b>Engena Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application recommended for approval in the Green Belt</b>

**RECOMMENDED  
DECISION** **Full Application Recommended for Approval**

#### **Summary of Recommendation:**

The proposal represents inappropriate development in the Green Belt. Section 13 of the NPPF states that substantial weight should be given to any harm to the Green Belt and inappropriate development should not be permitted except in 'very special circumstances'. Further the proposal would also result in some harm to a County Wildlife Site and the landscape character. Other identified impacts would be acceptably mitigated through the use of recommended planning conditions. Notwithstanding the above, the proposal would generate significant amounts of electricity in the form of green energy, sufficient to power 450 homes and save 494,000kg of carbon per annum. The proposal would therefore generate substantial environmental benefits contributing to local and national carbon reduction targets. It is considered that the substantial benefits of the scheme would clearly outweigh the harm to the Green Belt and all other identified harm. As such, the proposal is considered to accord with Section 14 of the NPPF and the NPPF when read as a whole; National Policy Statements EN1 and EN3, Government Guidance on Climate Change and Renewable and Low Carbon Energy, CBC Guidance Note 2 (2014): Solar Farm Development in Central Bedfordshire and Policy BE8 of the South Bedfordshire Local Plan Review. Members are advised that if they resolve to approve this application, the Council are required to give the Secretary of State the opportunity to call in the application as it is a major application for inappropriate development in the Green Belt

#### **Site Location:**

The application site some 2.7 hectares of restored quarry land lies within the boundaries of Double Arches Quarry, an active sand processing plant that comprises part of a larger operational minerals extraction area. The site lies west of the A5, approximately 100 metres east of the operational Double Arches wind turbine (108m high to top of hub, 149m high to tip of rotor). The entire application site is washed over by Green Belt.

The site is a raised area of land located in the north eastern part of the quarry. Although, it is within the existing boundary of the quarry, it lies outside of the permitted and future working area of the quarry. The quarry sits within a larger complex of sand quarries, which alongside Nine Acres and Churchways Quarries, is identified as a County Wildlife Site (CWS) and includes a number of waterbodies. These include settlement ponds, which vary in size and location as working patterns dictate, there are also larger lakes which are used by a local angling club.

Approximately 0.2km to the west of the site is Double Arches Pit Site of Specific Scientific Interest (SSSI), which is designated as such for its geological importance. The King's and Baker's Wood and Heaths SSSI is located approximately 0.7km northwest of the proposed location, with part of the SSSI being designated as a National Nature Reserve. This SSSI/NNR is separated from the proposed location by the remainder of the site, Woburn Road, Stone Lane Quarry and Churchways Quarry.

The site is within the Parish of Heath and Reach. The Potsgrove Parish boundary is approximately 400m north-east of the site boundary. The settlements of Heath and Reach and Leighton Linlade are located to the south-west of the application site. Further beyond to the south-east is the conurbation of Luton, Dunstable and Houghton Regis. There are also a number of smaller settlements in the locality including Overend Green, Potsgrove and Battlesden, and further afield, Woburn, Milton Bryan, Hockliffe, Eggington, Stanbridge, Billington, Soulbury, Stoke Hammond and Great Brickhill.

There is an existing access to the site from the A5. This access was purpose built for the large abnormal loads required to deliver the wind turbine components.

There are no Public Rights of Way crossing through the site. The closest PRoW's are a footpath from the north-east to south-westerly direction which ends at the A5 (approximately 525m north of the site boundary) and a section of permitted footpath running alongside Sandhouse Pumping Station approximately 565m, at the closest point, to the north east of the site boundary.

### **The Application:**

Full planning permission is sought for the construction of 4,676 individual solar PV panels in a series of linear arrays, which would produce 1.9 megawatt of renewable energy. This will operate for a period of up to 35 years.

The solar PV modules would be mounted at an angle of approximately 20 degrees on galvanised steel frames and would be no more than 2.2m in height above ground level. The panels would be positioned in regular rows facing south with a spacing of approximately 4.7m between rows. There would also be various associated electrical equipment installed, including 10 no. of Inverters (each inverter unit is approximately 104cm x 70cm x 37 cms) and a site transformer. The proposal also involves the erection of a 2.15 metre high perimeter fence and CCTV system comprising inward-facing cameras.

A screening opinion was sought by the applicant and it was determined that an Environment Impact Assessment was not necessary in this instance as it was considered that the proposed development would be of no more than local importance. The site is not in a particularly sensitive or vulnerable location and there are unlikely to be any unusually complex or potentially hazardous environmental effects.

The application has been accompanied by an overarching Environmental Report and separate Environmental Reports on the following issues:

- Landscape and Visual Assessment
- Ecology Assessment
- Flood Risk Assessment and Surface Water Drainage

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (February 2019)**

The National Planning Policy Framework (NPPF) was published in February 2019 and replaced most of the previous national planning policy documents. The following sections are considered directly relevant:

Section 2: Achieving sustainable development  
Section 6: Building a strong, competitive economy  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 10: Supporting high quality communications  
Section 11: Making effective use of land  
Section 12: Achieving well-designed place  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment  
Section 17: Facilitating the sustainable use of minerals

Overarching National Policy Statement for Energy (EN-1) (July 2011)

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)

### **South Bedfordshire Local Plan Review (2004)**

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 policy is broadly consistent with the Framework and significant weight should be attached to it.

BE7: Conservation and Enhancement of Historic Parks and Gardens

BE8: Design Considerations

### **Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014)**

MSP 11: Minerals Resource Assessment

MSP12: Surface Development within a Mineral Safeguarding Area

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP2 - National Planning Policy Framework - Presumption in Favour of Sustainable Development

SP4 - Development in the Green Belt  
 EMP1: Employment Sites and Uses  
 EMP4: Rural and Visitor Economy  
 EMP5: Significant facilities in the Countryside and Green Belt  
 T1: Mitigation of Transport Impacts on the Network  
 T2: Highway Safety & Design  
 EE1: Green Infrastructure  
 EE2: Enhancing biodiversity  
 EE3: Nature conservation  
 EE4: Trees, woodlands and hedgerows  
 EE5: Landscape Character and Value  
 EE12 : Public Rights of Way  
 EE13: Outdoor sport, leisure and open space  
 CC1 : Climate Change and Sustainability  
 CC2: Sustainable energy development  
 CC3: Flood Risk Management  
 CC4: Development close to watercourses  
 HQ1: High Quality Development

### **Supplementary Planning Guidance - National**

National Planning Practice Guidance (NPPG)

- Government Guidance on Climate Change published 12<sup>th</sup> June 2014 and updated 15<sup>th</sup> March 2019
- Renewable and Low Carbon Energy published 18<sup>th</sup> June 2015

### **Supplementary Planning Guidance - Local**

Central Bedfordshire Landscape Character Assessment (January 2015)  
 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 Relevant Documents**

The Climate Change Act 2008  
 UK Renewable Energy Strategy (July 2009)  
 National Renewable Energy Action Plan for the UK (June 2010)  
 Renewables Capacity Study for Central Bedfordshire (March 2014)

### **Relevant Planning History:**

Application Number	CB/19/03460/SCN
Description	EIA Screening Opinion: Installation of a solar array covering up to 2.6 hectares
Decision	Not EIA development
Decision Date	1 <sup>st</sup> November 2019
Application Number	CB/16/01389/FULL
Description	Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure
Decision	Granted
Decision Date	13 <sup>th</sup> September 2017

Application Number	CB/10/03034/FULL
Description	Erection of a 2.3 MW wind turbine (108m high to top of hub, 149m high to tip of rotor) including access and associated infrastructure
Decision	Granted
Decision Date	2nd August 2011

**Consultees:**

Heath and Reach Parish Council	The Parish Council is supportive of a renewable energy initiative and is impressed by the documentation provided. They would like to ensure that the mitigation detailed in the documents is adhered to, they would like to pursue an application for 106 funding so that the Parish can receive some compensation; finally the parish council would like a covenant in place to prevent the land being developed when the solar farm is removed.
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**Internal Consultees**

CBC Conservation Design Officer	and	Having looked at the supporting material of the current submission, in particular the LVIA and Appendix 2 Viewpoints, I confirm that I have not identified particular issues of impact in respect of the local historic built environment or associated landscape settings. I therefore have no grounds for objection to the proposed development.
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CBC Ecologist	As the site is in the Nature Improvement Area, officers should be seeking more than mere mitigation but clear demonstration of enhancement. My objection is based on policy that CBC wants to safeguard priority habitat but recognise there are occasions where other causes take precedence and this could be one. I am aware that this is recommended for approval which I am fine with and can understand your reasoning. I would however still expect to see some clear ecological benefits demonstrated not only to mitigate for the loss of habitat enhancement as expected by the ROMP but also to deliver a NET GAIN as a result of development in the NIA.
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CBC Highways	The proposed development will be accessed from the A5 trunk road, which is within the jurisdiction of Highways England as the Highway Authority. I suggest you contact them in relation to a highways response.
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CBC Landscape Officer	Comments on the revised scheme to be reported in the late sheet.
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CBC Minerals and Waste	The Minerals and Waste Officer has reviewed the S106 agreed with the mineral operator, Aggregate Industries, in respect of the consolidating planning permission (Ref CB/16/04588/MW). The approval of that application required the whole complex to be covered by a standard statutory aftercare period of 5 years post restoration of the site (or component phases). The S106, however, includes provisions for an extended aftercare period of an additional 10 years in respect of land to be restored to non-agricultural uses which would include the site proposed for the solar farm having been proposed to provide lowland grassland mosaic.
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In determining the application Aggregate Industries submitted a Concept Restoration Plan which identified the subject site as being restored to Lowland Grassland Mosaic. Condition 49, however, requires the submission of a Detailed Restoration Scheme. To date this has not been received, primarily due to a recognition that AWE have separately applied to backfill two voids within the Mundays Hill Quarry (south of Eastern Way) with inert material and therefore a desire to see whether or not that proposed alternative landform would successfully secure planning permission.

The officers view is that the current S106 would not need to be changed, by virtue of the fact that it, *inter alia*, simply provides for any non-agricultural land to be subject to an extended aftercare period. However, I would consider that the detailed restoration scheme (still to be submitted under Condition 49 of the planning permission) would, in line with Liz Anderson's previous observations, need to make provision for some appropriate compensatory area of land to swap from agriculture to a suitable lowland grassland mosaic or potentially other suitable habitat to offset the loss.

CBC Pollution

Whilst I appreciate the distance to the nearest receptors is considerable there have been instances where solar farms have resulted in complaints of noise. Can the applicant therefore provide some greater detail in this regard to that an informed judgement can be made. In the intervening period I raise an objection to the proposal

CBC Sustainable Growth Officer

The proposed 1.9MW PV farm will contribute to decarbonisation of the grid and achieving the UK's renewable energy generation and carbon emission reduction targets set out in the Climate Change Act 2008 (as amended) and the Central Bedfordshire Council's Climate change motion agreed in July 2019. The proposed development is supported by the current Local Plan's policy DM1: Renewable Energy and the emerging Local Plan's Policy CC2: Sustainable Energy Development as well as National Planning Policy Framework.

CBC Technical Group Placemaking

Whilst the principle of renewable energy is supported, the site is within the Eastern Way Quarry and forms part of the wider plan for restoration of the quarry. It also forms part of the Double Arches CWS.- The quarry restoration plan identifies this site for the provision of a grassland mosaic and therefore this should be delivered. The proposed ground mounted solar arrays would be better located on the restored agricultural land. However, this may have a negative impact on the landscape of the area and this would need to be considered sensitively. If the grassland was to be provided elsewhere on the site, this would have to be supported by a full detailed restoration scheme for the site.- The drainage of the site, and especially the management of water runoff from the panels is not clear. Further information is required.- The restoration plan also includes the provision of public footpaths. The impact of these proposals on the paths will need to be considered.

CBC Tree & Landscape Officer The block plan and aerial imagery shows an area of woodland located to the southeast of the solar farm, which could impose shading constraints and lead to future tree removal. In this respect, a shading plan would be useful in evaluating potential conflict with surrounding trees, especially if a sustainable relationship of the solar farm with the surrounding trees is to be achieved, and if the solar farm is to successfully integrate into the landscape without causing any negative impact.

CBC Waste As the premises are going to be used for commercial purposes, we have no comments to make. The landlord/occupier will have to make their own commercial waste collection arrangements as this is not a service Central Bedfordshire Council provides.

### **External Consultees**

Highways England The following application is unlikely to have a severe impact on the strategic road network. We therefore offer no comment in this case.

### **Other Representations:**

Neighbours 36 Local Residents Consulted-Three letters received (two objecting and one supporting)

- support this solar farm as a step towards a zero carbon Central Bedfordshire
- Quarry being replaced with tall structures and a field of solar panels rather than fine countryside
- hope that one day, the scars on the landscape of sand-mining will be healed and we could go for a pleasant country walk there, through fields and woods, as was possible decades ago
- too near nature conservation areas
- the environmental report is inadequate
- there is evidence of birds and insects being confused by highly reflective PV farms: insects thinking it is water and laying eggs on panels
- the environmental impact of a 2nd wind turbine would be far less
- better to put PV panels on existing structures, e.g. multi-storey car parks, so that they don't take up too much land area

### **Determining Issues:**

The main considerations of the application are;

1. Policy Context
2. Green Belt
3. Impact on the Character and Appearance of the Area
4. Impact on Double Arches Quarry
5. Impact on biodiversity
6. Impact on residential amenity
7. Highway Considerations
8. Other Considerations

## Considerations

### 1. Policy Context

- 1.1 The National Planning Policy Framework is the primary document expressing national planning policy within England. This document stresses the primacy of the Development Plan, explaining that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 1.2 Paragraph 11 of the NPPF states:  
Plan and decisions should apply a presumption in favour of sustainable development  
For decision-taking this means:
- approving development proposals that accord with up-to date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or (specific policies in this Framework indicate development should be restricted (for example ... land designated as Green Belt)  
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.3 In this case the relevant Local Plan is the South Bedfordshire Local Plan Review 2004. The plan does not contain policies or allocations in reference to renewable energy, although some topic specific policies are relevant on matters such as design, landscape, heritage assets etc.
- 1.4 Section 14 of the NPPF deals with climate change. Paragraph 148 states:  
  
That the planning system should support the transition to a low carbon future in a changing climate.
- 1.5 Paragraph 154 discusses planning applications for renewable energy projects and states that when determining planning applications, local planning authorities should:
- not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - approve the application if its impacts are (or can be made) acceptable.
- 1.6 On 18th June 2015 a Written Ministerial Statement was issued which has been translated into National Planning Practice Guidance and also represents national policy. This states: The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscape. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Significant weight should be given to the content of the WMS.
- 1.7 National Policy Statements NE1 and NE3 are material considerations in determining planning applications. NE1 is the overarching National Policy Statement for Energy and includes at paragraph 3.4.5:  
"Paragraph 3.4.1 above sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent." It also provides topic specific guidance which is generic across all forms of energy infrastructure. National Policy Statement NE3 focuses on renewable energy infrastructure and provides more focused guidance on the impacts of different types of renewable energy projects.

- 1.8 At a local level, there are no adopted planning policies on renewable energy. However, in March 2014 a Renewables Capacity Study for Central Bedfordshire was produced, which notes that to make a proportionate contribution to the UK's legally binding targets, by 2031 Central Bedfordshire would need to reduce local carbon emissions by some 40% and would require around 713MW of renewable energy capacity. At that time the combined planned and installed renewable energy capacity (including those in pre-planning stages) was approximately 122.5 MW of capacity.
- 1.9 In addition, in 2014 the Council's Executive adopted Guidance Note 2: Solar Farm Development in Central Bedfordshire as Technical Guidance for Development Management Purposes. This mainly focuses on assessing landscape impacts and is also considered to be a material consideration in the determination of this planning application.
- 1.10 It is considered that national and local policies and renewable energy targets state that significant weight should be given to the contribution the proposal would make towards the generation of renewable energy and the associated reduction in carbon emissions.
- 1.11 In the absence of specific policies within the adopted Development Plan, national policies and guidance are key considerations. The NPPF and the WMS direct that permission should only be granted if the impacts of the proposal are or (can be made acceptable). These impacts will be assessed below.

## **2. Green Belt**

- 2.1 The entire application site is outside the built up area and is washed over by Green Belt. Section 13 of the National Planning Policy Framework (NPPF) and Policy SP4 of the Central Bedfordshire Submission Local Plan is also relevant in the consideration of this application.
- 2.2 Section 13 para 133 of the NPPF states that great importance is attached to the Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Section 13 states that substantial weight should be given to any harm to the Green Belt. It explains that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in 'very special circumstances'.

- 2.3 Paragraph 145 of the NPPF sets out the types of development which are not considered to be inappropriate development in the Green Belt, as follows:
- a) buildings for agriculture and forestry;
  - b) provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages, and
  - f) limited affordable housing for local community needs under policies set out in the Local Plan; or

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

2.4 Paragraph 146 states:

Certain other forms of development are also 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. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order.

2.5 Paragraph 147 states that elements of many renewable energy projects in the Green Belt will comprise inappropriate development. As such it is considered that the proposal amounts to inappropriate development in the Green Belt. Paragraph 147 adds that in such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

2.6 In an attempt to prove the existence of very special circumstances, the applicant, during the life of the application has submitted a statement arguing that their project will:

- increase production of energy from renewable sources
- generate about 1 780 000kWh (net) of electricity per year - this would be sufficient to meet the annual average electricity needs of about 450 average Central Bedfordshire homes
- save about 494 tonnes of carbon dioxide per annum
- as a local generator and to be consumed locally, avoid losses of between 7 to 9% of generated electricity (there are significant transmission losses experienced with respect to conventional power generating plants)
- not involve loss of best and most versatile agricultural land
- not result on the need for overhead lines or extensive excavations for underground work

2.7 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 147). 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.

- 2.8 In this respect, the Officers give significant weight to the NPPF's presumption in favour of developments for renewable energy. Paragraph 148 states: That the planning system should support the transition to a low carbon future in a changing climate. This national advice states further that, in Paragraph 154 that 'when determining planning applications, Local Planning Authorities should,' ...approve the application if its impacts are (or can be made) acceptable.
- 2.9 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.
- 2.10 Other benefits that would be had from the development include the following :
- Improvement of the character and appearance of the open countryside through hedgerow planting although there might be short term harm while the hedgerow establishes.
  - Biodiversity enhanced through creation of new grassland habitats, within the rows of solar panels.
  - Whilst acknowledging the resultant loss of openness to the Green Belt, it should also be noted that the solar arrays would be arranged in rows spaced approximately 4.7 metres apart such that views across the site would still be possible through these gaps. Furthermore, the structures would not require foundations and any harm would be temporary. Taken together with the proposed planting, the loss of openness to the Green Belt would not be significant.
  - There maybe work opportunities generated for local contractors during the construction phase and during the life of the solar farm.
- 2.11 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.
- 2.12 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 450 homes and would reduce CO2 emissions into the atmosphere. Overall, subject to consideration of visual harm (see section 3 below) officers consider that very special circumstances exist to clearly outweigh impact on the Green Belt.

### **3. Impact on the character and appearance of the area**

- 3.1 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.
- 3.2 At a national level, Natural England has divided England into 159 National Character Areas (NCAs). The proposed site is located within Bedfordshire Greensand Ridge National Character Area 90 (NCA).

- 3.3 The application includes a landscape and visual assessment, using a methodology set out within the Guidelines for Landscape and Visual Impact Assessment, Third Edition and includes an assessment of the existing landscape, a visibility analysis that uses computer generated zones of theoretical visibility to identify the locations where the solar array could in theory be visible from, based solely on topography.
- 3.4 There would be some short-term effects on the character of the site as a result of the construction phase. Overall, the construction phase would be short-term, with the various activities lasting for only small parts of the overall timescale. The presence of construction machinery and activities would be transient (temporary, short-term and reversible) and ground and vegetation disturbance would be limited. Given the site's location surrounded by a working quarry where machinery movement is a common characteristic, the construction activities on site would not be unusual for the local area.
- 3.5 The decommissioning phase would also be very short-term, ground disturbance would be very limited in extent and there would be the removal of the built form and the reinstatement of the ground on completion of the works, which should return the site to its current character. Therefore, the decommissioning phase would result in a beneficial effect on the landscape character of the site relative to the operational phase, although, the change in character upon decommissioning relative to the current landscape character of the site would be neutral.
- 3.6 The main effects on the landscape character of the site would occur during the operational phase as a result of the presence of the solar panels and associated infrastructure (namely the erection of a 2.15 metre high perimeter fence and CCTV system comprising inward facing cameras) All these parts of the proposed development would be located within the Wooded Greensand Ridge Landscape Character Type (LCT). The elements of the proposal most likely to be visible across the surrounding area during the operational phase would be the solar panels forming the solar array, which would become a key characteristic of the site landscape, resulting in an adverse effect on the character of the site landscape.
- 3.7 The effects of this proposed development would be limited to the character of the landscape of the site and surrounding area up to approximately 0.8km – 1.0km from the site. This includes limited parts of the Wooded Greensand Ridge LCT and very small parts of the Clay Hills LCT. The proposal would only be intermittently and partially visible within these areas where very limited parts of the proposal would be visible. This limited visibility would not alter any of the key characteristics of these LCTs and would result in very limited changes to landscape character. Very limited and partial visibility of the proposal would be available from a few short sections of footpath within 1.0km of the site. From some locations this visibility would be limited to winter views where the proposal would barely be discernible through existing vegetation. For the motorist there would generally be fleeting views of small parts of the proposal visible above and between existing vegetation in the intervening landscape. The proposed development would mainly be entirely screened from the majority of the 2.5km radius study area.
- 3.8 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.

#### **4. Impact on Double Arches Quarry**

- 4.1 The application site lies within a designated Minerals Safeguarding Area and is part of the Churchways Quarry Complex. However, sufficient evidence in the form of historic aerial imagery has demonstrated that the site has previously been quarried and restored and, as such, the Council's Minerals and Waste Team consider that it is unlikely that the proposal would result in any unnecessary sterilisation of mineral resources. The proposal is therefore considered to be in accordance with policies MSP11 and MSP12 of the Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014).

- 4.2 Notwithstanding the above the Council's Minerals and Waste Officer advises that a S106 agreed in respect of CB/16/04588 includes provision for 10 years extended aftercare (beyond the statutory 5 year period) in respect of non-agricultural uses such as the proposed solar farm site. The officer also confirms that restoration of the site in accordance with the ROMP and Condition 49 of CB/16/04588 has not yet occurred. The applicant advises that it is the intention of Aggregate Industries to carry out the restoration of the relevant part of Double Arches this Autumn, before the commencement of construction of the solar farm.
- 4.3 It is accepted that the provision of grassland beneath solar panels, and its associated management through grazing, is a long established practice and is a normal provision within the majority of solar projects. Notwithstanding the minerals and waste officer agrees with the ecology officer and argues that the applicant needs to make provision for some appropriate compensatory area of land swop from agriculture to a suitable lowland grassland mosaic or potentially other suitable habitat to offset the loss. At the time of drafting this report the applicant has refused to agree to this mitigation. Accordingly in the planning balance this weighs against the proposal.

## **5. Impact on biodiversity**

- 5.1 The nearest SSSI designated for its biological importance is King's and Baker's Wood and Heaths SSSI, which is approximately 0.7km northwest of the proposed location. This SSSI is separated from the site by the woodland, fields, a quarry and Woburn Road and as such the Ecological Assessment concluded that there is not likely to be a significant adverse impact on the SSSI. The other nearest SSSI is Double Arches Pit, however, there will be little impact on this SSSI as it is nationally notable for geological rather than biological reasons.
- 5.2 The quarry sits within a larger complex of sand quarries, which alongside Nine Acres and Churchways Quarries, is identified as a County Wildlife Site (CWS) and includes a number of waterbodies. These include settlement ponds, which vary in size and location as working patterns dictate, there are also larger lakes which are used by a local angling club. The citation states that the CWS is designated for its 'mosaic of habitats including waterbodies marshy grassland, acid grassland, neutral grassland, calcareous grassland, scrub and developing woodland'
- 5.3 A full ecological survey of the site was carried out in accordance with guidance from Natural England, with surveys taking place in 2020. The survey identified that, subject to a series of protection measures, no species were likely to be affected by the proposed solar array.
- 5.4 The Council's Ecologist has carefully considered the evidence submitted and she does not dispute the findings of any of the reports with regards to impacts on fauna. The same ecology report states that 'development of the site will not adversely affect Double Arches Pit CWS' This is however challenged. The change in the site due to shading will clearly have an impact on the flora present in addition to all the disturbance sustained through the laying of cables and erection of the array. Further the scheme currently fails to demonstrate any positive enhancements. Discussions are ongoing with the developer with regards to a compensatory Ecological Enhancement Strategy for the site. Members will be updated on this in the late report.
- 5.5 It is considered that even with a condition to secure a net gain in biodiversity that the proposal is likely to result in some harm to a County Wildlife Site. Notwithstanding this concern taking into account the substantial benefits of the scheme namely environmental benefits contributing to local and national carbon reduction targets that this would on balance outweigh the harm to the County Wildlife site. It can even be argued that by contributing to net zero carbon emissions, the proposal by reducing climate change will in the long run benefit biodiversity.

## **6. Impact on residential amenity**

- 6.1 Outside the construction period, there would be three potential noise sources, from the inverters, from the inverter/transformer stations and the substation. The nearest property to the solar array is at Double Arches Farm on Eastern Way, which is approximately 630m to the south-southeast from the boundary of the solar array. There are no Public Rights of Way crossing the site. Considering the plant and equipment involved and the considerable distance from dwellings and users of the Countryside, it can be concluded that noise arising from the proposal would be negligible.
- 6.2 Both PPG and the adopted CBC 'Solar Farm Development in Central Bedfordshire' require consideration of the effect of glint and glare (caused by the reflection of sunlight from panels) where aspects such as the proposed site location or the orientation of the panels provides scope for impacts. In the case of this development, given the extensive screening around the site, and the distance to any potential receptors, it has been concluded that a glint and glare assessment is not necessary
- 6.3 It is therefore considered that the proposed development would not be harmful to residential amenity.

## **7.0 Highway Considerations**

- 7.1 All plant and equipment will be delivered by HGV using an established access off the A5 Trunk Road. This access has been designed to accommodate the large, heavy, loads associated with wind turbine deliveries and is more than adequate for the construction of this scheme. Given the low level of traffic associated with site assembly and that the proposed site can currently be accessed by HGV's, the proposed development is not considered to have significant impact upon the existing highway network or traffic flows. It can be concluded that the proposal would not cause a significant adverse effects on users of the highway and that this would comply with the advice contained within the NPPF and South Bedfordshire Local Plan Review (2004) Policy NE10 part (iii) and the adopted CBC 'Solar Farm Development in Central Bedfordshire' Accordingly Highways England and the Council Highway Engineers raise no objection to this proposal.

## **8. Other Considerations**

### **8.1 Referral to the Secretary of State**

Members are advised that if they resolve to approve this application, the Council are required to give the Secretary of State the opportunity to call in the application as it is a major application for inappropriate development in the Green Belt

### **8.2 Representations**

It is considered that the suite of documents submitted with the application sufficiently address the comments in the letters of objection. In particular, the Planning, Design and Access Statement presents a detailed analysis of the key issues including the very special circumstances of the 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 to consultation, site notices were placed in strategic locations on the 22nd May 2020 and this was followed by a press advertisement which was published 26th May 2020. The supporting documents were scanned onto the CBC website on the 2nd April.

- 8.3 Heath and Reach Parish Council have asked the LPA to pursue an application for 106 funding so that the Parish can receive some compensation. Paragraphs 14.5 of CBC Guidance Note 2 (2014): Solar Farm Development in Central Bedfordshire states that the Council is keen that developers of renewables, including solar farms, take a proactive approach to working with affected communities at the earliest stage in order to mitigate impacts and provide adequate compensation and benefits.

Paragraph 14.6 of the same document states that developers are encouraged to carry this out at the earliest opportunity and in paragraph 14.7 that communities should be given the opportunity to have their concerns addressed. Paragraph 14.7 adds that Communities should also be given the opportunity to identify what they would deem as an appropriate level of reward/compensation/benefit for the community to receive. It is disappointing that the developer has not engaged in pre application discussions or engaged with Heath and Reach Parish Council. This is not, however, a planning reason to refuse this planning application. Further, compensation cannot be secured through a S.106 Obligation in any event, as specifically it would not be viewed as necessary to make the identified planning impacts of the development acceptable and thus would not therefore be compliant with the CIL Regulations. Notwithstanding the Council have approached the developer with regards to the Parish Council comments. In response the applicant states, 'that since the removal of feed-in-tariffs schemes such as this do not receive subsidy or public funded help. The applicant goes on to argue that this is entirely a privately funded scheme to increase the amount of locally generated renewable energy and that without such tariffs, in tandem with the scale of the project, it is not commercially viable to offer a community benefit package.

8.4 In addition the parish council have raised concerns about the land being developed when the solar farm is removed. This application is for a solar array. A separate application will be required for any future development on this site and this would be assessed on its own merits.

8.5 Human Rights issues

The application raises no human rights concerns.

8.6 Equality Act 2010

No equality issues are raised by this proposed development.

## **9 Planning Balance and Conclusion**

9.1 As noted above, the adopted development plan is relatively silent in regards to renewable energy policy and therefore significant weight is given to the policies within the NPPF and other national policy which places substantial weight on the environmental benefits of renewable energy projects. The NPPF advises that renewable energy projects should be approved where the impacts are, or can be made acceptable.

9.2 The NPPF states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted. The Footnote clarifies that this includes policies relating to Green Belt.

9.3 It has been identified in this report that the proposal would be inappropriate development in the Green Belt, which is harmful by definition. It has also been identified that the proposal would conflict with one of the purposes of including land within the Green Belt, that of safeguarding the countryside from encroachment. Moderate harm to openness and the visual amenities of the Green Belt has also been identified. Substantial weight should be given to the identified harm to the Green Belt.

9.4 The NPPF state that inappropriate development should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

9.5 To summarise, it is considered that the environmental benefits of the scheme in terms of the generation of renewable energy and the subsequent reduction in carbon emissions and the contribution to local and national energy targets and energy security weigh heavily in favour of the scheme; moderate weight is given to the economic benefits of the scheme.

- 9.6 The planning balance for this application requires a determination as to whether very special circumstance exist, having regard to Green Belt policy. It is considered that the package of benefits summarised above, with particular regard to the substantial environmental benefits, would clearly and demonstrably outweigh the identified harm to the Green Belt, County Wildlife Site and the Landscape character. The proposal would thus conform with the NPPF which require identified harm to be clearly outweighed by the very special circumstances.
- 9.7 In light of this balancing exercise, it is considered that the adverse impacts that would result from the proposal are acceptable when weighed against the considerable public benefits that would accrue from the scheme. The proposal is therefore considered to accord with policies in the NPPF when taken as a whole.

Recommendation:

That Planning Permission be granted subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The permission hereby granted shall endure for a period of 35 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 35 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 the openness of the Green Belt and countryside.

- 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; 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.

- 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 'non-infrared' lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the character of the open countryside

- 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.

- 7 The development hereby approved shall be completed in accordance with the recommendations in the Ecology Assessment by Ecology Solutions dated April 2020. 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.

- 8 No development shall take place in connection with the development hereby approved until an Ecological Enhancement Strategy (EES) for the creation of new wildlife features and tree, shrub and wildflower planting/establishment. The content shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) details of initial aftercare and long-term maintenance.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policies CS18 and DM15 of the Core Strategy and Development Management Policies 2009 and the National Planning Policy Framework.

- 9 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 nearby footpaths.

- 10 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors' [https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes\\_of\\_practice\\_for\\_planning](https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning).

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties (Section 12, NPPF)

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans (Site Location Plan, Block Plan and Figures 1 - 12)

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

### **INFORMATIVE NOTES TO APPLICANT**

1. 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.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.