



## Local Plan Committee

18 August 2014

Item  
**8**

Report of	Head of Commercial Services	Author	Simon Cairns ☎ 508650
Title	Major Photo Voltaic Installations – Solar Farms		
Wards affected	Whole borough		

**The Local Plan Committee is asked to note the policy implications associated with solar farm development in open countryside**

### 1. Decision(s) Required

- 1.1 To note the need for guidance and potential policy issues arising out of major solar farm development in rural locations including both previously developed and greenfield sites.

### 2. Reasons for Decision(s)

- 2.1 To ensure members are kept up to date with national policy and how it is interpreted at the local level in Colchester.

### 3. Alternative Options

- 3.1 There is no alternative option; the report is for information only.

### 4. Supporting Information

- 4.1 The NPPF provides considerable support for renewable energy proposals. This appeared to suggest that such proposals should be approved. However, subsequent to the NPPF the Secretary of State produced detailed thematic guidance on renewable energy that provided criteria for the assessment of schemes. This guidance most importantly highlighted that large scale installations should be directed to brownfield sites, avoid high quality agricultural land and that special regard should be paid to the setting of listed buildings and other designated heritage assets.
- 4.2 In March of this year the Government incorporated most practice guidance into a web based online series of themed practice notes that supersede most of the existing guidance notes; including the July 2013 renewable energy guidance produced by the Secretary of State DCLG.
- 4.3 The Council has received several applications and pre-application enquiries for major solar farm installations. These have included both greenfield and brownfield proposals at Highfields Farm, Messing; Brook Hall Road, Fingringhoe; Rockingham Farm, Layer Marney; Langenhoe Hall Lane, Langenhoe; Boxted Airfield and Birch Airfield. The practice guidance and other relevant documents have been set out for customers as a guidance note that includes national and local guidance together with a simple ten point check-list

of key issues to consider. [Link to guidance note](#) . The advice note is attached at Appendix A.

- 4.4 To date the Council's approach to major PV installations has not been tested at appeal. But it is considered that the sign posting of current guidance and the simple check list approach should help to reinforce the Councils relevant local plan policies.

4.5 **Policy Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

- 4.6 Regard must also be paid to relevant statute including that relating to Areas of Outstanding Natural Beauty (s.85(1) Countryside and Rights of Way Act 2000) and the protection afforded to the setting of listed buildings and conservation areas (section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that i) special regard be paid to the desirability of preserving listed buildings and their settings and any features of special architectural or historic interest they possess and ii) that the character or appearance of conservation areas should be preserved or enhanced by development.

- 4.7 In this case the development plan comprises the Colchester Local Plan, which consists of the Core Strategy 2008 (CS), the Site Allocations Development Plan Document 2010 and the Development Policies Development Plan Document 2010 (DP). The policies considered to be of particular relevance to the consideration of solar farm proposals are listed below;

Core Strategy (CS) policies

- SD1 (Sustainable Development Locations),
- UR2 (Built Design and Character)
- ENV1 (Environment),
- ENV2 Rural Communities
- **ER1** (Energy Resources, Waste, Water and Recycling)\*

Development Policy (DP) policies

- DP1 (Design and Amenity),
- DP8 (Agricultural Development and Diversification),
- DP14 (Historic Environment Assets),
- DP21 (Nature Conservation and Protected Lanes), and
- DP22 (Dedham Vale AONB).

4.8 **Main Issues**

The main issues relevant to the consideration of proposals may be split into three broad headings:

1. whether the site can be considered to be in a sustainable location, with particular regard to previously developed land or land of high agricultural or ecological value;
2. the impact of the proposal on the character and appearance of its rural surroundings, and in particular on the landscape character having regard to guidance on the Landscape Character Areas and where relevant the scenic beauty of the Dedham Vale AONB; and

3. whether there are any other material planning considerations which might support or undermine the proposal when assessed against the adopted planning framework for the area. These include the setting of listed buildings, Ancient Monuments or Conservation Areas and protected species such as bats, newts, or birds (red or Amber list) of Conservation Concern or Biodiversity Action Plan Priority Habitats that would be adversely affected by development. The latter duties are empowered by the Natural Environment and Rural Communities Act 2006 which places a duty on local authorities to have regard to the conservation of biodiversity in discharging their functions.

#### **4.9 Conclusions**

Whilst the NPPF sets out that proposals for renewable energy should be approved (if the impacts are or can be made acceptable) this needs to be read alongside with the remainder of the Framework that confirms the natural beauty of the countryside should be conserved and previously developed land developed as sequentially preferable to greenfield land or land of higher agricultural value. The Framework also confirms that heritage assets (including their setting) should be conserved in a manner proportionate to their significance.

### **5. Proposals**

#### **5.1 Members are asked to note the following key points;**

1. The Council's Local Plan reflects the positive approach towards renewable energy and solar farms and reflects the NPPF (Policy ER1 of the Core Strategy);
2. The National and Local Plan policy framework must be read as a whole as sustainable development involves harmony between the aims of economic growth and environmental protection. As such proposals for solar farm development do not 'trump' other policy considerations but a balanced approach needs to be adopted.
3. Statutory duties need to be afforded due weight in parallel with the policy framework as material considerations.

### **6. Strategic Plan References**

- 6.1 The Strategic Plan Action Plan includes a commitment to being cleaner and greener; listening and responding and promoting sustainability and reducing congestion.

### **7. Consultation**

- 7.1 Not applicable as it is only proposed to approve the note as guidance.

### **8. Publicity Considerations**

- 8.1 The national and local press have taken an active interest in solar development proposals as a novel form of renewable energy.

## **9. Financial Implications**

- 9.1 Appeals against refusal can expose the Council to significant expense and costs where the planning authority is seen to have acted unreasonably.

## **10. Equality, Diversity and Human Rights/Health and Safety and Community Safety Implications**

- 10.1 None identified.

## **11. Risk Management Implications**

- 11.1 Ensuring members are fully briefed on planning decisions and relevant policies in the Local Plan that will help reduce the risk of inappropriate development being permitted.

## **12. Disclaimer**

- 12.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.

Appendix A: Information sheet:

DESIGNING SOLAR FARM RENEWABLE ENERGY DEVELOPMENT -

A link to current guidance:

Information sheet:

## **DESIGNING SOLAR FARM RENEWABLE ENERGY DEVELOPMENT - A link to current guidance:**

This guidance link is aimed at signposting developers and other interested parties to the current guidance on designing acceptable solar farm renewable energy development and offers a check list for use when considering potential solar farm renewable energy sites within the Colchester Borough.

The following broadly generic guidelines are drawn from both a national and local level and are referenced by the Council when assessing any design proposals for solar farm renewable energy development, together with any site specific considerations. It is recommended that any developer looking to make a planning application for solar farm renewable energy development within Colchester Borough assess their proposals against the following guidelines, as appropriate, during the pre-application design stage, this to ensure the relevant guidelines are followed and policies compiled with:

### **National guidance:**

1. DCLG - NPPG: 'Renewable and low carbon energy' @ [http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/#paragraph\\_013](http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/#paragraph_013)
2. DECC: 'UK Solar PV Strategy Part 1- Roadmap to a Brighter Future' @ [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249277/UK\\_Solar\\_PV\\_Strategy\\_Part\\_1\\_Roadmap\\_to\\_a\\_Brighter\\_Future\\_08.10.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249277/UK_Solar_PV_Strategy_Part_1_Roadmap_to_a_Brighter_Future_08.10.pdf)
3. BRE: 'Planning guidance for the development of large scale ground mounted solar PV systems' @ [http://www.bre.co.uk/filelibrary/pdf/other\\_pdfs/KN5524\\_Planning\\_Guidance\\_reduced.pdf](http://www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf)
4. NE: 'Solar parks: maximising environmental benefits (TIN101)' @ <http://publications.naturalengland.org.uk/publication/32027?category=9001>
5. STA: 'Solar Farms: 10 Commitments' (industry guidelines) @ <http://www.solar-trade.org.uk/media/STA%2010%20commitments%20v%2010.pdf>

### **Local guidance:**

1. CBC: 'Local Development Framework Development Policies' (principally policies DP1, DP21, DP22, DP23 & the principal policy DP25) @ <http://www.colchester.gov.uk/CHttpHandler.ashx?id=1692&p=0>
2. CBC: 'Colchester Borough Council Supplementary Planning Document Sustainable Construction' @ <http://www.colchester.gov.uk/CHttpHandler.ashx?id=2593&p=0>
3. Dedham Vale AONB - 'Development in the setting of the Dedham Vale Area of Outstanding Natural Beauty' @ <http://www.dedhamvalestourvalley.org/assets/planning/Setting-of-Dedham-Vale-AONB.pdf>

As a refinement to the above the Council advised that when initially considering the suitability of potential solar farm renewable energy sites for development within Colchester Borough the following site specific check list is applied to assess the appropriateness of the site for such development, this designed as an aid to better site selection and project design:

1. Does the site fall within or impact upon a designated landscape, i.e. is it within the Dedham Vale AONB or within/adjoining a Registered Park or Garden or would it affect the setting of a designated area? National and local planning policies seek to protect such areas from development that would be incompatible with the reasons for these designations.
2. Does the site fall within the land classification for the best and most versatile land (grades 1, 2 or 3a)?
3. Is the site previously developed land as this is sequentially preferable?
4. Have you consulted with the local community and is there a majority in support of the scheme?
5. Does the site contain or adjoin heritage assets such as listed buildings or scheduled monuments and if so, how can you effectively mitigate the impact upon their setting?
6. Can you deliver a landscape legacy for the period following the removal of the installation; in terms of enhanced or reinstated hedgerows for example?
7. Have you considered the density/separation of PV strings in the context of the site and how the land will be used whilst the arrays are present?
8. What value does the existing habitat present for wildlife and what species are present currently and how will these adapt to the proposed installation?
9. What is the existing landscape character (refer to Colchester LCA) and how is this compatible with the proposed installation?
10. Are there publically available views and do public rights of way cross the site or run close to the site and afford potential views?

*Note: the above should not be taken as a finite list of the guidance available on this subject and will be subject to regular review and amendment as appropriate as best practice develops within the field of renewable energy development design.*