

Councillors Briefing Note No. 165

Service : Economic Development and Planning
Further Enquiries to: Alistair Cunningham
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Solar Farm Developments, Wiltshire

1. INTRODUCTION

- 1.1 This briefing note is a fair representation of developments with regard to solar farms in Wiltshire at the time of writing (4 November, 2013). However, as government policy evolves the key messages may change over time and so it will be necessary to provide further updates.
- 1.2 Under the Town and Country Planning Act 1990 (as amended) local planning authorities (LPA) are responsible for renewable and low carbon energy developments of 50 megawatts or less installed capacity, unless proposed development falls under permitted development (e.g. micro generation). Anything else will be considered by the Secretary of State for energy, with the LPA a statutory consultee.
- 1.2 This note summarises:
- Current activity in solar farm development in Wiltshire
 - National and Local Policy on solar energy
 - Approach to planning applications and current issues
 - Contribution of Wiltshire's renewable energy to national targets

2. EXISTING AND PROPOSED SOLAR FARMS

- 2.1 Wiltshire is seeing an increasing number of proposals coming forward. However, they appear to be dependent on Government tariffs and developers may be 'rushing' to exploit potential due to concerns over capacity in the national grid and the desire to get in first (see 'Grid capacity worries sparks UK solar farm boom'¹). It is thus possible that not all consented schemes will be implemented, as the tariff for large

¹ BBC, <http://www.bbc.co.uk/news/science-environment-24659790>, 23 October 2013

schemes (5 mega watt or more) is only payable on implementation of the development and connection to the grid.

- 2.2 Concerns raised locally generally tend to be around initial highway impacts from construction traffic or the impact on the character and appearance of the area.
- 2.3 **Appendix 1** contains a schedule and map showing solar farm development activity across Wiltshire reflecting the position at 23 October 2013. This shows scale of development by site area and whether they are 'constructed', 'permitted' or 'pending decision'.
- 2.4 Conditions are attached to planning permissions relating to the removal of solar farms after use. For example:
 2. *The local planning authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the date.*

REASON: In the interests of amenity and the finite operation of this type of development.
 3. *Within six months of commencement on site, a scheme for the Decommissioning and Restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to full agricultural use upon the development no longer being in operation or upon the expiry of 25 and six months years from the date of this planning permission whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.*

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

(Source: Notification of Planning Decision of 13/03729/Var (Rodbourne Rail Solar Park) and for 12/04169/FUL (High Penn Solar Park)

3. NATIONAL POLICY

National Planning Policy framework

- 3.1 One of the 12 core planning principles in the National Planning Policy Framework (NPPF) is to support the transition to a low carbon future by, inter alia, encouraging the reuse of renewable resources through the development of renewable energy (6th bullet point, paragraph 17).
- 3.2 Paragraphs 93 to 98 are particularly relevant to solar farms.

- 3.3 Paragraph 93 of the NPPF states: “*Planning plays a key role in...supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development*” (emphasis added). Specifically in determining planning applications, paragraph 98 goes on to state that local planning authorities should:

“Approve the application² if its impacts are (or can be made) acceptable.”

Applicants are not required to demonstrate the overall need for renewable energy developments (paragraph 98).

- 3.4 Paragraph 97 of the NPPF recognises that “*cumulative landscape and visual impacts*” is a relevant consideration in planning for renewable energy developments.

Government Planning practice guidance for renewable and low carbon energy (July 2013)

- 3.5 The guidance provides advice on planning issues associated with the development of renewable and low carbon energy. It is supplementary to the NPPF and a material consideration in planning decisions.

“Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the environmental impact is acceptable.”

(Paragraph 3)

- 3.6 Key general messages from guidance:

- The need for renewable energy does not automatically override environmental protections and the planning concerns of local communities (paragraph 5).
- In drawing up plans (local and neighbourhood plans) consideration should be given to local potential for renewable and low carbon generation, and policies to encourage their development in the right place. There is no quota that the Local Plan has to deliver (paragraph 6).
- The views of the local communities should be listened to (paragraph 8).
- Landscape character assessment provides a tool to help assess impact (paragraph 9)
- Positively expressed criteria based policies should be used in Local Plans – “*i.e. that proposals will be accepted where their impact is or can be made acceptable*” (paragraph 14) - See paragraph 15 of attached guidance for more information.
- Separation distances alone should not be used to rule out proposals. The test is on whether the impact of a proposal is unacceptable. Local context including factors such as topography, local environment and nearby land uses all need to be considered (paragraph 16). Set back distances for safety are acceptable (e.g. for solar farms this could relate to the positioning of a perimeter fence for safety reasons, in order to prevent animal and human

² Unless material considerations indicate otherwise

interference, as well as buffers for maintenance of fencing and soft landscape features such as hedgerows outside the 'fence').

3.7 Paragraphs 24 to 28 address solar technology (see attached guidance). In summary, this acknowledges:

- Potential for negative impact on rural environment but recognises that visual impact within landscape can be addressed through well planned and well screened solar farms.
- Solar farms are normally temporary and conditions can be used to ensure their removal when no longer in use.
- Cumulative impact is a valid consideration. With effective screening and appropriate land topography the zone of visual influence could be zero.

3.8 Guidance is provided on the information needed to assess cumulative landscape and visual impact (paragraphs 28, 41 to 44) including:

- Visual amenity - establish area where proposed development may be visible (consider view points, people who experience and nature of views)
- Landscape - consider significance of cumulative impacts and temporary and permanent impacts (sensitivity of landscape and magnitude of predicated change).
- Consider all existing and proposed solar farm within 'defined radius' of centre of proposal under consideration (to reflect local circumstances), to identify cumulative zone of visual influence.

3.9 Very little is said in the guidance about views of the local community and how these should inform decision making. The emphasis is on "planning concerns of the local community" (emphasis added), clarifying that these will need to directly relate to the matters that are raised in the guidance or other valid planning considerations, generally those that are raised in national or local policy.

4. LOCAL POLICY

Saved Local Plan Policies

4.1 Specific local policies that apply to renewable energy developments Wiltshire can be found within the former district local plans as follows, although these don't all relate to solar energy:

- Policy NR19, Renewable Energy Proposals, Kennet District Local Plan -
- Policy NE16, Renewable Energy, North Wiltshire District Local Plan
- Policy C34, Renewable Energy, West Wiltshire District Local Plan
- Policy PS8, Renewable Energy, Salisbury District Local Plan

- 4.2 These have been saved until such time that they are superseded by Core Policy 42 and together with other relevant saved policies on landscape, transport, ecology etc will inform decision making.

Emerging Local Plan Policy (Wiltshire Core Strategy)

- 4.3 Core Policy 42 relates to 'standalone renewable energy installations'. Consistent with the NPPF, this states that proposals will be supported subject to resolution of all site specific constraints; and requires proposals to demonstrate how impacts on a number of factors have been satisfactorily addressed and taken into account:

- (i) landscape, particularly in and around the AONBs
- (ii) Western Wiltshire Green Belt
- (iii) New Forest National Park
- (iv) biodiversity
- (v) historic environment including the Stonehenge and Avebury World Heritage Site and its setting
- (vi) use of the local transport network
- (vii) residential amenity, including noise, odour, visual amenity, safety and
- (viii) best and most versatile agricultural land

- 4.4 Other Core Policies within the Plan will also be applicable, for example:

- Core Policy 50 Biodiversity and geodiversity
- Core Policy 51 Landscape
- Core Policy 59 Ensuring the conservation of the historic landscape
- Core Policy 59 Stonehenge, Avebury and associated World Heritage Site
- Core Policy 61 Transport and New Development
- Core Policy 62 Development Impacts on the Transport Network

5. RENEWABLE ENERGY TARGETS AND DELIVERY

- 5.1 The UK has a national target to achieve 15% of its energy from renewable sources as well as wider carbon reduction targets. This is broken down into 30% of electricity, 12% of heat and 10% transport energy. While these policies commit the UK to action, they have not been translated to targets for each Local Authority area or region.

- 5.2 The UK Government has a range of measures in place to incentivise renewable energy such as the Renewable Energy Obligations, Feed in Tariffs, Renewable Heat Incentive, as well as policies on Nuclear. In essence the policies combine to support a mix of technology rather than backing a specific technology or location.

- 5.3 While the core strategy does not contain a specific target, it includes a measure of installed capacity of 367MW by 2020, which would be required if Wiltshire is to meet its share of the national target of 30% electricity generation from renewable sources.
- 5.4 The most recent installed capacity figures (April 2013) come from Regen SW survey, which show a capacity of 62 MW of electricity generating potential (all sources including wind and solar). If the applications for solar farms permitted since April 2013 are added to this figure it would rise to around 107 MW demonstrating the potential from solar energy.

6. CURRENT ISSUES IN PLANNING FOR SOLAR FARMS

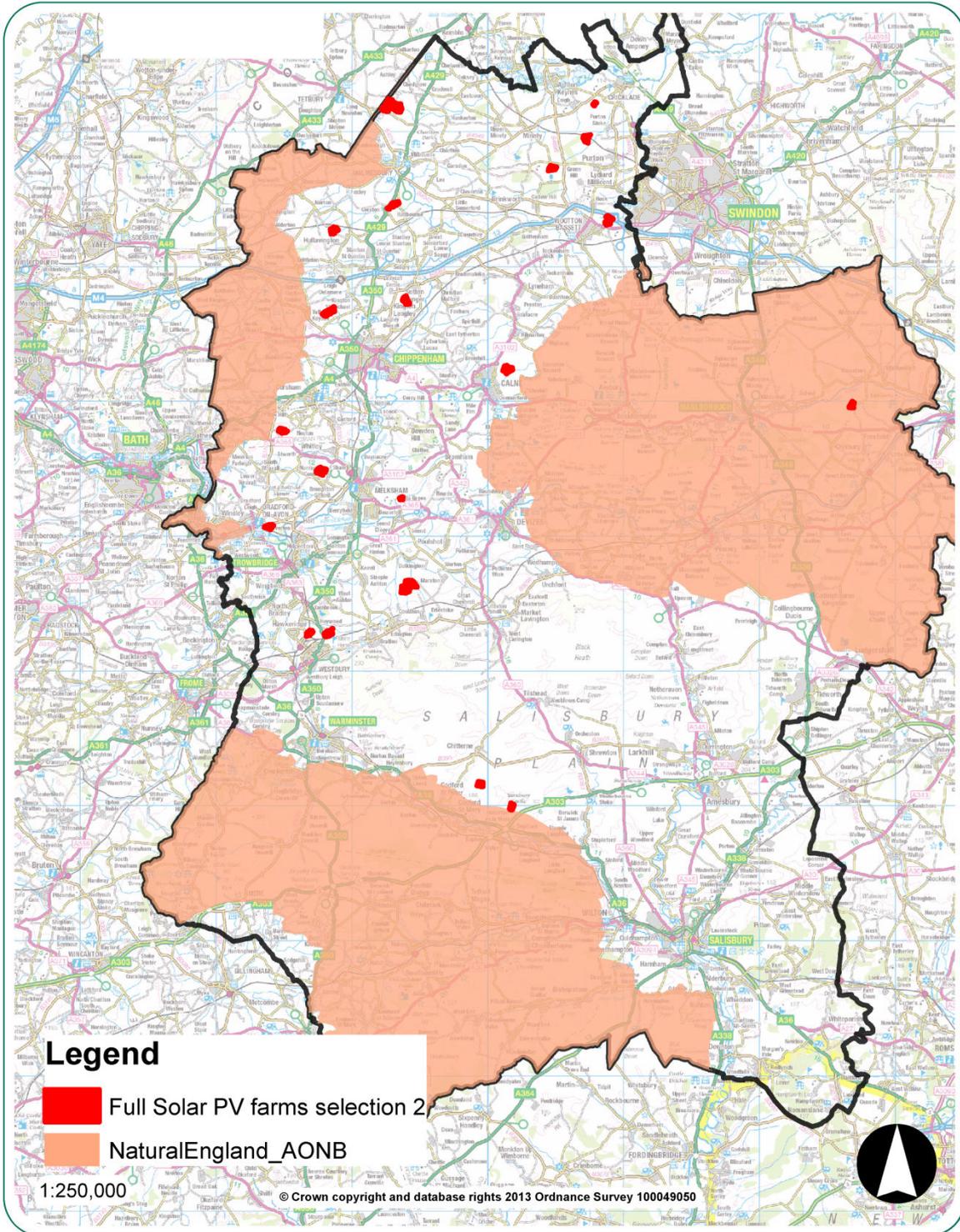
- 6.1 Landscape and visual impact is arguably the key consideration in assessing planning applications. A 'Landscape and Visual Impact Assessment', in accordance with Landscape Institute guidance, is required together with a full set of plans to show how the solar installations including perimeter fencing and security equipment to assess the impact of the proposed development. The advice of specialist landscape officers is important in order for the case officer to understand whether the individual and cumulative impact of a proposal is acceptable. Currently insufficient information is being submitted and as a result guidance is in preparation to advise developers submitting applications on what evidence they need to submit with the application.
- 6.2 A GIS database of permitted and emerging proposals is now well developed to facilitate the consideration of cumulative impacts of any proposal.
- 6.3 A number of other issues have been identified that require consideration:
- What impact, if any, could solar farms have on military operations within Wiltshire? e.g. is a buffer required for safe operation of airfields. Government guidance recognises that glint and glare is a valid consideration in terms of aircraft safety.
 - Development of model conditions to be applied to planning permissions across Wiltshire including consideration of temporary conditions.
 - Can height of solar structures and associated perimeter fences be managed or is this restricted by industry standards (e.g. to allow grazing animals underneath, prevent access by animals and humans)?
 - Developers could incentivise communities to accept renewable energy developments by offering payments to fund community projects. To date this has generally only happened in relation to wind turbine developments and is the subject of a Government consultation (www.gov.uk/government/consultations/onshore-wind-call-for-evidence). However, as local planning authority the fact that the developer is offering a sum of money is not a valid reason to permit or refuse an application and as such cannot be enforced through a planning agreement. See **Appendix 2** for discussion note.

- Although solar farms do not attract financial contributions from the Community Infrastructure Levy or section 106 agreements they are subject to business rate retention.

Economic Development and Planning
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Appendix 1

Map showing planning apps for solar PV farms
(>1MW), as of 23/10/13
(application boundaries not to scale)



STATUS OF SOLAR FARMS (>1MW)

(Source: planning database)

| Application reference no. | Site Name | Proposed Capacity (MW) | Proposed site area (ha) | Development status (as of 23/10/13) |
|---------------------------|--|------------------------|-------------------------|-------------------------------------|
| W/11/01064/FUL | Land South And East Of The Cemetry Holt Road Bradford On Avon Wiltshire | 5.00 | 15.1 | Constructed |
| 13/04872/FUL | Land at Bentham Farm Bentham Lane Bentham Purton Swindon Wiltshire SN5 4JB | 8 | 18 | Pending decision |
| 13/04055/FUL | Land East of Manor Farm Wadswick Box Corsham Wiltshire SN13 8JB | 9.6 | 14.2 | Pending decision |
| 13/00699/FUL | Land north of Deptford Farm Wylve Warminster Wiltshire | 7.5 | 11 | Pending decision |
| N/11/00003/FUL | Lake Farm, Draycot Cerne, Sutton Benger, Wiltshire SN15 4SQ | 5.00 | 17 | Constructed |
| N/11/01081/FUL | Upper Marsh Farm, Brokenborough, Malmesbury, Wiltshire, SN16 9SR | 5.00 | 14.2 | Constructed |
| W/12/02081/FUL | Land Adjacent Sewage Treatment Works Slag Lane Westbury Wiltshire | 6.10 | 12.5 | Pending Decision |
| N/13/01495/FUL | Lane East & West of Hill Hayes Lane, Hullavington, Chippenham, Wiltshire | 7.00 | 17.5 | Pending Decision |
| N/13/01723/FUL | Braydon Manor Farm, Braydon, SN5 0AG | 7.00 | 14.8 | Pending Decision |
| N/13/01561/FUL | Newton Diary Farm, Brokenborough, Malmesbury, Wiltshire | 7.20 | 7.45 | Permitted |

| | | | | |
|-----------------|--|-------|-------|------------------|
| 13/01962/WCM | Land South of 40 Park Lane, Heywood, Wiltshire | 3.50 | 12.2 | Permitted |
| 13/02191/FUL | Spittleborough Farm Swindon Road Lydiard Tregoze Royal Wootton Bassett Wiltshire SN4 8ET | 10.00 | 22.7 | Pending Decision |
| 13/02309/FUL | Stokes Marsh Farm Coulston Westbury Wilts BA13 4NZ | 16.60 | 50 | Pending Decision |
| 12/04169/FUL | High Penn Farm, Calne | 12 | 25.5 | Permitted |
| W/12/02072/FUL | Land West Of 198 Norrington Lane Broughton Gifford Wiltshire | 12.30 | 22.1 | Permitted |
| W/12/00467/FUL | Land North Of Craysmarsh Farm Bowerhill Lane Bowerhill Wiltshire | 1.80 | 4.5 | Permitted |
| E/2012/0946/FUL | Land at Rudge Manor Farm Rudge Marlborough SN8 2HN | 7.00 | 21.9 | Permitted |
| W/12/02216/FUL | Land North East Of Codford Dairy East Farm Church Lane Codford Wiltshire | 7.50 | 14 | Permitted |
| N/12/01122/FUL | Rodbourne Rail Farm, Grange Lane, Corston St Paul, Malmesbury | 5.00 | 14.05 | Permitted |
| N/12/03968/FUL | Land at Chelworth Industrial Estate, Braydon Lane, Nr Cricklade, Wiltshire | 1.00 | 2.1 | Permitted |
| N/12/02104/FUL | Long Newnton Airfield, Brokenborough, Malmesbury, Wiltshire, SN16 9SR | 12.00 | 34 | Permitted |
| N/13/01311/FUL | Land at Battens Farm, Allington, Wiltshire, SN14 6LT | 11.00 | 27 | Permitted |

APPENDIX 2: Renewable Energy Community Benefit Packages

1. Payments to communities have been common practice for renewable energy applications and have been the subject of recent announcements by Central Government to incentivise communities to accept wind energy projects (www.gov.uk/government/consultations/onshore-wind-call-for-evidence). However, there is no legislation in place to ensure that payments occur and it is down to the good will of the developer to make them. Planning legislation does not permit the collection of payments from a developer to the community simply because the development is located nearby. Although the Government paper applies to wind turbines, the principle could be applied to other forms of generation including solar farms.

2. Indeed, in the above paper the Government recognises:

“In many cases the onshore wind industry are already providing a variety of different amounts and types of community benefits on a voluntary basis and outside the planning system”

**There is a strict principle in the planning systems in all parts of the UK that a decision about a particular planning proposal should be based on planning issues; it should not be influenced by additional payments, or contributions offered by a developer which are not linked to making the proposal acceptable in planning terms. Current planning legislation also prevents local planning authorities from specifically seeking developer contributions where they are not considered necessary to make the proposal acceptable in planning terms. This is to ensure that unacceptable development is never permitted because of unrelated benefits being offered by the applicant.”*

(paragraph 3.22)

3. Since payments are not covered under planning legislation they should be regarded as a matter between the community in question and the developer and is not something that the council should necessarily be involved in. In most cases these funds have been given to the parish council. However, two case studies cited in the Government’s paper show different mechanisms:

- Burton Wold case - Kettering Borough Council administers the community benefit fund, which is for ‘Residents and community groups within the electoral ward’ and ‘will be for the life of the wind farm to deliver energy efficiency projects and education to the local community’.
- Delabole Windfarm, North Cornwall - there is a Community Committee of local representatives that decide how the money is spent from their fund (£9,000 per year for small-scale projects) and the fund is available to those living in Delabole or in areas directly surrounding the wind farm. This is administered by the developer.

4. Notwithstanding the above, industry needs to do more to improve the level and quality of community benefit packages. In response to the Government report, DECC is expecting the onshore wind industry, as represented by RenewableUK (trade body for England), to announce a revision to their existing community benefit protocol to increase the current recommended community benefit package value in England fivefold from £1,000/MW of capacity per year to £5,000/MW of capacity per year for the lifetime of the windfarm (usually around 25 years).