

# DEVELOPMENT MANAGEMENT COMMITTEE 22<sup>nd</sup> January 2024

**Case No:** 22/00668/FUL  
**Proposal:** Installation of a solar park to export up to 25 MW (AC) electricity, comprising up to 65,000 photovoltaic panels, 10 inverter/transformer cabins associated works.  
**Location:** Land North East Of Bates Lodge, Peterborough Road, Haddon  
**Applicant:** Ms Charlotte Peacock (Wessex Solar Energy Ltd)  
**Grid Ref:** (E) 512694 (N) 293208  
**Date of Registration:** 16/03/2022  
**Parish:** Haddon

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## RECOMMENDATION –

**That members note the changes to the National Planning Policy Framework as it relates to this application, confirm whether they have any further comments on the merits of the application in relation to such changes and whether the previous resolution to refuse planning permission remains, and to comment on and confirm the reasons for refusal.**

**This application is referred to the Development Management Committee (DMC) because the change to the National Planning Policy Framework (NPPF) 2023 is a material change of circumstance in policy and as the application has not yet been determined it should be assessed against the latest NPPF. As the resolution of December DMC did not include delegated authority to consider a material change in policy circumstance that might arise, the application is referred back to DMC to consider the revised NPPF.**

### 1. RELEVANT BACKGROUND

- 1.1 This report only details and considers the changes in the National Planning Policy Framework (NPPF) as it relates to this application and does not seek to re-assess the application where there are no material changes to the decision reached previously. For the avoidance of doubt, Officer's overall recommendation on the application remains as per the December DMC report. That report can be viewed at the following link: <https://democracy.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=10216&MId=8251>
- 1.2 At the meeting of DMC on the 18<sup>th</sup> December 2023 members resolved that;  
contrary to the recommendation, the application be refused and, following consultation with Councillors Butler and Gulson and the Chair, the Chief Planning Officer be authorised to approve the terms of the following reasons for the refusal:

- The application has failed to demonstrate it would not lead to the irreversible loss of Best and Most Versatile agricultural land, contrary to policies LP10 and LP35 of Huntingdonshire's Local Plan to 2036.
- The development would result in adverse impact to the landscape and countryside character of the site and its surroundings, contrary to policies LP10 and LP35 of Huntingdonshire's Local Plan to 2036.
- The proposed development would lead to the loss of residential amenity for occupants at Bates Lodge, contrary to policies LP14 and LP35 of Huntingdonshire's Local Plan to 2036.
- Insufficient information has been submitted to demonstrate the development would not result in an adverse impact to the operation of aircraft, contrary to policies LP14 and LP35 of Huntingdonshire's Local Plan to 2036.

## **2. NATIONAL GUIDANCE AND POLICY AND RELEVANT LEGISLATION**

- 2.1 The National Planning Policy Framework 2023 (NPPF) sets out the three economic, social and environmental objectives of the planning system to contribute to the achievement of sustainable development. The NPPF confirms that 'So sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development...' (para. 10). The NPPF sets out the Government's planning policies for, amongst other things:
- delivering a sufficient supply of homes;
  - achieving well-designed places;
  - conserving and enhancing the natural environment;
  - conserving and enhancing the historic environment.
- 2.2 The National Planning Practice Guidance (NPPG), the National Model Design Code 2021 (NDC) and the Noise Policy Statement for England (NPSE) are also relevant and a material consideration.
- 2.3 For full details visit the government website [National Guidance](#).
- 2.4 Relevant Legislation;
- Planning and Compulsory Purchase Act 2004
  - Town and Country Planning Act 1990
  - Planning (Listed Buildings and Conservation Areas) Act 1990
  - Ancient Monuments and Archaeological Areas Act 1979
  - The Community Infrastructure Levy Regulations 2010
- 2.5 In accordance with para. 225 of the revised NPPF, and as was the case under previous versions, policies of the adopted Local Plan should be given due weight in accordance with their degree of consistency with the NPPF. The NPPF itself is a material planning consideration that must be given weight in the determination of planning applications.

### 3. ASSESSMENT

#### Summary of Changes

- 3.1 The revisions to the NPPF, insofar as they relate to decision taking, generally relate to the following areas which are relevant to this development proposal;
- To attribute significant weight to the need to support energy efficiency and low carbon heating improvements.
  - Delivering development of a high quality of design and the creation of beautiful places.
  - The requirement to impose conditions to clearly define the scope of a permission.

#### Weight of proposals that support Energy Efficiency

- 3.2 Para 164, inserted into the revised NPPF, states that, in determining planning applications, significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic. Para. 163(a) has been updated to note that determinations should also recognise that even small-scale projects provide a valuable contribution to **significant** cutting greenhouse gas emissions and continues to state that developers are not required to demonstrate a need for renewable or low carbon energy.
- 3.3 As an application for renewable energy generation, officers consider para 164 applies to this development, as it supports the transition to low carbon alternative energy generation. In the context of the emerging future homes standard that is likely to require electric heating sources, as opposed to gas, this proposal would help meet those future needs and the transition to a low carbon, energy efficient built environment. To afford significant weight to such planning applications is considered to be a material change in policy circumstance that should be factored into the planning balance.
- 3.4 Matters of weight and how to attribute this in reaching a conclusion on a development proposal is for the decision maker, provided that any weight attributed is not so unreasonable as to be legally flawed. While the resolution Members reached at the December DMC is noted, that was based on the policy circumstance in place at the time and did not factor in the significant weight that should be given to such developments in accordance with the revised NPPF. Noting the revised NPPF, members should consider this updated paragraph and clarify the weight to be attributed in the balance of the determination.
- 3.5 For clarity, footnote 62 of the NPPF has been revised to include a requirement to consider, alongside other policies in the Framework, the availability of agricultural land used for food production when deciding what sites are most appropriate for development. As this is in relation to allocating land as part of the Local Plans process, and not for decision making purposes, it is not considered materially relevant to the consideration of this application.

## **Matters of Design**

- 3.6 Section 12 of the revised NPPF, with consequential changes throughout other sections, have included the requirement for planning decision to achieve 'beautiful' developments. No definition of 'beautiful' has been provided within the NPPF Glossary, but the Oxford English Dictionary defines it as "highly pleasing to the sight; embodying an ideal of physical perfection; possessing exceptional harmony of form or colour."
- 3.7 The revisions also reinforce the use of district wide design codes, to accord with the National Model Design Code (NDC). The LPA has an adopted district wide Design Guide (2017) that was previously considered against the NDC when that document was published in 2021 and which was considered to sufficiently accord with it that it is considered to act as our Design Code for the purposes of the NPPF requirements.
- 3.8 Officers note the application, as a solar farm, would make use of limited elements typical within Design Codes, mainly in relation to the impacts on Landscape Character and the appropriate design responses. The Council's adopted Landscape and Townscape SPD and District wide Design Guide is considered sufficient to form the basis for consideration and accord with the NDC. The impact on Landscape was assessed at paras 7.22 to 7.37 of the December DMC report, and members made comment and resolved to refuse on the grounds of harm to landscape character.
- 3.9 While Officers note the change to the NPPF, it is not considered that there are any further matters in respect to a Design Code, or the requirement to deliver 'beautiful' development that has not already been identified and considered.

## **Conditions**

- 3.10 Para. 140 of the revised NPPF requires that Local Planning Authorities ensure planning conditions refer to clear and accurate plans and drawings that provide visual clarity about the design of the development and area clear about the approved use of materials. This is to ensure greater certainty for developers implementing permissions.
- 3.11 The DMC report to the meeting of the November DMC included a list of recommended conditions in section 9. Condition number 2 included a requirement to accord with a list of approved plans. Notwithstanding the resolution, officers consider this matter would be readily capable of being met through the recommended conditions, which officers would recommend is put forward as part of any list of suggested conditions to an Inspector in the event a decision to refuse is appealed to the Planning Inspectorate.

## **Reasons for Refusal**

- 3.12 At the meeting of DMC in December, members resolved to refuse planning permission on the basis of 4no. reasons. In discussion with the Proposer and Secunder of that resolution, and the Chair of DMC, the following reasons are recommended subject to members confirming their resolution following December DMC remains in place.

1. By virtue of the siting of the development, the proposal would result in the loss of 8.3 hectares of Grade 3a Agricultural Land, designated as Best and Most Versatile Agricultural Land (BMV Land) in accordance with the National Planning Policy Framework 2023 and available for productive growth. The application fails to demonstrate the proposed development would not lead to the irreversible loss or degradation of BMV Land to the detriment of food production and its contribution to the local and rural economy, and contrary to policies LP10 and LP35 of Huntingdonshire's Local Plan to 2036 and Para 180 of the National Planning Policy Framework 2023.
2. The application site forms part of the eastern slope of a valley located within the Northern Wolds Landscape Character Area, characterised by the ridged topography formed by streams flowing within valleys, and which includes the highest land in the District. Valley landscapes within this area are notable for being well vegetated and intimate in landscape character, with more open ridgelines and plateaux. By virtue of the significant scale of the development, located partially on the valley slope, the solar array would be visually dominant from views both near to and far from the site, particularly from Public Rights of Way (Bridleways 111/5, 111/8, 46/4 and 75/18, and Permissive Path CSS: 05/352/0003) and to users of the A605, Bullock Road and Haddon Road. It would undermine the distinctive and verdant character of the valley through the loss of vegetated fields, and the proposed landscaping scheme has not demonstrated it would be sufficient to mitigate such views given the significant topographical change across the site and the visibility from longer views. The development therefore fails to recognise the intrinsic character and beauty of the countryside and would undermine its sensitive landscape character through inappropriate design, position, visual prominence, and the introduction of intrusive lighting into an otherwise dark landscape. The proposal would conflict with policies LP10 and LP35 of Huntingdonshire's Local Plan to 2036 and the provisions of the National Planning Policy Framework 2023, particularly paragraphs 135 and 180.
3. The proposed development, by reason of its scale, the need for lighting within an otherwise dark landscape and the introduction of glint and glare from the reflective panels, would materially harm the amenity of occupants at Bates Lodge, a residential dwelling 470m to the west of the site. The proposal is therefore contrary to policies LP14 and LP35 of Huntingdonshire's Local Plan to 2036 and the provisions of the National Planning Policy Framework, particularly paragraphs 135 and 191.
4. Insufficient information has been submitted to demonstrate the proposed development would not result in an adverse impact to the safe functioning of Sibson Airfield and RAF Wittering, or the operation of private aircraft utilising surrounding fields by virtue of glint and glare arising from reflected light from the solar panels, contrary to policies LP14 and LP35 and the provisions of the National Planning Policy Framework 2023, particularly paragraph 191.

4. **RECOMMENDATION - That members note the changes to the National Planning Policy Framework as it relates to this application, confirm whether they have any further comments on the merits of the application in relation to such changes and whether the previous resolution to refuse planning permission remains, and to comment on and confirm the reasons for refusal.**

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

**CONTACT OFFICER:**

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