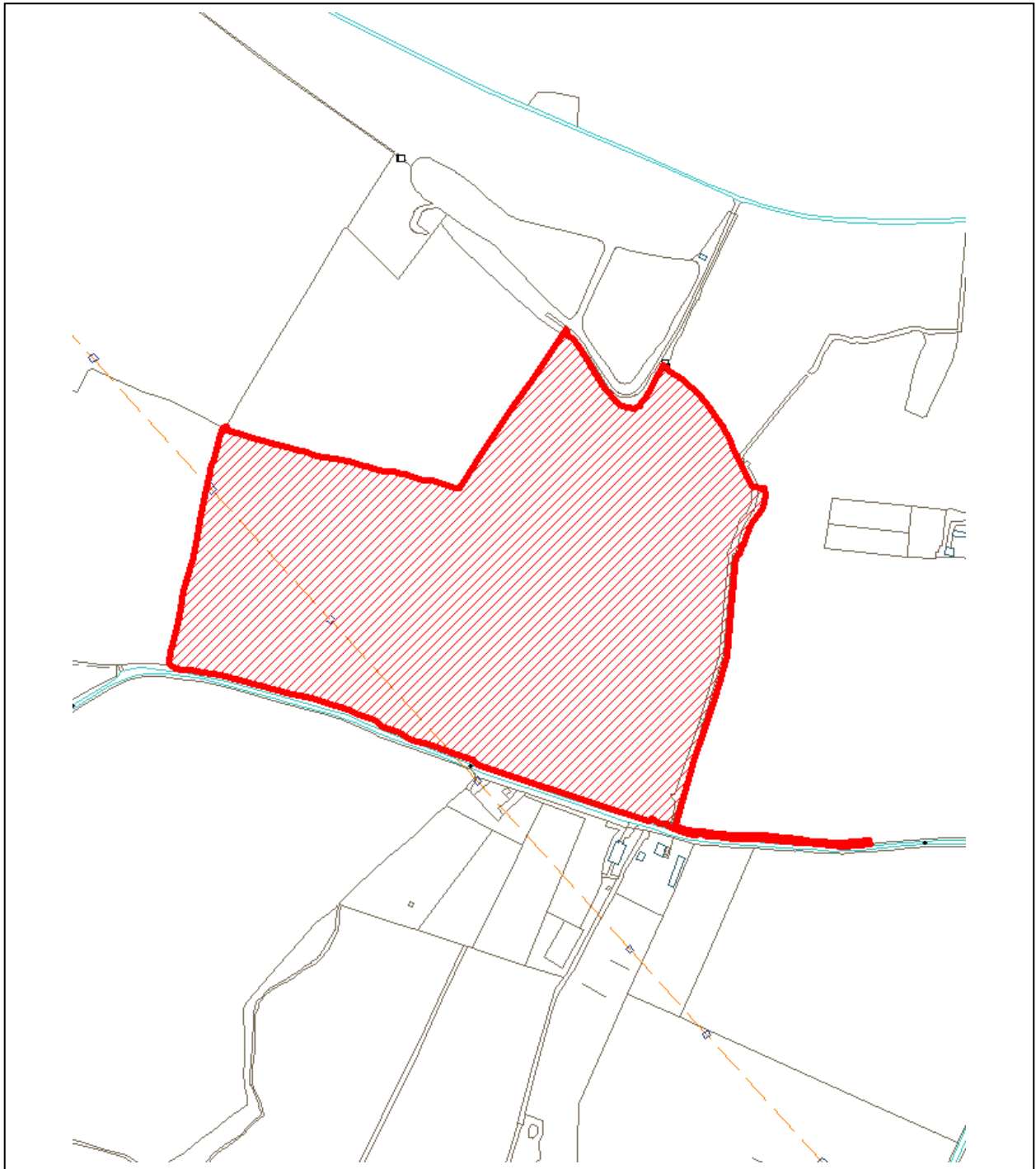


PLANNING COMMITTEE

16 JULY 2013

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION - 13/00360/FUL - LAND NORTH OF FROWICK LANE,
ST OSYTH, CO16 8HJ**



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Application:	13/00360/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Mr S Rademaker	
Address:	Land North of Frowick Lane, St Osyth, CO4 9HB	
Development:	Installation of a 13MWp solar park and associated infrastructure.	

1. Executive Summary

- 1.1 This renewable energy proposal for the installation of a 13MWp solar park and associated infrastructure requires assessment of the impacts to be considered in the context of the strong in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. Paragraph 98 of the NPPF states that LPA's should approve an application if its impacts are (or can be made) acceptable. Any negative impacts would have to be very significant in order to outweigh this policy support.
- 1.2 The principle of this development is supported by policy and in this case, there is no adverse impact on listed buildings, ecology, residential amenity, highway safety or flood risk. There is also the opportunity to improve biodiversity. Weighed against this is the potential for an unacceptable impact on archaeology, which can be controlled and mitigated by attaching a condition to the permission requiring a programme of investigation works, which is supported by the Essex CC Senior Historic Environment Consultant. Landscape impact is considered to be relatively local, contained mainly to Frowick Lane, and to a much lesser extent to adjacent roads and Public Right of Way. This impact however is considered to be harmful. The mitigation would soften the impact but would not eliminate it. However, the adverse impact would not be a wider impact, for example those travelling along Clay Lane and Highbirch Road to the east of the site would not perceive the presence of the site unless turning into Frowick Lane. A recent appeal decision in Northamptonshire by the Secretary of State concluded that a localised impact, although harmful, was not sufficient to outweigh the in principle support for renewable energy, especially as the impact can be softened by mitigation, as is also the case here.
- 1.3 In this case, the localised impact on the area is not considered to be sufficient to recommend refusal especially given the lack of harm in other respects and the benefits to biodiversity and the long term benefits to the landscape when the site is decommissioned by the planting mitigation retained. Therefore, although Officers have found harm to the countryside, and this harm is contrary to Policies SD9 and PLA5 of the emerging Local Plan, the localised extent of harm (mainly along the southern boundary of the site) does not outweigh the national benefits derived from providing renewable energy.
- 1.4 Therefore conditional approval of the application is recommended.

Recommendation: Approve

Conditions:

1. Standard time limit for commencement
2. Development to be carried out strictly in accordance with submitted plans
3. Details of height, design and separation of panels to be submitted and approved
4. Details of security fencing and security measures to be submitted and approved
5. No other fencing to be erected

6. Construction Method Statement to be submitted and approved
7. Decommissioning Method Statement to be submitted and approved
8. Landscaping scheme (including implementation)
9. Temporary vehicular access to be constructed as approved
10. Prior to temporary access being brought into use, details of construction and future maintenance of bridging or piping of the drainage ditch/watercourse to be submitted and approved
11. No unbound surface materials to be used in treatment of vehicular access
12. Any gates erected to be inward opening at point of access
13. HGV turning facilities to be provided and maintained within the site
14. Traffic Management Plan to be submitted and approved
15. A scheme of biodiversity enhancement to be submitted and approved
16. Programme of archaeological works to be implemented prior to any works commencing
17. No external lighting (other than as may approved in accordance with security measures)
18. Flood Risk management and surface water drainage proposals to be carried out in accordance with submitted details
19. No construction or decommissioning works outside the hours of 0800-1800 Monday to Friday and 0800-1300 Saturdays without prior written approval
20. Fixed permission for 25 years when the use will cease and all solar panels and ancillary equipment shall be removed from the site in accordance with the Decommissioning Statement (pursuant to 7 above)

2. **Planning Policy**

National Policy:

The National Planning Policy Framework

Local Plan Policy:

Tendring District Local Plan (2007)

- | | |
|-------|---|
| QL3 | Minimising and Managing Flood Risk |
| QL9 | Design of New Development |
| QL11 | Environmental Impacts and Compatibility of Uses |
| EN1 | Landscape Character |
| EN4 | Protection of the Best and Most Versatile Agricultural Land |
| EN6 | Biodiversity |
| EN6A | Protected Species |
| EN6B | Habitat Creation |
| EN11B | Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites |
| EN11C | Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites |

EN13A	Renewable Energy
EN23	Development Within the Proximity of a Listed Building
EN29	Archaeology
TR1A	Development Affecting Highways
TR1	Transport Assessment
TR2	Travel Plans

Tendring District Local Plan Proposed Submission Draft Local Plan (November 2012)

SD5	Managing Growth
SD8	Transport and Accessibility
SD9	Design of New Development
PLA1	Development and Flood Risk
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape
PLA6	The Historic Environment
PLA8	Listed Buildings
PLA10	Renewable Energy Installations

3. Relevant Planning History

3.1 No relevant planning history.

4. Consultations

Internal

4.1 TDC Environmental Health – No comments or observations.

4.2 TDC Regeneration - The Regeneration Team are broadly supportive of this project, as it will generate significant business rate receipts and, for renewable projects, these can be retained by the Local Authority to support small business development in Tendring and other Council services.

4.3 TDC Tree and Landscape Officer - The application site is situated within the area described in The Tendring District Landscape Character Assessment as St Osyth/Great Bentley Heath. The Land forms part of the Heathland Plateau that covers a large part of the western part of the district. The key characteristics of the landscape area type are the open plateau with large arable fields divided by low gappy hedgerows containing occasional English Oak as specimen trees. The small ancient woodlands form a backdrop to views. In general the landscape of the area is considered to be in decline partly as a consequence of agricultural intensification and the cessation of routine management to woodlands and hedgerows. The plateau is particularly sensitive as a result of its open and rural character and the resultant

long views. The Council's Landscape Management Strategy describes the condition of the landscape as moderate and identifies need to conserve and enhance woodland cover, hedgerow condition and heathland character. In terms of the impact of the development proposal on the character and appearance of the local landscape and taking into account the extent and condition of the trees and hedgerows on the boundary of the application site the proposed the Solar Farm will, initially, be a prominent feature in the landscape. As part of the planning application the applicant has submitted a Landscape and Visual Impact Assessment which accurately describes the existing baseline situation for topography, vegetation cover and land uses. The information submitted also contains a Landscape Management Plan that sets out the extent of new planting that is proposed to mitigate the harm caused by the installation of the solar array. The proposed planting addresses the need to strengthen the hedgerows on the eastern, southern and western boundaries. The site benefits from good screening from the north by the adjacent wood (Milton Wood) and the hedgerow adjacent to the agricultural reservoirs. From a landscape perspective it is considered that the development proposal will initially be an incongruous and unsightly feature in the landscape. However as the proposed soft landscaping matures the screening will increase and it is considered that a high level of screening will be achieved. In terms of the changes to the landscape of the area and the way that this change is perceived by people using the adjacent roads and Public Right of Way it is considered that the proposed soft landscaping will provide such a level of screening that the impact of the development proposal will be relatively low. The landscaping details are adequate in relation to the hedgerow planting however it will be necessary to provide additional information for the trees included in the scheme. The species and specification for trees for each location will need to be provided.

External

4.4 ECC Archaeology – The planning application has been identified as having potential archaeological implications. The 'Historic Environment Statement' submitted fails to adequately identify the potential for below ground archaeology on the site or the potential impact on the setting and significance of heritage assets within the vicinity of the site, including Milton Wood (designated as Ancient Woodland) and listed buildings. Development of the site will potentially lead to damage or destruction of surviving below ground archaeological remains associated with the cropmarks, resulting in harm to the significance of this heritage asset. The development may also harm the significance of above ground heritage assets through having a negative impact on their setting. The following recommendation is made: Full Condition 'No demolition or preliminary ground works of any kind shall take place until the applicant has secured an implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.' A further recommendation is made that a professional team of archaeologists should undertake the work.

4.5 ECC Highways – No objection subject to conditions relating to:

- Prior to temporary access being brought into use, details of construction and future maintenance of bridging or piping of the drainage ditch/watercourse to be submitted and approved
- No unbound surface materials to be used in treatment of vehicular access
- Any gates erected to be inward opening at point of access
- HGV turning facilities to be provided and maintained within the site
- A Traffic Management Plan to be submitted and approved

4.6 ECC Fire Officer – No comments received.

- 4.7 UK Power Networks – No comments received.
- 4.8 Environment Agency – No objections to the planning application. We advise that the flood risk management and surface water drainage proposals as detailed in the approved Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.
- 4.9 Essex Wildlife Trust – No comments received.
- 4.10 Natural England –
- Natura 2000 site:* Advises that if the development is undertaken in strict accordance with the details submitted, it is not likely to have a significant effect on the interest features for which Colne Estuary (Mid Essex coast phase 2) SPA and Ramsar and Essex Estuaries SAC has been classified. Advises that an Appropriate Assessment is not required to be undertaken by the LPA.
- SSSI:* Proposals will not damage or destroy the interest features of the Colne Estuary and Riddles Wood SSSI.
- Protected Species:* If the LPA is aware of the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, a survey should be requested before determining the application.
- 4.11 National Grid – No comments received.
- 4.12 Royal Society For The Protection of Birds – No comments received.
- 4.13 Anglia Water – No comments to make on the application however the panels are erected (subject to the protected strip) at the owners risk, we would not be responsible for any loss of supply in the event of maintenance work and if this is not acceptable the alternative is to re-route under Section 185.
- 4.14 Essex Police – No comments received.
- 4.15 Forestry Commission England – No comments received.
- 4.16 Woodland Trust – No comments received.

5. Representations

- 5.1 St Osyth Parish Council – No objections subject to the planting of trees (which are to form a screen) being a condition of the proposal.
- 5.2 Weeley Parish Council – This application site is on the border of Weeley Parish. Weeley Parish Council object to this application for the following reasons: the area to be used is very large prime agricultural land. The aesthetic impact of this proposal is significant and will affect local residents.
- 5.3 Great Bentley Parish Council – No objection. Comment that (a) the construction and transportation plan ensures that the HGV routing does not go through unclassified roads and (b) that the development is not able to be seen from the surrounding countryside and sufficient landscaping is erected to ensure the visual impact is negligible.
- 5.4 Four representations have been received all in objection to the proposals. The salient points are as summarised below:

- Detrimental to wildlife;
- Harm to wildlife outweighs small amount of power that might be produced;
- Access concerns;
- Eyesore;
- Loss of agricultural land;
- Why are solar panels not being placed on roofs of new houses;
- Concern over impact on property values;
- Is Tendring a dumping ground for anything 'Green';
- Development should be relocated to a less harmful site;
- Other parts of the county should make sacrifices and do their fair share;
- Visual impact;
- Photo montages misleading;
- Morally wrong;
- Landscape character will be affected;
- No consulted properly at pre-application stage by applicant;
- Impact on listed buildings;
- Aviation concerns - safety risk to pilots;
- Traffic management concerns;
- Security of properties at risk during construction;
- Increase in noise, and
- Concern over application awareness.

5.5 The matters raised are addressed within the officer report.

6. **Assessment**

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Principle of Development;
- Renewable Energy and Planning Policy Context;
- Impact on the Countryside;
- Impact on Heritage – Listed Buildings and Archaeology;
- Impact on Biodiversity/Ecology;
- Impact on Highway Safety;
- Impact on Residential Amenity (including glint and glare);
- Impact on Agricultural Land;
- Impact on Flood Risk;
- Other Issues.

Context and Background

6.2 The application site comprises an area of approx 18.44 hectares set within gently undulating open countryside to the north of Frowick Lane. The site itself gently falls west to east, with the western edge at 25m AOD and the eastern edge at 19m AOD. An un-named brook lies along the eastern boundary of the site. A field ditch lies along the southern edge of the site.

6.3 The character of the area is mainly open countryside with agricultural fields, with sporadic residential development.

- 6.4 The site is currently used for agricultural purposes and is enclosed partly to the north by Milton Wood. The site boundary to the south is marked by Frowick Lane, whilst the site boundary to the east is marked by an un-named watercourse (ditch) which flows in a southerly direction. The site boundary to the west is marked by a hedgerow. There is limited hedgerow cover along the application site boundary with Frowick Lane and the western boundary.
- 6.5 The site is a field currently in arable production (currently wheat). The application site is grade 2-3 agricultural land and has been previously cultivated to grow a variety of crops.
- 6.6 A high voltage power line, including a transmission tower (pylon) runs through the site through the south-western portion of the site. The power line meets at an electricity substation (Chisbon Heath Primary substation) to the immediate south of the site. Also running parallel to the overhead power line is an underground gas main. The area containing this infrastructure has been marked as an exclusion zone and no development, works or storage is proposed within it.
- 6.7 The nearest residential properties to the site are located at Crosslands Farm to the immediate south-east of the application site, and Milton View, Fanny's Lane, which is located approx 220 metres to the east of the application site.
- 6.8 The application site is located in the countryside, but is not located within any special landscape designations. However, the following sites are classed as Ancient Woodlands and County Wildlife Sites; Milton Wood (adjacent to the northern boundary of the site); Martin's Grove (approx 340 metres to the south-west); Stocket's Grove (approx 700 metres to the north); Simplebirch and Bowshots Wood (approx 700 metres to the north-east); and Maldon Wood (approx 800 metres to the north-east). Riddles Wood, a Site of Special Scientific Interest (SSSI) and Ancient Woodland is located approx 180 metres to the south.
- 6.9 No public footpaths run through the site. The nearest public footpath is located to the west of the site, with the footpath finishing approx 40 metres from the south-west corner of the application site.
- 6.10 Two irrigation reservoirs are located to the north-east of Milton Wood. These reservoirs feed the adjoining agricultural land, but also double as St Osyth Wick Fishery (a members only club).
- 6.11 The proposal was screened at pre-application stage against the criteria set out in the Town and Country Planning (EIA) Regulations and it was decided that due to the scale of the development and the position of the site away from sensitive areas (as defined in the EIA Regulations) an EIA was not required.

Proposal

- 6.12 The proposal is for the use of the site as a 'solar park' for a temporary period of 26 years. After this period the site would be decommissioned and the land returned to agriculture. This would include the construction of photovoltaic panels (PV panels) laid out in rows from east to west. The panels would be mounted on a metal frame at a maximum height of 3 metres. The panels would be orientated 25 degrees from the horizontal. The panels would be fixed structures, rather than tracking structures which would follow the path of the sun during the day.
- 6.13 The panels would be fixed to the ground using piles or 'ground screw' that are driven into the ground at a depth of 2.3 metres. There would be no concrete foundations. The panels would be connected to the grid and would likely generate 13MWp (enough power to supply

around 4,000 homes annually – a settlement roughly the size of Brighlingsea). This equates to around 50,000 panels.

- 6.14 UK Power Networks will lay a new underground cable from the Chisbon Heath substation under Frowick Lane to the site to connect into the PV system. This is approx 40m in distance. It is anticipated that this work will be undertaken by trenching and there may be a need for some traffic control on Frowick Lane.
- 6.15 Four telegraph poles run electricity distribution cables from the substation to the north-east corner of the field. Negotiations with the local distribution network operator to reroute these lines to the eastern edge of the field is underway.
- 6.16 There are currently two points of access to the site from Frowick Lane. One of these (opposite Crosslands Farm) is to be closed up by new hedgerow).
- 6.17 Working and delivery hours (during construction) are expected to be between 7.30am and 5.30pm Monday to Friday. The installation period is expected to last approx 12 weeks.
- 6.18 Due to the relatively short construction period, staff levels are expected to be quite high with up to 150 workers on site at the busiest times.
- 6.19 A number of ancillary works would be necessary to facilitate the use of the site including:
- A 2m high (approx) perimeter security fence (wire mesh and painted green).
 - 11 combined invertors and transformer containers 3m high, 12.2m deep, 2.4m wide. Within these containers the generated DC electricity will be converted to AC (containers painted green)
 - 1 mini-substation/grid connection cabinet 3.9m high, 6.65m deep, 5m wide (brick built)
 - 1 customer room (as specified for grid connection) 2.7m high, 6m deep, 2.4m wide.
 - 1 control room 2.3m high, 3.9m deep, 2.3m wide
 - 1 storage container (for spare parts) 3m high, 12.2m deep, 2.4m wide
 - 1 control room 2.5m high, 3.2m deep, 2.5m wide
 - Internal access tracks are provided within the site and around the perimeter. The construction of the internal access tracks will be determined by the ground conditions, but they are expected to be constructed from a geotextile topped with unbound aggregate. These are likely to be returned to grass for the operational period of the site if conditions allow.
 - An extensive landscaping scheme is proposed comprising hedging and tree planting on the boundary of the site.
 - CCTV on a pole mount would be positioned in each corner of the site and approx every 70m around the boundary.

Other points of note are as follows:

- There would be no external lighting.
- The solar panels would have a blue/black finish of glass over silicon, which is light absorbing.
- The frames would have an aluminium silver coloured surround and the panels are designed to absorb rather than reflect light so glare would be kept to a minimum.
- A distance of 15 metres between the edge of the application site and the panels will be maintained for the purposes of access, shading and landscape maintenance. There will be 10 metres between the site perimeter and the security fence, and a further 5 metres between the fence and the panels.
- The top soil would not be stripped.

- The site would be supported by a comprehensive landscaping scheme including on and off site planting (trees and hedgerows), wildflower and grass planting between the panels.
- It would be possible to graze animals around the panels, the site would be set down to wildflower and grasses.

6.20 The application is supported by:

- Landscape and Visual Impact Assessment (LVIA)
- Landscape Management Plan
- Ecological Assessment including Phase 1 Habitat Map
- Flood Risk Assessment
- Traffic Management Plan
- Historical Environmental Statement
- Decommissioning Plan
- Design and Access Statement
- Planning Policy and Justification Statement
- Statement of Community Involvement
- Application Statement

6.20 The application documents can be viewed on line via the planning pages on the District Council's website.

Principle of Development

6.21 The National Planning Policy Framework (NPPF) contains the Government's planning policies and sets out how these should be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes. Specific references to relevant sections of the NPPF are referred to in the assessment later in this report.

6.22 Policy PLA5 of the emerging Tendring District Local Plan Proposed Submission Draft (November 2012) (DRTDLP) states that the quality of the district's landscape and its distinctive local character will be protected and wherever possible enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The Council will seek in particular to conserve a number of natural and man-made features which contribute to local distinctiveness including, amongst other things, ancient woodlands and other important woodland, hedgerows and trees. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement. Policy EN1 of the Tendring District Local Plan (2007) (TDLP) also follows these sentiments. It is therefore acknowledged that development can occur in the countryside, providing that development does not have an adverse impact on the character and appearance of the area.

6.23 Policy PLA10 of the DRTDLP states that the Council will support proposals for renewable energy schemes, and schemes should be located and designed to minimise increases in ambient noise levels; and visual impacts should be mitigated through siting, design, layout and landscaping measures in accordance with guidance set out in the National Policy Statement for Renewable Energy Infrastructure. Policy EN13a of the TDLP states planning permission will be granted for development proposal for renewable energy generation, subject to there being no material adverse impact on the local environment in relation to noise; vibration; smell; visual intrusion; residential amenity; landscape characteristics;

biodiversity; cultural heritage; the water environment; the treatment of waste products and highway and access considerations.

- 6.24 This approach is supported in the National Planning Policy Framework which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and 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. It is therefore clear that the planning system should facilitate the transition to a low carbon economy by, amongst other things, maximising renewable energy development. The NPPF does however state that the adverse impacts of renewable energy generation need to be addressed satisfactorily. It is the impacts of proposals for renewable energy generation that need to be considered rather than the principle of such development in the countryside. Appeal decisions support such an approach/interpretation.
- 6.25 The above approach in the NPPF follows the Energy White Paper 2007 and superseded guidance in Planning Policy Statement 22 (the companion guide to which is still extant), which stated that applicants do not need to demonstrate a need for a renewable energy proposal, that planning professionals should look favourably upon such proposals and that even if a proposal provides no local benefits, the energy produced should be considered a national benefit that can be shared by all communities and therefore this national benefit is a material consideration which should be given significant weight. It is within this context that a renewable energy proposal needs to be considered.

Renewable Energy and Planning Policy Context

- 6.26 It is important to consider the wider policy context before considering the impacts of the proposal as a balancing exercise will need to be undertaken where the inherent benefits of renewable energy are balanced against the impacts of the proposal. Key international and national policy considerations of note are as follows:
- Many reviews of climate change including the UN Climate Change Conferences in Bali (2007) Cancun (2010) underlined the need to act now to reduce carbon emissions, renewable energy being one such possible means of doing this.
 - The government commissioned Stern Review in 2007 which concluded that there is a pressing need to deal with climate change. The government has accepted these findings and also wishes to exploit the potential economic benefits of the new global green economy. Energy security was also identified as an important consideration.
 - The European Union energy policy, to which the UK is signed up to, sets a renewable energy target for each country with the UK's being 15% of energy from renewables by 2020. The country as of 2011 provides 9.4% from such sources.
 - The Energy Bill 2012 -2013 aims to close a number of coal and nuclear power stations over the next two decades, to reduce dependence on fossil fuels and has financial incentives to reduce energy demand. Government climate change targets set out in the bill are to produce 30% of electricity from renewable sources by 2020, to cut greenhouse gas emissions by 50% on 1990 levels by 2025 and by 80% on 1990 levels by 2050.
- 6.27 The above are material considerations which weigh in favour of a renewable energy proposal.

- 6.28 In summary, there is strong in principle support for renewable energy proposals in light of the national and local policy context. This in principle support needs to be considered against the impacts of the proposal and the two 'weighed'. The weighing process is a matter of planning judgement. Consequently the assessment moves on to consider the impacts of what is proposed, the impacts will then be balanced against the in principle support and the inherent national benefits.

Impact on the Countryside

- 6.29 Policy PLA5 of the draft Local Plan states that the quality of the district's landscape and its distinctive local character will be protected and wherever possible enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The Council will seek in particular to conserve a number of natural and man-made features which contribute to local distinctiveness including, amongst other things, ancient woodlands and other important woodland, hedgerows and trees. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement. Policy EN1 of the TDLP also follows these sentiments. It is therefore acknowledged that development can occur in the countryside, providing that development does not have an adverse impact on the character and appearance of the area.
- 6.30 The site, other than being within the countryside, is not located within any special landscape designation. The area surrounding the site is comprised of woodland blocks, belts of trees and hedgerows which break up the predominately arable landscape surrounding the site.
- 6.31 The application site is situated within the area described in The Tendring District Landscape Character Assessment (2001) as St Osyth/Great Bentley Heath. The land forms part of the Heathland Plateau that covers a large part of the western part of the district. The key characteristics of the landscape area type are the open plateau with large arable fields divided by low gappy hedgerows containing occasional English Oak as specimen trees. Small ancient woodlands form a backdrop to views. In general the landscape of the area is considered to be in decline partly as a consequence of agricultural intensification and the cessation of routine management to woodlands and hedgerows. The plateau is particularly sensitive as a result of its open and rural character and the resultant long views. The Council's Landscape Management Strategy describes the condition of the landscape as moderate and identifies need to conserve and enhance woodland cover, hedgerow condition and heathland character.
- 6.32 In terms of the impact of the development proposal on the character and appearance of the local landscape and taking into account the extent and condition of the trees and hedgerows on the boundary of the application site, the proposal will, initially, be a prominent feature in the landscape. As part of the planning application the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which accurately describes the existing baseline situation for topography, vegetation cover and land uses. The information submitted also contains a Landscape Management Plan that sets out the extent of new planting that is proposed to mitigate the harm caused by the installation of the solar array. The proposed planting addresses the need to strengthen the hedgerows on the eastern, southern and western boundaries. The site benefits from good screening from the north by the adjacent wood (Milton Wood) and the hedgerow adjacent to the agricultural reservoirs. It is considered that the development proposal will initially be an incongruous and unsightly feature in the landscape. However as the proposed soft landscaping matures the screening will increase and it is considered that a high level of screening will be achieved. In terms of the changes to the landscape of the area and the way that this change is perceived by people using the adjacent roads and Public Right of Way, it is considered that the proposed

soft landscaping will provide such a level of screening that the impact of the development proposal will be relatively low. The landscaping details are adequate in relation to the hedgerow planting however it will be necessary to provide additional information for the trees included in the scheme. The species and specification for trees for each location will need to be provided and this can be secured by condition.

- 6.33 In conclusion, the main impacts of the development will be on users of Frowick Lane, and to a lesser extent users of adjacent roads and Public Right Of Way. The development would be prominent in the short term along the periphery of the site, although this would diminish over time as the landscaping matures, the impact would still be apparent during the life time of the development, especially during winter months when leaf fall has occurred. This impact could be considered to be harmful due to the industrial character of the solar park which would be incongruous in this rural landscape. However, this impact is localised and well contained due to existing landforms, woodland and the mitigation proposed.
- 6.34 This impact on the countryside/landscape will be discussed and balanced later in the report.

Impact on Heritage – Listed Buildings and Archaeology

- 6.35 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible.
- 6.36 Policy PLA6 of the draft Local Plan states that the Council will work with its partners to understand, protect and enhance the district's historic environment by, amongst other things, requiring archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Furthermore, Policy PLA8 of the draft Local Plan states development affecting a listed building or its setting will only be permitted where it, amongst other things, does not have an unacceptable effect on the special architectural or historic character and appearance of the building or its setting. These sentiments are echoed in policies EN23 and EN29 of the TDLP.
- 6.37 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.38 The nearest listed building to this site is approx 420 metres away to the east (Welches). There are a further 4 listed buildings within the local area. Given that the nearest listed building is approx 420 metres away, and having assessed its setting it is concluded that there is no adverse impact on its setting, including the intervening landscaping.
- 6.39 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. The applicant states that the site is not located within a LPA designated Archaeological Priority Area, and a search for archaeological finds shows that this site has no current or historic points of interest and no archaeological artefacts have been found on or linked to the site. The impact on archaeology however, could be significant due to the ground works involved such as the piling, the roads, the invertors, cable runs and to an extent landscaping. The Essex Historic Environment Record shows that the development site includes the location of a complex of below ground archaeological remains (EHER 17025) that have been identified as cropmarks recorded on aerial photographs. As development of the site will potentially lead to damage or destruction of surviving below ground archaeological remains associated

with the cropmarks, it is considered appropriate to attach a planning condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be agreed.

Impact on Biodiversity/Ecology

- 6.40 Both the Development Plan and NPPF support the safeguarding of protected species and their habitat. These documents also support the need to exploit opportunities to improve biodiversity in all developments where possible. To this end the applicants have prepared an ecological appraisal comprising both a desk based assessment and field survey assessment of the site and its hinterland. The report concluded that the development is unlikely to have an adverse impact on protected species, including any adverse impact on Riddles Wood (SSSI), or the surrounding Ancient Woodlands and County Wildlife Sites and with the planting proposed (grasses and wildflowers, hedges and trees) there is the potential for a net biodiversity gain.
- 6.41 The applicant's Ecological Report has been independently assessed by Natural England and the RSPB (N.B. no comments received from RSPB at the time of writing). Natural England agree that, given the nature and scale of the proposal, they are satisfied that the proposed development will not damage or destroy the interest features for which these sites have been notified. The SSSI therefore does not represent a constraint in determining the application.
- 6.42 The perimeter fence line maintains a 10m distance from the perimeter of the field at all points. This is to allow farm vehicles and wildlife to pass through the area, and to ensure access and space for new planting and landscape management is achievable. Furthermore, the fence would be designed to allow small mammals to navigate through the site (such as rabbits, hares, badgers, weasels, stoats, field voles, foxes etc).

Impact on Highway Safety

- 6.43 The operation of the site would not result in significant traffic movements (only security and maintenance – approx 1 trip per month). This level of activity is considered to have a negligible impact on the highway network.
- 6.44 However it is expected that during the pre-construction period, whilst preparing the site for the installation of the panels, works within the site would result in significant movements with between 10- 20 HGV movements a day, in addition to the generation of between 20 and 50 car, van, motorbike, mini bus journeys to the site daily from the construction workers (construction takes approx 12 weeks). This would be for a short period of time, with the movements decreasing as the construction period begins. No abnormal loads are required as part of the construction.
- 6.45 The site would be served by a single access to the south of the site off Frowick Lane. The access has been designed to Highway Authority standards. This access off Frowick Lane would be made suitable for HGV and delivery vehicles and will be the construction access to the site. Once the construction of the site is complete, this entrance will be reduced in size and form part of the planned landscaping, leaving an access point similar to that currently in place, for maintenance vehicles. An area of hardstanding will be created inside the site entrance for vehicle loading and turning space for the construction period. This will however be removed and the area covered with panels as the construction period nears completion.
- 6.46 For the installation and decommissioning stages of this project there is a Traffic Management Plan which outlines the preferred route to site utilising Essex County Council's current Traffic Management Strategy.

- 6.47 The Highway Authority has reviewed the application and has raised no objections from a highway safety aspect. The impact on highway safety is considered to be acceptable, subject to the imposition of standard conditions.

Impact on Residential Amenity (including glint and glare)

- 6.48 Policy SD9 of the draft Local Plan states new development should be compatible with surrounding uses and minimise any adverse environmental impacts, and that development (amongst other things) will not have a materially damaging impact on the amenities of occupiers of nearby properties. This sentiment is echoed in policy QL11 of the TDLP.
- 6.49 The array is entirely passive during operation, has no moving parts and emits no carbon, noise, smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.
- 6.50 It is acknowledged that the mini-substation, control building, inverters and transformer stations will be acoustically rated, but even so they emit very little noise. It is considered given that the distances involved from residential properties, the amenities of these properties will be safeguarded from any adverse 'break out' noise.
- 6.51 The panels themselves, being only 3 metres in height, are not considered to be overbearing in relation to proximity from existing residential properties, and the use of the site would not result in unreasonable noise and disturbance. A condition requiring a construction management plan would control the impacts during the assembly of the site.
- 6.52 Furthermore, the solar panels are designed to absorb light rather than reflect light, and so although the surface is glass, it is not reflective in the same way as a mirror or window, and therefore the solar panels are not considered to adversely affect nearby residential amenity by way of adverse glint or glare. A recent appeal decision in Northamptonshire supported such a conclusion.
- 6.53 There would be no external lighting of the site, again this could be secured by condition, so there would be no impact on the countryside or residential amenity in this respect.

Impact on Agricultural Land

- 6.54 Concern has been expressed that this development is reducing the land supply to meet the population's food needs.
- 6.55 The application is for a temporary period of 26 years. Planning conditions would secure this and the remediation of the site back to agricultural land once the use ceases. This would all be at the expense of the applicant. It is acknowledged that the site is currently in arable production, presumably sprayed with chemicals, and therefore it is very likely that following this period of 26 years, and given the potential for sheep grazing within the site to keep the natural grasses and wildflowers down, the quality of the soil is likely to improve, and therefore be beneficial for agricultural production.
- 6.56 Policy EN4 of the TDLP states where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile land (namely classified as grades 1, 2 or 3a) unless special justification can be shown. Although the Council is keen to discourage loss of best and most versatile agricultural land, it recognises the economic importance of farm diversification schemes. As the application site is below

20 hectares, there is not a statutory need to consult DEFRA on this application. There is no specific policy which deals with this issue in the emerging Local Plan.

- 6.57 The agricultural grade of the land is 2-3 (Grade 1 being excellent and 3a being good). National policy does require the use of the best agricultural land to be considered as a last option, but this relates more to the permanent loss of agricultural land by, for example, developing it for housing. As the development proposed is a temporary, reversible use of the land which would not result in the permanent loss of good quality agricultural land the sequential test is considered to have less significance. A recent appeal decision in North Dorset supported such a conclusion.

Impact on Flood Risk

- 6.58 The majority of the site falls with Flood Zone 1, and is therefore not considered to be at risk of flooding. The ditch to the eastern boundary of the site contains water, and as such this area of the site is partly located within Flood Zones 2 and 3. As a consequence, all development comprising the solar panels and other infrastructure will be positioned within Flood Zone 1.
- 6.59 The applicants have prepared a flood risk assessment. The conclusions confirm that as the site is at moderate to high risk from groundwater flooding (in its operational lifetime), flood resilient floor construction methods should be adopted for the switchgear building, and access roads should be constructed to withstand any water-logging caused by high groundwater levels.
- 6.60 Furthermore, surface water from hardstanding areas comprising the switchgear building could be drained under SUDS measures consisting of permeable paving. In addition, the access tracks, and site entrance should be constructed using a permeable material such as gravel or similar. The solar panels are aligned in rows which will allow rainwater to disperse evenly onto the ground surface, and as the ground surface beneath and between the solar units will remain natural and undeveloped, surface water will be allowed to continue its natural, pre-development, runoff regime without increasing the on-site or off-site flood risk.
- 6.61 It is noted that the internal access tracks provided within the site and around the perimeter are likely to be constructed from a geotextile topped with unbound aggregate. These are likely to be returned to grass for the operational period of the site if conditions allow, and so allow rainwater to permeate into the ground.
- 6.62 The FRA has been reviewed by the Environment Agency, and the conclusion is that as these matters can be secured by planning condition, the development would have no adverse impact in terms of flood risk.

Other Issues

- 6.63 It is generally accepted that glare from a solar PV array of this nature does not pose a risk from ground level. In December 2010 the Civil Aviation Authority (CAA) provided interim guidance on the impact of solar PV on aviation. This document recognised that “the key safety issue regarding solar PV is perceived to be the potential for reflection to cause glare, dazzling pilots or leading them to confuse reflections with aeronautical lights”. Numerous international airports have installed solar PV, including Gatwick, Munich, Prescott, Arizona and San Francisco, highlighting that glare is not considered enough of a risk to preclude installation. Chisbon Heath is more than 40 miles away from the nearest major airport (Stansted) and the site is not on available published flight paths. It is acknowledged that Clacton Air Field is approx 3.1 miles south-east of the application site (as the crow flies), however it is considered that the risk to aviation in this case is negligible.

Crime and Disorder

- 6.64 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues. The site would be secured by fencing and CCTV cameras.

Biodiversity and Protected Species

- 6.65 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

Statement required by Article 31 of The Town and Country Planning (Development Management Procedure) Order 2010 (as amended)

- 6.66 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case minor amendments were allowed to the site layout to relocate site equipment to the north-west corner of the site.

Conclusion

- 6.67 The assessment of a renewable energy proposal requires the impacts to be considered in the context of the strong in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. The starting point in the assessment, as outlined in paragraph 98 of the NPPF, is when determining planning applications, LPA's should approve the application if its impacts are (or can be made) acceptable.
- 6.68 In this case, there is no adverse impact on listed buildings, ecology, residential amenity, highway safety or flood risk. There is also the opportunity to improve biodiversity. Weighed against this is the potential for an unacceptable impact on archaeology, which can be controlled and mitigated by attaching a condition to the permission requiring a programme of investigation works.
- 6.69 The landscape impact is considered to be relatively local, contained mainly to Frowick Lane, and to a much lesser extent to adjacent roads and Public Right of Way. This impact however is considered to be harmful. The mitigation would soften the impact but would not eliminate it. However, the adverse impact would not be a wider impact, for example those travelling along Clay Lane and Highburch Road to the east of the site would not perceive the presence of the site unless turning into Frowick Lane. A recent appeal decision in Northamptonshire by the Secretary of State concluded that a localised impact, although harmful, was not sufficient to outweigh the in principle support for renewable energy, especially as the impact can be softened by mitigation, as is also the case here.
- 6.70 The localised impact on the area is not considered to be sufficient to recommend refusal especially given the lack of harm in other respects and the benefits to biodiversity and the long term benefits to the landscape when the site is decommissioned by the planting mitigation retained. Therefore, although Officers have found harm to the countryside, and this harm is contrary to Policies SD9 and PLA5 of the emerging Local Plan, the localised extent of harm (mainly along the southern boundary of the site) does not outweigh the national benefits derived from providing renewable energy.

Background Papers

None.