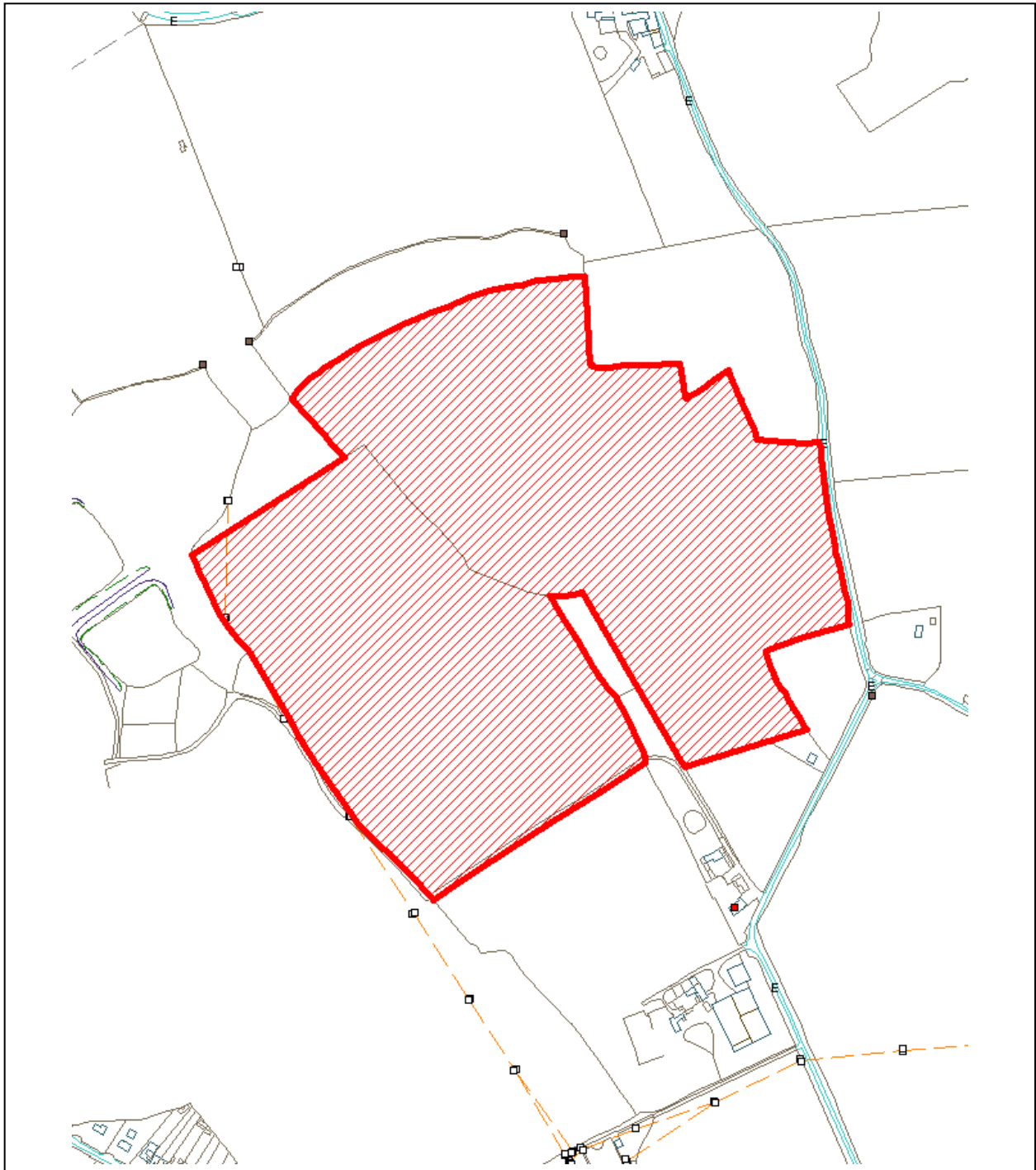


PLANNING COMMITTEE

22 July 2014

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 13/01340/FUL - BURNT ASH FARM SPINNEL'S LANE, WIX, MANNINGTREE, CO11 2UJ



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Application:	13/01340/FUL	Town / Parish: Wix Parish Council
Applicant:	Kinetica Solar Limited	
Address:	Burnt Ash Farm, Spinnel's Lane, Wix, CO11 2UJ	
Development:	Construction of a renewable energy solar farm, to include the installation of solar panels, DNO switchgear room, control room and inverter housings with associated plant, on-site access tracks, security fencing and cameras, landscaping and other associated works.	

1. Executive Summary

- 1.1 This planning application was deferred from Planning Committee on 29 April 2014 in order to address new issues that were contained within the recently published National Planning Policy Guidance document titled 'Planning for Renewable and Low Carbon Energy'.
- 1.2 The application has been called in to Planning Committee by Cllr. M Patten.
- 1.3 This renewable energy proposal for the installation of a 13.5 MWp 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.
- 1.4 The principle of this development is supported by policy and in this case, there is no adverse impact on heritage assets, 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 Spinnel's Lane, and Public Right of Way (Footpath Wix 33), and to a much lesser extent Harwich Road to the north of the site. 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 the A120 to the south of the site would not perceive the presence of the site, similarly those travelling along Bradfield Road to the west of the site.
- 1.5 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 draft Local Plan, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.
- 1.6 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, including HGV routing plan, to be submitted and approved
7. Decommissioning Method Statement to be submitted and approved
8. Landscaping scheme (including implementation) to be submitted and approved
9. Vehicular turning facility to be submitted and approved
10. Perimeter fence to be at least 3m clear of footpath 33 on western boundary
11. Record of condition survey of highway routes to be taken by delivery vehicles to be submitted and approved
12. Details of an ecological management scheme and mitigation plan to include a scheme of biodiversity enhancement to be submitted and approved
13. Landscape Management Scheme to be submitted and approved
14. Programme of archaeological works to be implemented prior to any works commencing
15. No external lighting (other than as may approved in accordance with security measures)
16. Flood Risk management and surface water drainage proposals to be carried out in accordance with submitted details
17. No construction or decommissioning works outside the hours of 0800-1800 Monday to Friday and 0800-1300 Saturdays without prior written approval
18. 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)
19. Details of position and construction of temporary construction compound to be submitted and approved
20. Colours of all ancillary equipment including perimeter fencing, sub-stations, inverters, and control room to be submitted and approved

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (March 2014) – Renewable and Low Carbon Energy

Local Plan Policy:

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

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

EN13A Renewable Energy

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

TR1 Transport Assessment

TR2 Travel Plans

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development

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

PLA10 Renewable Energy Installations

3. Relevant Planning History

None

4. Consultations

- 4.1 Wix Parish Council – Objects to the application as there is no significant benefit to the area or community.
- 4.2 Wrabness Parish Council – Objects to the application on the following grounds:

- Impact on the landscape – proposal will be visible from a number of public viewpoints, including where it abuts Spinnel's Lane.
- Proposed fencing is very intrusive because of the lack of existing mature boundary screening.
- Concerns that any new screening will take more than 5 years to have any impact on visibility.

- 4.3 TDC Public Experience (Environmental Services) – No comments or observations to make.
- 4.4 Anglian Water - No comments or observations received.
- 4.5 DEFRA - No comments or observations received.
- 4.6 Essex Bridleways - No comments or observations received.
- 4.7 Essex County Council Heritage and Archaeology team – (in summary) no objections to the scheme subject to condition requiring a written scheme of investigation.
- 4.8 Essex County Council Highway Authority – (in summary) no objections to the scheme subject to conditions requiring details of a vehicular turning facility for HGVs and delivery vehicles of at least size 2 dimensions; details of a Construction and Decommissioning Method Statement to include HGV routing plan, proposed perimeter fence adjacent footpath 33 along the western boundary to be sited to afford a minimum distance of 3m from the footpath; and a survey to record the condition of the routes into and out of the site to the connection to the main traffic distributors.
- 4.9 Essex County Council Public Rights of Way team – (in summary) no objections subject to the requirement that future maintenance liability for the 2m buffer zones on either side of the PROW being expressed as a planning condition.
- 4.10 EDF Energy - No comments or observations received.
- 4.11 English Heritage – (in summary) no objections to the scheme.
- 4.12 Environment Agency - (in summary) no objections to the scheme.
- 4.13 Essex Wildlife Trust - No comments or observations received.
- 4.14 Natural England - (in summary) no objections to the scheme.
- 4.15 National Grid - No comments or observations received.
- 4.16 Ramblers Association – Objects to proposal on the basis that footpath 33 is unusable and will remain so even if the proposed changes are made as there are two reservoirs constructed across the true route, a total lack of way-markers, and an overgrown section.
- 4.17 RSPB - No comments or observations received.
- 4.18 The Harwich Society – Objects for the reason that this proposal is on relatively open land and would be unduly conspicuous in the landscape from adjacent public view points and would detract from the rural character of the area. The site is unsuitable for the proposed use due to lack of established natural boundary screening and reliance on new landscaping which will take too long to mature compared with the life of the temporary planning permission sought.

5. Representations

5.1 A total of 161 representations have been received for this application.

5.2 3 letters are in support of the development, these are summarised below:

- Renewable energy should be supported.
- Small inconvenience for good of country.
- Shortage of energy exists in UK.
- Current energy options problematic or ineffective.

5.3 1 letter was received not supporting or objecting to the application, but making comment on the submitted Archaeological Survey. The points raised are summarised below:

- Survey states decoy site is east of scheduled monument, but it is to the south and forms northern aspect of site.
- Spinnel's Farm will not be screened from development despite survey's claim.

5.4 157 representations from members of the public were received objecting to the development. The issues raised are summarised below:

- Will ruin character of Spinnel's Lane.
- Misleading and untrue representation of existing mature vegetation for screening.
- Developers not taking account of local concerns.
- Cumulative impact on residents – too much development in Wix.
- Wix Lodge solar farm already approved.
- Road network and infrastructure already overwhelmed by construction traffic.
- Noise disruption.
- Loss of high quality agricultural land.
- Downward trend on solar energy prices – economically viable?
- Eyesore – negative visual impact.
- Beautiful landscapes and countryside views will be spoilt.
- Will damage chances of area becoming an area of outstanding natural beauty (AONB)
- Farmland should be used for growing crops for increasing population - cheaper electricity but more expensive crops if less available.
- Will damage local economy, tourism and desirability of the area.
- Decrease in property value along Bradfield Road.
- Job creation - local unemployment will not be addressed.
- Profiteering applicants and landowners.
- Reduce resident's quality of life and amenity value.
- Inadequate access to site.
- Impact on local roads and highway safety.
- More suitable sites elsewhere in district.
- Environmental Impact Assessment should have been carried out.
- High security fence and CCTV will be a blot on the landscape.
- Public Footpath 33 would be negatively affected.
- Reasons from recent Green Farm refusal apply.
- No previous livestock heritage on site so unlikely to introduce grazing livestock now.
- Detrimental to wildlife and habitat.
- In proximity to listed buildings and scheduled monument.
- Contrary to local and national policy and guidance.
- Close proximity to Wix substation – cost saving for developer.
- Industrialisation.
- Amendments to application do not resolve issues.
- No secure electrical supply.
- Size of this development out of proportion to small village.

- Screening will take years to become established, and will not completely hide solar arrays due to topography of land.
- Sets a precedent for future expansion and possible wind farms.
- Solar panels should be roofs of buildings not prime agricultural land.
- Unlikely to revert back to farmland in 25 year's time.
- No confidence in future longevity of company and maintenance of site.
- Inefficient form of energy.
- No thought on integration into poorly structured national grid.
- Potential loss of rural employment.
- CCTV will invade privacy of nearby residents.
- Will not result in better rates and lower council taxes.
- Should wait for new and improved technologies, i.e. infrared panels.
- Lack of consideration to historical and archaeological heritage.
- No public consultation for local population.
- Concern over the robustness of submitted Agricultural Land Assessment.

5.5 Cllr M R Patten (Ward Member for Bradfield, Wrabness and Wix) has submitted a Member Referral Form for this application, and objects to the proposal for the following reasons:

- Proposal is sited on high grade farm land
- Proposal will be a scar on a historically rural farming landscape, with 8 foot fencing around the entire perimeter, security cameras, and acres of fields covered in black glass.
- Proposed hedging and landscaping will take years to develop and ultimately not reduce the impact of this scarring.
- For local residents, overlooking the site, this is a major loss of amenity and will have a negative impact on the value of their properties.
- The Bradfield, Wrabness and Wix ward is currently subject to 4 proposed solar farms. If all are approved, this represents nearly 10% of the available farmland. It is overkill and quite out of keeping with this intensely rural ward.

6. **Assessment**

Context and Background

- 6.1 The application site comprises an area of approx. 22.2 hectares encompassing mainly two large fields separated by a hedgerow running between the two in a north-west to south-east direction.
- 6.2 The southern portion of the site is relatively level, with the northern portion gently sloping away to a valley system. The agricultural land has been stated as being partly classified as Grade 2 and partly Grade 3 quality. The site has an overall elevation of between 33m AOD in the south-east of the site, to around 17 AOD in the north-west corner of the site.
- 6.3 The site is located approx. 1 km to the north of the village of Wix, separated by the A120. Spinnel's Lane, where access would be taken to the site, is to the south and east of the application site, which connects to the Harwich Road (B1352) to the north, and Bradfield Road to the south.
- 6.4 The character of the area is mainly open countryside with agricultural fields, with sporadic residential development, but tighter linear residential development exists along Bradfield Road approx. 320 metres to the south-west of the site.
- 6.5 The site is currently used for agricultural purposes (crop production). The site boundary to the south is marked by a mixture of mature hedgerows and open boundaries and ditches. The eastern boundary of the site partly adjoins Spinnel's Lane and partly adjoins a field,

which are marked by a mixture of mature hedgerows and open boundaries and ditches. An existing field access exists on the eastern boundary onto Spinnel's Lane. The northern boundary falls away to a natural valley within the landscape, but again is formed by a mixture of mature hedgerows and open boundaries. The western boundary is also marked by a mixture of mature hedgerows and open boundaries, with a ditch and bramble bank.

- 6.6 A public footpath runs along part of the western boundary within the application red lined site for approx. 240 metres, although on the ground footpath users use the existing farm track adjacent to the site. No public footpaths run through the middle of the site.
- 6.7 A high voltage overhead power line, including transmission towers (pylons) run along the western boundary of the site, with connection to the Wix electricity sub-station approx. 300 metres to the south of the site.
- 6.8 The nearest residential properties to the site and with views of the site are Burnt Ash Farm and Teal to the south of the site (which it is understood are within the ownership of the farmer whose land forms the application site), and Carbonalls also to the south of the site, The Oaks to the immediate east of the site on the opposite side of Spinnel's Lane, Spinnel's Farm to the north located approx. 240 metres from the site, and a number of residential properties situated along Bradfield Road to the south-west located approx. 320 metres from the site.
- 6.9 The application site is located in the countryside, but is not located within any special landscape designations.
- 6.10 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

- 6.11 The proposal is for the use of the site as a 'solar park' for a temporary period of 25 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 approx. 2.2 metres. The panels would be orientated at 22 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.
- 6.12 The panels would be fixed to the ground using piles or 'ground screw' that are driven into the ground at a depth of approx. 1.5 metres. There would be no concrete foundations. The panels would be connected to the grid and would likely generate 13.5MWp (enough power to supply around 3,400 homes annually).
- 6.13 There is currently an existing point of access to the site from Spinnel's Lane via the exiting farm track serving Burnt Ash Farm. This will be utilised for access to the south of the site.
- 6.14 The installation period is expected to take between 18 to 20 weeks to complete and would require approx. 4 to 5 deliveries to be made per day by HGVs.
- 6.15 A number of ancillary works would be necessary to facilitate the use of the site including:
 - A 2.1 metre high perimeter security fence (weld wire mesh and painted green, black or grey), set back approx. 5 metres from existing and proposed hedgerows.

- 12 inverter units 2.6m high, 6m long, 2.4m wide. Within these units the generated DC electricity will be converted to AC. These units will be steel construction with steel doors and ventilation grids. These will be set on concrete foundations.
- DNO sub-station unit 2.9m high, 6.5m long, and 4.9m wide. This will be set on concrete foundations.
- Control Room 2.8m high, 12.2m long and 2.4m wide. This will be set on concrete foundations.
- Internal access tracks are provided within the site. The construction of the internal access tracks will be by using type 1 stone (or similar) and 4 metres wide.
- Approx. 15 CCTV positions (details of exact number and height to be agreed by condition)
- A construction compound adjacent to the solar farm site to act as a delivery handling area and staging post.
- Temporary site welfare cabins and storage for the duration of the construction.
- An extensive landscaping scheme is proposed comprising hedging and tree planting on the boundaries of the site, including new wildflower meadow, woodland copse area, and swales.

6.16 The application is supported by:

- Landscape and Visual Impact Assessment (LVIA)
- Ecological Appraisal
- Flood Risk Assessment
- Design and Access Statement
- Planning Statement
- Archaeological/Heritage Desk-Based Assessment
- Non-Technical Summary
- Agricultural Land Assessment

Appraisal

6.17 The main planning considerations are:

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

Principle of Development

6.18 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.

6.19 Furthermore, the National Planning Practice Guidance (NPPG) suite of documents were published in March 2014, which includes a document on Renewable and Low Carbon

Energy, and which forms a material consideration in the decision-making process. Specific references to relevant sections of this NPPG are referred to in the assessment later in this report.

- 6.20 Policy PLA5 of the draft Tendring District Local Plan Proposed Submission Draft (November 2012) 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. Saved Policy EN1 of the Tendring District Local Plan (2007) 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.
- 6.21 Policy PLA10 of the draft Local Plan 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. Saved Policy EN13a of the 2007 Local Plan 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.
- 6.22 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.
- 6.23 The above approach in the NPPF also states 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.
- 6.24 In addition to the NPPF, the Government has recently published a suite of National Planning Practice Guidance documents. Included within this suite of new national guidance, is 'Renewable and Low Carbon Energy'. This guidance assists local councils in developing policies for renewable energy in their local plans, and identifies the planning considerations for a range of renewable sources such as hydropower, active solar technology, solar farms and wind turbines. As a result of this guidance document, the 'Planning practice guidance for renewable and low carbon energy' published by the Department for Communities and Local Government (DCLG) in July 2013 has now been cancelled.

6.25 This new guidance document forms a material consideration. This guidance document provides a list of criteria which need to be considered in the determination of planning applications for large scale solar farms. Where a planning application is required, factors to bear in mind include:

- The importance of siting systems in situations where they can collect the most energy from the sun;
- Need for sufficient area of solar modules to produce the required energy output from the system;
- The effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas;
- The colour and appearance of the modules, particularly if not a standard design.

6.26 Furthermore, this document states the particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.
-

6.27 In addition to this document, the Government under the Department of Energy and Climate Change (DECC) published in November 2013 its UK Solar PV Strategy Part 1: Roadmap to a Brighter Future, which sets out four guiding principles which form the basis of the Government's strategy for solar PV which includes the principle that "*Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.*"

6.28 DECC have recently published (April 2014) a follow up document entitled UK Solar PV Strategy Part 2: Delivering a Brighter Future, which builds on those 4 guiding principles in Part 1 which reiterates the guiding principle above in italics.

- 6.29 DECC states that they will promote DCLG's planning guidance on large-scale solar farms, and the guidance sets out particular considerations for solar farms, such as their visual impact, and underlines that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
- 6.30 Therefore, it is clear that all these issues need to be carefully balanced in reaching a decision to approve or refuse the application.

Renewable Energy and Planning Policy Context

- 6.31 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.
- 6.32 The above are material considerations which weigh in favour of a renewable energy proposal.
- 6.33 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

- 6.34 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. Saved Policy EN1 of the 2007 Local Plan 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.

- 6.35 The site, other than being within the countryside, is not located within any special landscape designation. The area surrounding the site is comprised of belts of trees and hedgerows which break up the predominately arable landscape surrounding the site.
- 6.36 The application site is situated within the areas defined in The Tendring District Landscape Character Assessment 2001 (LCA) as The Stour Valley System and The Bromley Heaths Heathland Plateau.
- 6.37 The Stour Valley System landscape is important to the setting and character of the River Stour which is one of the most important wildlife estuaries in Europe. It also forms a setting to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). For many years the land on the southern shore of the River Stour estuary has been included in the AONB Project Area and Natural England are currently assessing the landscape qualities of the land to determine whether or not it should be formally designated as AONB. The proposed area for the extension to the AONB is located approx. 300 metres to the north of the site.
- 6.38 The landscape contains tributary valleys that provide hidden landscapes where arable fields and pasture are divided by thick hedgerows and hedgerow trees. This landscape is described in the Council's Landscape Management Strategy as being in good condition with a strong character ' the aim being to conserve these qualities'.
- 6.39 The Bromley Heaths Plateau is described in the Landscape Character Assessment as having an exposed and windswept plateau befitting the highest part of the district.
- 6.40 Large scale arable fields are divided by low, gappy hedgerows with hedgerow Oaks standing out prominently on the skyline. The network of narrow lanes connects scattered farms, halls, hamlets and villages. The settlement pattern of the area is low density so the application site is not extensively overlooked, only mainly by residential properties on Bradfield Road.
- 6.41 The Council's Landscape Management Strategy describes the condition of the landscape as declining with a moderate character. It identifies need to conserve the rural character and historic elements of the landscape and to enhance the condition of woodlands and hedgerows.
- 6.42 The application site sits in a rural location and only abuts the highway for a relatively short section of Spinnel's Lane. The land is currently in agricultural use. There are trees and hedgerows on some of the boundaries that will not be adversely affected by the development proposal.
- 6.43 In terms of the impact of the development proposal on the character and appearance of the local landscape and taking into account land form, condition of the trees and hedgerows on the boundaries of the application site and the proposed soft landscaping, the proposed development will in the main, be well screened from overlooking. Nevertheless the proposed development will result in a significant change to the character of the land on which it would be sited.
- 6.44 As part of the planning application the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which describes the existing baseline situation for topography, vegetation cover and land uses. The information submitted identifies soft landscaping to mitigate the potential harm caused by the installation of the solar arrays.

- 6.45 In order to assess the contents of the LVIA and the potential impact of the proposed structures on the character and appearance of the area a site visit was made to the site itself and to Viewpoint Locations as set out in the LVIA. These are assessed below.
- 6.46 Viewpoint 1 from Layby on Harwich Road - Distant views of the application site that can be mitigated by strong landscaping. The LVIA accurately describes the impact of the development proposal from this point. Because of the land form it will not be possible to totally screen the application site however the use of established *Alnus glutinosa* (Alder) as a screen would help to achieve a reasonably high level of screening.
- 6.47 Viewpoint 2 from Bradfield Road - Distant views of the application site that can be mitigated by the planting of a strong boundary hedgerow or planting belt. The views from this point is potentially, extremely sensitive because of the number of properties in Bradfield Road, the rear garden and windows of which overlook the application site. As the land between the viewpoint and the application site is relatively flat it should be possible for almost total screening to be achieved. A detailed landscaping scheme could be provided that shows new planting to strengthen the existing vegetation on the western boundary, and provide new landscaping, which could be secured by condition.
- 6.48 Viewpoint 3 from public right of way to the east - The site can currently be viewed from this position and from other point along the PROW however the topography of the land means that new planting on the eastern boundary of the application site where it abuts Spinnel's Lane will provide a high level partially screened.
- 6.49 Viewpoint A - Currently clear views into the application site. Landscaping on the boundary adjacent to the highway will provide a high level of screening.
- 6.50 Viewpoint B - The existing vegetation and topography means that the application site cannot be clearly seen from this point.
- 6.51 Viewpoint C - The application site is partially screened by an existing Hawthorn Hedgerow on the southern boundary although the hedgerow does not run the full length of the boundary. If new planting is carried out to continue the hedgerow on this boundary then a satisfactory level of screening can be achieved.
- 6.52 Viewpoint D - There are currently clear views into the application site however if the landscaping described in relation to the view from VP2 is carried out then a satisfactory level of screening will be achieved. It should be noted that a PROW runs adjacent to this boundary and it will be important to ensure that the new planting screens views from the PROW.
- 6.53 Viewpoint E - The application is well screened by existing vegetation and the topography of the land means that views of the site are contained.
- 6.54 Viewpoint F - There are distant views of the application site from this point and from other point along the PROW. Views are distant and The LVIA states that the Solar Array will not break the skyline. Landscaping will provide a degree of screening and will mitigate potential harm although complete screening will not be achievable from this point and others on the PROW.
- 6.55 In general terms and because of its nature and scale the development proposal is considered to be an incongruous and unsightly feature in the landscape. The harm caused can, to a degree, be mitigated by new landscaping but it should be recognised that such a development causes a significant change to both the character and appearance of the countryside.

- 6.56 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 gaps in the trees and hedgerows on the boundaries 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 site layout which includes for the provision of new hedgerows and tree planting that sets out the extent of new planting that is proposed to mitigate the harm caused by the installation of the solar arrays. The proposed planting plan addresses the need to provide new hedgerows and trees on the eastern, northern, southern and western boundaries. Although the proposal will initially be an incongruous and unsightly feature in the landscape, it is considered 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 Rights 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, and the development will not affect the tranquillity of the area. The landscaping details are adequate in relation to the hedgerow and trees planting however it will be necessary to provide additional information to secure the implementation of the landscaping scheme. The species and specification for new hedgerow and tree planting on each boundary will need to be provided and this can be secured by condition.
- 6.57 The proposed landscaping of the perimeter of the site will adequately fulfil the screening of the solar panels but the taller inverters, control room and sub-station will be less easily screened. This ancillary equipment will be partial hidden within the development of panels, and the impact of these structures can be reduced by conditioning an appropriate colour.
- 6.58 As the proposed soft landscaping matures, the screening benefit will increase and it is considered that a reasonable level of screening will be achieved. Therefore it is considered that the development proposal would not have an unacceptable detrimental impact on the character or appearance of the area, and is in line with Government guidance which acknowledges the deployment of large-scale solar farms can have a negative impact on the rural environment, however the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively by paying particular attention to the need to mitigate landscape and visual impacts through, for example screening with native hedgerows.
- 6.59 Concerns have been raised by objectors with regards to the 2.1m weld wire mesh perimeter security fence. Although such a fence is not normally acceptable in a countryside location, and it is usual practice to see low level timber post and rail fencing, such a fence is required for security purposes. The fencing can be conditioned to be a dark colour such as a dark green so its visual appearance is softened, and carefully designed structural landscape planting will help mitigate its appearance within the locality. It is noted that this type of fencing is recommended for such sites by the British Research Establishment (BRE) National Solar Centre's good practice guide. Furthermore, this type of fencing has been approved and has been erected at the nearby Wix Lodge solar park site.
- 6.60 The NPPG requires Local Planning Authorities to consider that cumulative impacts require particular attention, especially the increasing impact that this type of development can have on landscape and local amenity as the number of solar arrays in an area increases. As a result a cumulative assessment has been undertaken by the applicant within their LVIA. The guidance used for assessing landscape and visual impact recommends that cumulative effects of proposals should be considered against similar schemes which are already present, consented, screened for EIA or in planning awaiting a decision.
- 6.61 In this instance a cumulative assessment is required. To the south-west located approx. 875m away is Wix Lodge, with planning permission for a 15MW solar park granted on 15 November 2013 (LPA ref 13/00896/FUL) and already constructed. To the north-west

located approx. 550m away is Barn Farm, Bradfield, which was submitted in August 2013 and withdrawn in November 2013 but may be re-submitted (LPA ref 13/00958/FUL). To the south-east located approx. 740m away is Green Farm, Wix, which was refused planning permission in February 2014 (LPA ref. 13/01210/FUL).

- 6.62 With regard to the cumulative effects of development upon the landscape, the combined or additional effects will generally include: effect upon the fabric of the landscape, effect upon the aesthetics of the landscape and the overall effect upon the character of the receiving landscape.
- 6.63 It is considered that mainly due to the relatively low level nature of the developments, this type of development will not result in a significant change to the fabric of the landscape setting, and can exist alongside one another without compromising the rural character of this landscape.
- 6.64 With regards to the visual environment, there are two generic types of cumulative effect, being Combined (where the observer is able to see two or more developments from one viewpoint) and Sequential (when the observer has to move to another viewpoint to see the same or a different development e.g. moving along a footpath or road).
- 6.65 The applicants LVIA states that there will be no occasions where all four developments will be seen in combination as a result of intervening vegetation, topography and distance. With regards to combined views, the development will be seen in succession with the proposed development at Barn Farm from the footpath which runs to the south-west of Harwich Road towards Bluehouse Farm, at the localised high point. From this position an observer would see the proposals at Burnt Ash Farm to the south-east, then if they were to turn 180 degrees they would see the scheme at Barn Farm to the north-west. However it is considered that such a view will be limited to a short section of the footpath, at the localised high point. Within the wider context, intervening vegetation cover and topography will ensure that there are no other combined views where the Burnt Ash Farm scheme is seen in succession with the Barn Farm development.
- 6.66 It is considered the proposed development will not be seen in succession with the scheme at Green Farm.
- 6.67 In terms of sequential views, it is considered that the existing vegetation cover and topography create a high degree of enclosure for the various schemes. However there will be glimpsed views of the scheme sequentially, as observers move through the area using the localised road and footpath networks which run close to or past the four development sites. It is considered that there will be very few occasions where all four developments will be seen sequentially. Such a route would involve walkers on a circular path using the localised footpath network between Wix Lodge, Harwich Road, and Wix Green. As the observer would be on foot, the frequency of the development within their view would be very occasional. This degree of frequency is not considered significant as to warrant a refusal of planning permission on this ground.
- 6.68 It is considered that the schemes at Burnt Ash Farm and Barn Farm will be seen sequentially by observers driving along Harwich Road and using footpaths between Carbonells, Bluehouse Farm and Lonbars Bridge. It is considered that these views will be glimpsed as a result of established hedgerows and vegetation structure that characterises the localised landscape context. Whilst the views from the road will be more frequent, as a result of the speed at which the observer moves between viewpoints, the infrequent nature of breaks in the hedgerows that line the road, will ensure that these sequential views will be limited. In the context of users of the footpaths, the observer moves more slowly through the landscape and as such the time lapse between views will be greater, ensuring that the

views are occasionally sequential. It is therefore considered that the cumulative effect of the proposals will not be significant upon the receiving landscape or visual environment.

- 6.69 Although the applicants LVIA focussed on cumulative impact from local roads and footpaths, it does not mention views obtained of the solar farm developments from private residential properties within the local area. A number of objections have been raised with regards to views from those properties on Bradfield Road, and the adverse effect on their visual amenities from experiencing views of the approved Wix Lodge solar farm development to the south-west of their properties, and the proposed development at Burnt Ash Farm to the north-west of their properties.
- 6.70 With regards to producing a LVIA, the nature of visual receptors has to be assessed in terms of its sensitivity and its importance. People generally have differing responses to views and visual amenity depending on the context (location, time of day, degree of exposure), and their purpose for being in a particular place (whether for recreation, travelling through the area, residence or employment). The most sensitive receptors would include (amongst others), occupiers of residential properties with views affected by the development. With regards to importance, judgements about the importance of the visual receptors and the views they experience need to be weighed up to make an overall judgement based on the following considerations which include (amongst others); the nature of the people who experience the views and visual amenity at each viewpoint and in particular whether they are public or private (normally land-use planning tend to consider that public views are of more importance than views from private properties), the number of people who are likely to experience the view at a viewpoint; and the length of time over which views may be experienced, for example residents at home, especially using rooms normally occupied in waking/daylight hours, are likely to experience views for longer than those briefly passing by on a road.
- 6.71 Although it is generally accepted that land-use planning generally attaches less weight to views from private property, residents may be particularly sensitive to changes in their visual amenity. It is therefore important to give some attention to effects on views from the curtilages and key rooms of adjacent or nearby houses in the locality. However, it is considered that due to the low level nature of the development (solar arrays being approx. 2.2 metres in height), and intervening proposed and existing hedgerows and tree planting, the cumulative effect of the proposals will not be significant upon those properties which are single-storey in nature. Furthermore, it is considered that as upper floor levels of two-storey properties are generally bedrooms and bathrooms (which are considered to be non-main habitable rooms); the cumulative effect of the proposals will not be significant upon those two-storey properties along Bradfield Road.

Impact on Heritage Assets

- 6.72 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.
- 6.73 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 Saved Policies EN23 and EN29 of the 2007 Local Plan.

- 6.74 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.
- 6.75 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. In this instance the applicant has submitted an Archaeological/Heritage Desk-Based Assessment with the application, which includes the results of a site inspection, an examination of published and unpublished records and charts historic land-use through a map regression exercise.
- 6.76 The desk based assessment was based on a consideration of evidence in the Essex Historic Environment Record (HER), the National Monuments Record (NMR) and the National Heritage List for England (NHL) for the application site and a zone 1km in extent around its boundary (the study area). The Essex County Record Office was also visited in order to examine historic maps relating to the site.
- 6.77 This assessment found no designated or known significant non-designated heritage assets within the application site. A number of designated and undesignated heritage assets were recorded in the wider study area.
- 6.78 In total, nine designated assets; one scheduled ancient monument and eight listed buildings, are situated within 1km of the study area. These include Church of St Mary, Carbonells, Pond Hall, Milepost on north verge, Spinnel's Farmhouse, Burnt Ash Farmhouse, Granary cart lodge about 90m north-north-west of Wix Abbey, and Wix Abbey, which are all Grade II listed buildings, and WWII Bombing Decoy Station (night shelter), which is a scheduled ancient monument (SAM).
- 6.79 The Archaeological/Heritage Desk-Based Assessment submitted by the applicant describes the impact on these heritage assets as outlined below.
- 6.80 With regards to these heritage assets, the Church of St Mary, Wix Abbey and Granary Cart Lodge are all situated in the south-western part of the historical grounds of the former priory, approx. 420m to the south of the site. These assets are all situated close to each other and form, along with the walls and gardens surrounding them, the immediate setting of these assets. These are surrounded by substantial and established vegetation and the study area is not intervisible with them. The study area is situated in the wider rural setting of these assets, but does not make a substantial contribution to their significance.
- 6.81 Pond Hall is a 17th century house situated approx. 925m to the west of the study area. It is situated in a small enclosed field along with a few other associated structures, which comprises its setting. The study site is completely screened by several hedgerows and areas of small woodland and is not intervisible with this asset. Given this and the distance between this asset and the study site, the study site is not considered to form part of the setting of this asset or contribute to its significance.
- 6.82 The milepost on north verge is situated approx. 525m to the north of the study site on the side of a small road, which comprises its setting. Due to the topography of the area around the milestone, which dips considerably, there is no intervisibility with the study site. On this basis it is considered that the study site does not form part of the setting of this asset or contribute to its significance.

- 6.83 Spinnel's Farmhouse is situated approx. 240m to the north of the study site's northern boundary. It is situated in a small enclosure with high hedges which comprises the immediate setting of the farmhouse. These hedges make the farmhouse difficult to spot from a distance, even from the fields immediately surrounding it. The study site is situated in the wider rural setting of the farmhouse, albeit with a low level of visibility between the two. It is therefore considered that the study site makes only a minor contribution to the significance of the farmhouse.
- 6.84 Burnt Ash Farm and Carbonells are situated approximately 200m to the south of the study site. Carbonells is a house with 15th century origins. It is situated slightly further south in a farm complex and is surrounded by other agricultural buildings which comprise its immediate setting. The study site is situated in the wider rural setting of this building, however it is well screened by the existing buildings and the substantial boundary along the southern boundary of the eastern field of the study site. Therefore it is considered that the study site only makes a minor contribution to the significance of this building.
- 6.85 Burnt Ash Farmhouse has 16th century origins. It is situated within a modern agricultural farm complex, including substantial modern structures and machinery. This comprises the immediate setting of the farmhouse. The study site forms part of the rural setting of the farmhouse, and makes a moderate contribution to the significance of the farmhouse.
- 6.86 The Scheduled night shelter for a WWII bombing decoy station is situated approx. 200m to the north of the northern boundary of the study site. The shelter would have been the location from which lights and flares would have been operated to divert bombing raids from actual operational bases. While the exact location of the fields used for the lighting and flares is not known, the HER suggests that the eastern field of the study site may have been used for this purpose. The shelter is designated because of its preservation; decoy stations were by their nature temporary and the preservation of associated remains is relatively rare.
- 6.87 The northern part of the study site is visible from the night shelter and the eastern field may have a contextual relationship with the shelter. Therefore the study site forms part of the setting of the night shelter. However the shelter is primarily designated due to its preservation, and the potential below ground preservation of associated features nearby. Therefore the area of the study area cannot be said to make a substantial contribution to the significance of the night shelter. On balance, it is considered that the study area makes a moderate contribution to the significance of the shelter.
- 6.88 Given the assessment above, the setting of two designated assets, Burnt Ash Farmhouse and the scheduled bombing decoy night shelter would be affected by the proposed development, however it is considered that the harm to their significance would be less than substantial (as required by the NPPF, section 12), and furthermore planned screening and careful location of panels incorporated into the design of the scheme in response to these constraints would reduce the harm further. On this basis it is considered that the harm to the significance of these assets would not be such as to preclude the development of the site as proposed.
- 6.89 Indeed, with regards to the setting of the scheduled bombing decoy night shelter, English Heritage have been consulted on the application, and they state that whilst the proposed development will be visible from the SAM, it is considered that the height and elevation of the installations will cause only slight harm to its strategic landscape setting which contributes to its significance, and where the harm to significance is less than substantial, the NPPF under paragraph 134 states that this should be weighed against any public benefits of the proposed development, such as the generation of renewable energy.

- 6.90 The Senior Historic Environment Officer at Essex County Council also confirms the impact of the development on the SAM would be less than substantial, and the development would also have a less than substantial harm on the setting of Burnt Ash Farm.
- 6.91 The Archaeological/Heritage Desk-Based Assessment submitted with the application also shows that the development site has the potential to contain below ground archaeological remains, including a low/moderate potential for prehistoric remains. Development of the site will potentially lead to damage or destruction of surviving below ground archaeological remains resulting in harm to the significance of these heritage assets. As a result, 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.
- 6.92 A number of other designated heritage assets are also present within the wider area, however the assessment undertaken has determined that the significance of these would not be harmed by the development proposals given their distance from the site and screening from natural vegetation and topography within the surrounding area.

Impact on Biodiversity/Ecology

- 6.93 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.
- 6.94 The report concluded that the only notable species or the evidence of protected species found near the site was a single outlier Badger sett, comprising two entrances, situated within a bank along the western site boundary, where the land slopes down to an area of offsite tree cover. At the time of the survey, a large amount of leaf litter and debris was recorded within the entrances of the sett, such that the sett is considered to currently be inactive.
- 6.95 The applicants Ecological Appraisal states that as the sett is inactive and not currently utilised by Badger, it falls outside of the definition of a 'sett' and is therefore not afforded protection under the Badger Act 1992, however given the dynamic nature of Badgers, the sett may fall back into active use by this species. In order to avoid any disturbance to the sett, should it become active again, it is recommended that all groundworks be avoided within 20m of the sett entrances, and under the submitted proposal, no works are proposed within this area and as such it is considered that the single sett recorded along the western site boundary will be unaffected by the proposal.
- 6.96 The Ecological Appraisal has not identified any other evidence of protected species within the site, or roosting opportunities for bats for example, although the site may offer some limited opportunities for commuting bats, their presence would not prevent a constraint to the proposals. Likewise, the site provides some limited potential for species such as Hedgehog and Brown hare, but given the abundant similar opportunities present within the local area the site is unlikely to be of particular importance to these species at the local level.
- 6.97 With regards to birds, the intensively managed arable farmland which dominates the site offers few opportunities for birds, however given the size of the fields there is some potential that opportunities may be available for ground nesting birds such as Skylark. However, this habitat type is common in the local landscape and as such it is considered that the site offers no elevated opportunities for this species.

- 6.98 The hedgerows within the site offer some increased opportunities for breeding and foraging, and therefore to ensure legal compliance with regard to nesting birds, appropriate measures must be undertaken to avoid the destruction of active nests during construction. This can be achieved by undertaking works outside of the bird nesting season (March to August) but if this is not possible it will be necessary for a suitably qualified ecologist to check for the presence of active nests prior to construction. As a result it is considered appropriate to place an informative on the planning permission advising the applicant/developer of their legal obligations regarding nesting birds.
- 6.99 With regards to reptiles, in its current condition (arable production), the site is not considered to provide any opportunities to support reptiles due to the intensively managed nature of the fields. Furthermore, the site is isolated from areas of suitable habitat by arable land such that colonisation routes to the site are also limited.
- 6.100 With regards to amphibians, no ponds or waterbodies are present within the site to provide potential breeding habitat for amphibians. However, there are waterbodies to the west of the site formed by two agricultural reservoirs. During their terrestrial phases, Great Crested Newts are typically found within areas of dense vegetation, typically including grassland, scrub, woodland and hedgerows. The site is dominated by intensively managed arable land which is considered to offer negligible opportunities either for sheltering or foraging. Even when under arable cultivation, the presence of an arable crop will offer negligible opportunities for amphibians, whilst the intensive management of ploughing and harvesting would be detrimental to any amphibian present. As a result, it is considered that this species does not pose a constraint to the proposals, whilst under the proposals there will be a notable gain for this species group through the ecological enhancement scheme which can be secured by condition.
- 6.101 As a result of the findings above, the submitted Ecological Appraisal concludes that the site is largely unconstrained in respect of development. The habitats recorded within the site are generally of negligible/low ecological value and offer few opportunities to support wildlife. The only notable habitat within the site, other than the inactive Badger sett, is the hedgerows, which are considered to be of moderate value and may potentially support a range of faunal species including nesting birds.
- 6.102 The Ecological Appraisal provides recommendations and ecological enhancements, as required by the NPPF, which under paragraph 118 requires developments to enhance the natural environment by providing net gains to biodiversity where possible. For example, with regards to hedgerows, these are to be fully retained. Furthermore, a 20m exclusion zone is designed into the scheme in the proximity of the inactive Badger sett. Nesting birds will not be adversely affected. Any lighting is controlled by condition (to be clear no lighting of the site is proposed within the submitted details). New areas of hedgerows (approx. 1,530 metres or 1.53 kilometres in total), are to be planted including new trees. New areas of grassland across the fields and beneath the solar panels will be established. Within the north of the site a 3.96 hectare area of wildflower grassland is proposed, which would create a habitat of increased wildlife value and would provide a foraging resource for a number of invertebrates, birds and small mammal species. Furthermore, given the dominance of arable farmland in the vicinity of the site, a new single Barn Owl box is to be erected on a suitable retained tree.
- 6.103 Moreover, it is noted the perimeter fence line maintains a minimum distance of 5m from the perimeter of the field at all points, with a 20m distance from the inactive badger sett. 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, notwithstanding the submitted fence details, a condition has been imposed requiring details of the perimeter fence to be installed to ensure it is designed to allow small mammals to

navigate through the site (such as rabbits, hares, badgers, weasels, stoats, field voles, foxes etc), through the inclusion of small mammal gates for example.

- 6.104 The proposed development will remove the site from intensive agricultural production for a period of 25 years. With the correct management, the potential biodiversity of the site will be increased after the construction phase. Existing wildlife and potential habitats will be conserved as part of the site management, as well as the creation of new habitats to increase the sites biodiversity, by including the planting of new trees and hedgerows, and areas of sown wild flower mix and grassland using selected native species which will provide a rich feeding habitat for birds, bees, butterflies and a wide range of insects. The proposal is not considered to have any adverse impact upon important habitats or protected species, and following consultation with Natural England, they confirm the application provides significant potential to create habitats which could contribute towards Biodiversity Action Plan targets.
- 6.105 With regards to ecological designations, the submitted Ecological Appraisal has identified the nearest statutory nature conservation designation to the site as being Wrabness Local Nature Reserve located approx. 1.3km to the north of the site, whilst the Stour and Orwell Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), and Ramsar Site lies approx. 1.6km to the north of the site. Furthermore, the nearest non-statutory nature conservation designation is Brakey Grove Local Wildlife Site located approx. 1.4km to the north-east of the site. Brakey Grove is also recognised as an Ancient Woodland.
- 6.106 It is considered all statutory and non-statutory nature conservation designations in the vicinity of the site are sufficiently well separated from the development such that adverse effects from the proposals are unlikely. Natural England in their consultation response state given the nature and scale of the development, they are satisfied that there is not likely to be an adverse effect on this site, and therefore the SSSI designation does not represent a constraint on determining this application. Furthermore, they state that they are satisfied the proposal does not demonstrate a significant risk to the nearby AONB designation.
- 6.107 On this basis, the proposed development is not considered to adversely affect any nearby ecological designations.

Highway Issues

- 6.108 The operation of the site would not result in significant traffic movements, which would be very low and on an intermittent basis. This level of activity is considered to have a negligible impact on the highway network.
- 6.109 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, including approx. 4 to 5 deliveries of panels a day using standard HGV articulated vehicles. The delivery of panels would involve a total of approx. 70 deliveries.
- 6.110 The access route taken by HGVs would be from the A120, onto the Harwich Road and approach Wix from the east, then onto Bradfield Road passing under the A120 and right onto Spinnel's Lane. The scheme will be constructed over a period of approx. 18 to 20 weeks, so is a relatively short duration project, limiting any disruptions to users of the Spinnel's Lane to a short period of time.
- 6.111 Deliveries would be made from Spinnel's Lane via the existing access track serving Burnt Ash Farm. The visibility splay from this main site access has been assessed and it has visibility in excess of 70 metres to the east and over 50 metres to the west. A plan

illustrating the visibility splay and the area where a tarmac surface will be laid within the immediate site entrance has been submitted with the application.

- 6.112 The Highway Authority has reviewed the application and has raised no objections from a highway safety aspect, subject to the imposition of conditions where further details an acceptable vehicular turning facility for HGVs and delivery vehicles, a Construction and Decommissioning Method Statement to include a HGV routing plan, and a survey to record the condition of the routes into and out of the site to the connection to the main traffic distributors.
- 6.113 The impact on highway safety from vehicular traffic associated with this development is considered to be acceptable.
- 6.114 As previously mentioned, Public Footpath No.33 (Wix) runs along part of the western boundary of the site within the red lined application site. The original site layout plans did not take account of this as it was thought the definitive line of the footpath ran along the farm track to the west of the application site. Amended plans have been received which indicates the footpath to be unobstructed and a 6 metre buffer zone to be created between existing/proposed hedgerows and proposed hedgerow for a distance of approx. 230 metres (the 6 metre buffer zone provides for a 2 metre width section of footpath, and 2 metres either side of the hedgerow for outgrowth).
- 6.115 The Ramblers Association have been consulted on the latest amended drawing which includes the 6m buffer zone. They continue to object to the application on the basis that the footpath is unusable and will remain so even if the proposed changes are made as there are two reservoirs constructed across the true route, a total lack of way-markers, and an overgrown section.
- 6.116 The Public Rights of Way team at Essex County Council have been consulted on the amended plans. They confirm that subject to the requirement that future maintenance liability for the 2m buffer zones on either side of the PROW being expressed as a planning condition, then the Public Rights of Way team are satisfied with the proposed accommodation of the public path within the site boundary and would raise no objection to the planning application. As the buffer zone can be maintained as part of the landscape management strategy for the site, and can be secured by condition, the impact on the footpath is considered to be acceptable.
- 6.117 The Ramblers Association still have concerns, but these appear to relate to the maintenance and definitive line of the footpath. The footpath within the boundary of the site has not been impeded by the landowner, and remains open for use. The definitive line of the footpath continues along the side of the application site then crosses the existing ditch and through two agricultural reservoirs outside of the application site. The crossing of the ditch is impassable due to a bramble bank, and the reservoirs have been built over the definitive line of the footpath a number of years ago. However, the Public Rights of Way team confirm any natural vegetation growing along the surface of a PROW is the responsibility of ECC to maintain as well as providing and maintaining any furniture on the Definitive Line. Therefore, any new way-marking and the clearing of the brambles mentioned is the responsibility of the PROW team. For information, the PROW team have arranged a meeting with the landowner to discuss the diversion of Footpath 33 (Wix) where it crosses the two reservoirs, but as these reservoirs are outside of the application site; this issue is separate to the determination of this proposed development.

Impact on Residential Amenity (including glint and glare)

- 6.118 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 Saved Policy QL11 of the 2007 Local Plan.

- 6.119 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.
- 6.120 It is acknowledged that the mini-substation, and inverter 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.
- 6.121 The panels themselves, being only 2.2 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 following the construction of the development. It is acknowledged that some disturbance may take place during the construction of the development, but this would be over a short period of time, and a condition requiring a construction management plan would control the impacts during the assembly of the site.
- 6.122 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.
- 6.123 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

- 6.124 Concern has been expressed that this development is reducing the land supply to meet the population's food needs.
- 6.125 The application is for a temporary period of 25 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. With regards to restoration of the site, the applicant would enter into a lease that requires them to remove all solar farm equipment installed to the reasonable satisfaction of the landlord, and the event of liquidation, the liquidators would be obliged to adhere to the same terms.
- 6.126 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 25 years, and given the potential for livestock 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.
- 6.127 Saved policy EN4 of the 2007 Local Plan 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 (BMV) agricultural 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. Although there is no specific policy which deals with this issue in the draft Local Plan, policy PLA10 'Renewable Energy Installations' has been amended to include the following:

- 6.128 Proposals for 'solar farms' will be permitted on low grade agricultural land other land with no agricultural function. The use of the best and most versatile agricultural land (grades 1, 2 and 3a) will be permitted where it can be demonstrated, with evidence, that lower quality land is not available or practical for this use and the benefits of the development outweigh any concerns over the loss of agricultural land.
- 6.129 This amendment to the policy has been requested by members of the Council. Given that the amended policy has received a number of representations following the public consultation through the Pre-Submission Focussed Changes Report (January 2014), and has not been through public examination, it is considered limited weight can be given to this amended policy at this time.
- 6.130 The recent NPPG sets out particular planning considerations that relate to active solar technology, with the first factor for consideration being “encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided it is not of high environmental value”. The first part of the second factor to consider is “where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to highway quality land”.
- 6.131 Following the deferment from the Planning Committee on the 29th April 2014, the applicant has attempted to address this issue by submitting an Agricultural Land Assessment (ALA). Within the ALA is an Agricultural Land Classification Plan (ALC) at a more detailed level, which shows the application site being formed by approx. 60% Grade 2 land (land to the south and east), and approx. 40% Grade 3 land (land to the north and west). None of the site is shown to be within Grade 1, but a pocket of grade 1 land is shown to the east of Spinnel's Lane. However, it is noted that the Agricultural Land Classification Map has been submitted at a scale of 1:100,000, with a more detailed plan at a scale of 1:20,000. The map has been produced from Natural England's Agricultural Land Classification Map which is for the Eastern Region produced at a scale of 1:250,000. Natural England confirms these maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance, and any enlargement of the scale of the map would be misleading. No site specific agricultural land grading of the application site has been undertaken. Therefore, although the map is of assistance, it must be given limited weight.
- 6.132 Given the cancellation of the previous DCLG planning guidance on low carbon renewable energy schemes, with the recent NPPG – Renewable and Low Carbon Energy, a move towards a more robust justification for the use of agricultural land appears to have been promoted (although it is noted no reference to the need for a sequential test is outlined in the NPPF or NPPG). However, it is noted that the two factors above are two of nine factors to be taken into account by the LPA when assessing planning applications for large scale solar projects, and added to the balancing exercise.
- 6.133 With regards to this justification, the applicant has submitted an Agricultural Land Assessment. There is no guidance as to how to determine the scope of the assessment and so the search area for the assessment has been restricted to the administrative boundary of the Local Authority, given that it is this area to which the Local Plan applies, and as suggested by draft policy PLA10, the assessment of agricultural land should be within that area. It is considered to cast the net wider would be disproportionate to the development proposal, and constitute an unduly onerous requirement at a wider level.
- 6.134 In order to appropriately focus the search area, the applicant has looked at various factors which need consideration, including; landscape character areas and the ability of the landscape to absorb change; landscape designations and constraints; flood risk

designations; availability and proximity of a suitable grid connection; proximity to urban areas; and local plan designations and allocations.

- 6.135 Plans have been produced detailing the extent of the agricultural land classifications for the site and the District as a whole. The constraints have been introduced, illustrating the areas where landscape policy, flood risk designations and urban areas would restrict solar farm development. A final plan submitted illustrates the lower grade agricultural areas, namely grade 4 and 5 land, and when combined with the constraints (including viability issues regarding point of connection to the national grid) the applicant states it highlights the lack of potential locations that could be suitable alternatives for development in the Tendring district.
- 6.136 Given the lack of guidance in producing a justification with regards to use of agricultural land, it is considered the submitted ALA is acceptable.
- 6.137 The solar farm proposal has been designed to allow the agricultural use of the site to continue, and therefore the land is not permanently lost from agriculture, and the land between and beneath the panels can be used for livestock grazing. It is understood the responsibility for future land management would be the farmer who retains ownership of the land itself, who will use the land to graze sheep. This use is practiced on other existing solar farms and does provide a continuing agricultural use and local employment, and maintains fertility of the land in the medium term. The use of a grazing sheep herd can control the height of newly planted grasses and wildflowers between and beneath the solar arrays, which in turn reduces the need for mechanical maintenance of the land such as cutting of the grass. This type of continued agricultural use of the land can be secured by condition, through part of the landscape management strategy for the site.
- 6.138 The agricultural grade of the land is 2 and 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 or industry. Paragraph 112 of the NPPF states LPAs should take into account the economic and other benefits of the best and most versatile agricultural land, and where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of a higher quality. 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, it is considered to have less significance, as significant development of agricultural land will not occur, and the land will not be permanently unavailable for agricultural use.
- 6.139 It is therefore considered that the proposal has shown that the use of agricultural land is necessary (in the Tendring district – especially given the pressures on brownfield sites for the development of housing/employment), and poorer quality land has been used in preference to higher quality land (i.e. Grade 1 land has not been used), and the proposal would result in the continued use of the site for agricultural production (sheep grazing) and biodiversity improvements have been identified and could be conditioned, and therefore the proposed development would not be contrary to published Government guidance.

Impact on Flood Risk

- 6.140 The site falls entirely within Flood Zone 1, and is therefore not considered to be at risk of flooding. However the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. As a result the applicant has been a Flood Risk Assessment.
- 6.141 The FRA has been reviewed by the Environment Agency. They state that the installation of the solar panels should not have a significant effect on runoff volumes as generally it will

lead to a small increase in the percentage of impermeable surface area across the site. However if the ground cover under the panels is bare, the peak discharge of surface water could increase, and water draining from the panels could cause erosion at their base. The use of localised infiltration trenches should be considered to prevent this and slow the rate of runoff.

- 6.142 The EA states in particular, where panels are sited so that they do not follow the contours of the site, then intensification of the runoff into small channels could occur, and therefore it is recommended that vegetation beneath the panels is maintained and that a buffer strip or swale be placed below the most down gradient row of panels to intercept any overland flows.
- 6.143 The FRA submitted with the application indicates the majority of the site will remain as soft surface, with grassland around and underneath the panels, and permanent vegetation cover will delay surface water runoff and prevent soil erosion.
- 6.144 Whilst it is considered that the panels will not result in an increase in surface water runoff flow rates, it is proposed to provide swales (3 in total) in the lower areas of the site to intercept extreme flows which may already run offsite.
- 6.145 It is considered the proposed development meets the requirements of the NPPF, subject to the development following the measures as detailed in the submitted FRA and that these are secured by way of a planning condition. 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

- 6.146 As stated previously, the Government (both through the DCLG and DECC) has published guidance documents on dealing with large-scale solar park proposals, which require the views of local communities likely to be affected to be listened to, and provide opportunities for local communities to influence decisions that affect them (although the DCLG guidance is now cancelled).
- 6.147 It is acknowledged that a large number of objections have been received from local residents on a number of issues such as adverse landscape impact. These concerns have been listened to, and additional mitigation landscape planting has been submitted to include more hedgerows and tree planting along the boundaries of the site, and the perimeter fence on the south-east corner of the site has been moved to incorporate a 7 to 10 metre wide woodland planting landscaping belt to provide additional screening for one of the nearest residential properties to the application site. Perimeter fencing has also been reduced in height from 2.4 metres to 2.1 metres. Although amendments to the original scheme have been made to reduce the perceived impact of the development, it is acknowledged that these amendments have not overcome the majority of objectors in principle objection to a solar park in this location.
- 6.148 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. The application site 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. 8.5 miles due south of the application site (as the crow flies),

and Great Oakley Airfield is approx. 2.5 miles due east (as the crow flies), however it is considered that the risk to aviation in this case is negligible.

Crime and Disorder

- 6.149 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 perimeter fencing.

Biodiversity and Protected Species

- 6.150 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.
- 6.151 Statement required by Article 31 of The Town and Country Planning (Development Management Procedure) Order 2010 (as amended)
- 6.152 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 amendments were allowed to the site layout to provide provision for the public footpath to the western boundary of the site, to reduce the height of the security fence, to reduce the number of the CCTV positions, to lower the height of the concrete pad the inverters sit upon, to revise the landscape mitigation, to remove access tracks from within the site which were not required, to remove an alternative access point shown on Spinnel's Lane, and to provide further details on the agricultural land classification.

Conclusion

- 6.153 The assessment of a renewable energy proposal requires the impacts to be considered in the context of the 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, however weight should be given to advice published in the NPPG 'Renewable and Low Carbon Energy', and the UK Solar PV Strategy Part 2: Delivering a Brighter Future (DECC), and that views of the local communities should be listened to.
- 6.154 In this case, there is no adverse impact on heritage assets, 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, and the loss of grade 2/3 agricultural land for arable production for a period of 25 years.
- 6.155 The landscape impact is considered to be relatively local, contained mainly to Spinnel's Lane, and Public Right of Way (Footpath Wix 33), and to a much lesser extent Harwich Road to the north of the site. 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 the A120 to the south of the site would not perceive the presence of the site, similarly those travelling along Bradfield Road to the west of the site.

6.156 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 draft Local Plan, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.

Background Papers

None