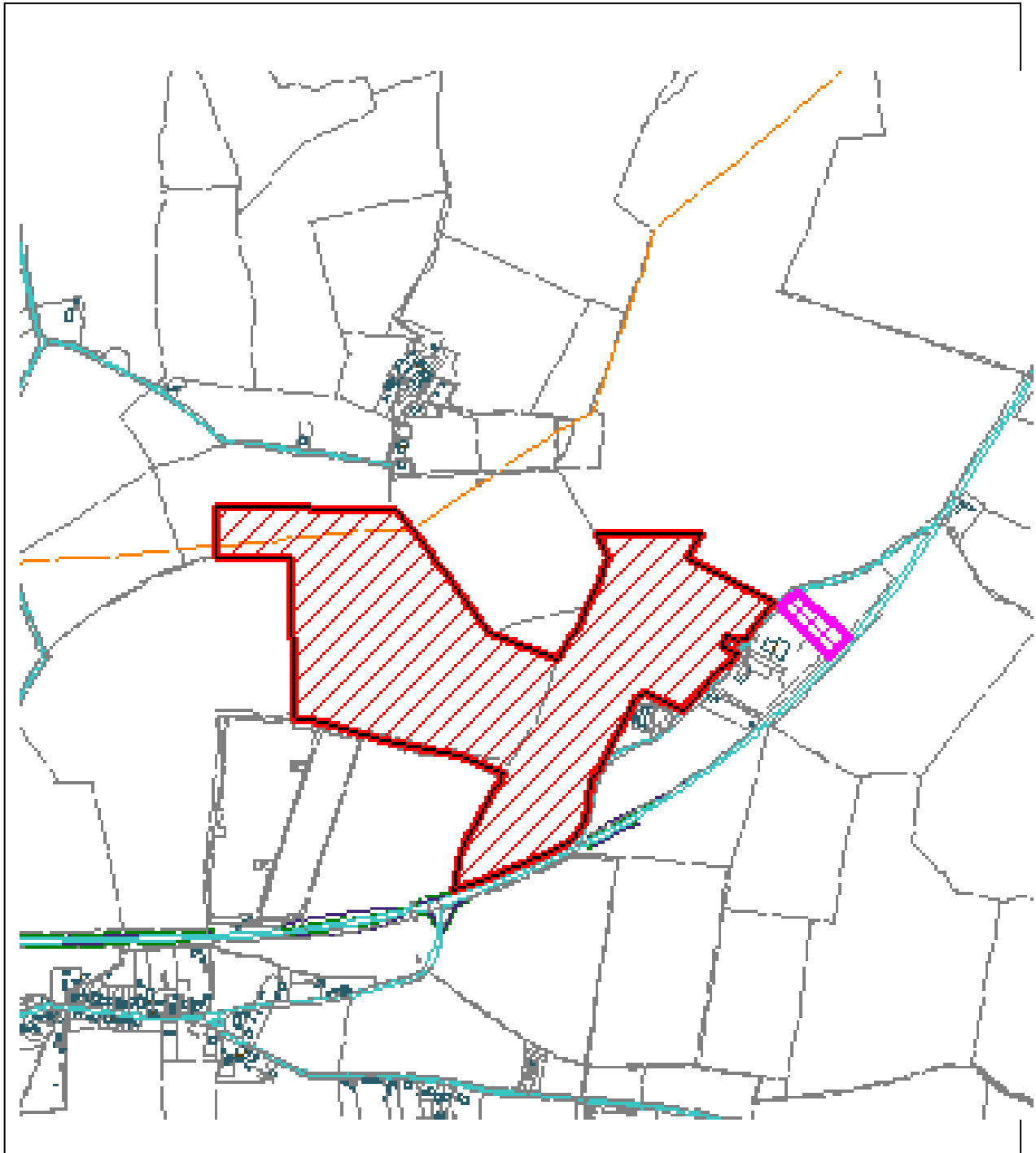


PLANNING COMMITTEE

17 MARCH 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.4 PLANNING APPLICATION - 20/01384/FUL - LAND SOUTH OF PRIMROSE HALL
PRIMROSE LANE RAMSEY HARWICH**



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Application: 20/01384/FUL

Town / Parish: Ramsey & Parkeston Parish Council

Applicant: Mr Matt Rudling - Cell Energy Ltd

Address: Land South of Primrose Hall Primrose Lane Ramsey Harwich CO12 5NB

Development: Placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection.

1. Executive Summary

- 1.1 This application is referred to the Planning Committee at the discretion of the Assistant Director of Planning due to the scale and size of the proposal.
- 1.2 This application proposes the placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection. The farm will have an export capacity of 17.6 Mega Watts (MW).
- 1.3 There is a recognised need and support for renewable energy technology through National and Local planning policy and this development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from renewable sources.
- 1.4 The assessment of a renewable energy proposal requires the impacts to be considered in the context of the strong in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. 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.
- 1.5 The landscape impact is considered to be relatively local, contained mainly to the adjacent A120, Bowl Road and the Public Right of Way that crosses the site. This impact however is considered to be of moderate harm. The landscape mitigation would soften the impact but would not eliminate it.
- 1.6 However, 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 moderate harm to the countryside, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.
- 1.7 The proposals can therefore be considered to be in accordance with saved policies EN1 and EN4 and emerging policy PPL 3 and represents an appropriate form of development in the countryside. Therefore, the principle of the development in this location is acceptable.
- 1.8 The application is supported by saved policy EN13A and emerging policy PPL10 which advocates for new proposals for renewable energy developments in the District. The energy generated by the proposed development will contribute to supporting growth in the region, and the carbon emissions saved as a result of generating electricity from a renewable source, would help to tackle climate change and minimise resource use.

Recommendation: Approval

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework

National Policy:

National Planning Policy Guidance – Renewable and Low Carbon Energy (2015)

Local Plan Policy:

Tendring District Local Plan 2007

QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL11	Environmental Impacts and Compatibility of Uses
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN11B	Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review site, Geological Conservation Review sites
EN13A	Renewable Energy
EN23	Development Within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR2	Travel Plans
TR4	Safeguarding and Improving Public Rights of Way

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1	Managing Growth
SPL3	Sustainable Design
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity & Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL7	Archaeology
PPL9	Listed Buildings
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

- Tendring Landscape Character Assessment (Volume 2) (2001)

Status of the Local Plan

2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

2.4 The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

2.6 Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

3. Relevant Planning History

20/01384/FUL

Placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection.

Current

4. Consultations

Natural England
27.11.2020

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Landscape advice - Dedham Vale and Suffolk Coast & Heaths AONB's

The proposed development is for a site within or close to a nationally designated landscape. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory

management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Environment Agency

No comments as outside jurisdiction.

ECC SuDS Consultee
05.01.2021

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. There should be a minimum of a 1m gap between the highest annual ground water level and the base of any infiltrating feature. All point infiltration features should maintain a 5m distance from any structure foundations.
- Ensuring that discharge rates and volumes are not increased as a result of the application for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Detailed information regarding the mitigation of the risk channels being created by the solar arrays.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in

chapter 26 of the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 5

The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

Soil compaction and the creation of channels can cause increased run-off rates and volumes from the site. Therefore a soil management plan should show how this will be mitigated against.

Failure to provide the above required information before commencement of works may result in a system being

installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Suffolk Coast and Heaths Area of Outstanding Natural Beauty
25.11.2020

The site lies approximately 1.3 km south from the boundary of the Suffolk Coast & Heaths AONB.

A recent visit has been undertaken to the area to consider potential landscape and visual impacts on the AONB and the submitted LVIA has been viewed as part of the application.

Paragraph 6.18. of the LVIA stated the following:

Within the 5km study area, the ZTV suggested no intervisibility between the application site and Dedham Vale, and very low intervisibility between the Suffolk Coasts and Heaths AONB and the site. Intervisibility with the Suffolk Coasts and Heaths AONB has been checked at the closest point of the AONB to the site, VP10, and by VP15, close to the AONB edge. Both of these viewpoints showed no intervisibility between the Application site and the AONB. It is judged therefore that the site is unlikely to be visible from any other part of the AONB due to the 2-5km distance range between the sites and the likelihood of intervening vegetation and settlement screening views.

Overall the LVIA concluded that the proposed development will have no impact on either the Dedham Vale or Suffolk Coasts and Heaths AONB landscapes

The AONB team broadly agrees with these findings and consider that given the distance of the site from the Dedham Vale AONB and particularly the Suffolk Coast & Heaths AONB boundary, local topography, intervening buildings and vegetation, that neither of the Nationally Designated Landscapes will be impacted by the above windfarm proposal.

We have no further comment to make

Department For Environment Food and Rural Affairs

No comments received

The Ramblers Association

No comments received

Highways England
18.01.2021

Referring to the planning application referenced above, dated 23 October 2020, application for the placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection, Land South of Primrose Hall Primrose Lane Ramsey Harwich, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.

Annex A

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard 20/01384/FUL and has been prepared by Mark Norman.

Highways England have reviewed the information submitted in support of this planning application. We requested further information to enable us to establish that the strategic road network will continue to perform in accordance with the requirements of the Highways Act 1980. We have now reviewed this additional information.

Recommended Condition -

Within 18 months of grant of planning application 20/01384/FUL the developer shall have submitted and approved in writing by the local planning authority in consultation with Highways England the following design details relating to the required improvements to the A120 site access. The scheme shown in outline on SLS drawing number SLS 376.1/20/002 rev2. Scheme details shall include drawings and Documents showing as applicable :

- i. How the improvement interfaces with the existing highway alignment and carriageway markings
- ii. Full construction details relating to the highway improvement. This should include any modifications to existing structures or proposed structures with supporting

- analysis.
- iii. Full Signing and Lighting details
- iv. Confirmation of compliance with Departmental standards (DMRB) and policies (or approved relaxations/departures from standards)
- v. Evidence that the scheme is fully deliverable within land in the control of either the applicant or the Highway Authority.
- vi. An independent Stage 2 Road Safety Audit (taking account of and stage 1 Road Safety Audit recommendations carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The above scheme approved by the Local Planning Authority shall be implemented and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Authorities and NO construction of the main development shall take place unless and until the junction improvements shown in outline on SLS drawing number SLS 376.1/20/002 rev2 have been delivered and are fully open to traffic.

The Highways Agency 'Informative' re S278 agreements dated April 2019 in respect of planning application 20/01384/FUL, relating to the installation of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection, Land South of Primrose Hall Primrose Lane Ramsey Harwich is attached and should be appended to any subsequent planning permission.

Civil Aviation Authority

No comments received

Essex County Council Ecology
15.01.2021

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the amended Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020) to include text on breeding bird surveys results and note Natural England's formal consultation response (ref 331889, 27 Nov 2020). This is in addition to the Preliminary Ecological Appraisal Addendum Report (Gray Ecology, October 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are now satisfied that there is sufficient ecological information available for determination and do not consider further wintering bird surveys will be required prior to determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

As the development site is approximately 2km from the

Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar, and species such as lapwing and golden plover, which are found on the SPA and Ramsar, were identified onsite, we note that some wintering bird surveys have been undertaken by Huckle Ecology and the results incorporated into the updated EclA. Although the surveys have not been completed, we accept the conclusion that:

"It is possible that should these species be present, they may be subject to minor levels of displacement during both construction and operation; however, due to the widespread availability of the habitats within the landscape surrounding the application site, effects are likely to be neutral. Based on the November survey alone, the birds recorded are not species that are designating features of the local designated sites nor would contribute to the wintering assemblage of those sites. Consequently, the site is unlikely to represent significant functionally linked habitat required to support the SPA."

We recommend that this should be recorded in the LPA's bespoke Habitats Regulations Assessment (HRA) screening report in relation to potential for impacts on land that is functionally linked' to the SPAs and Ramsars. We agree that the details of the final Wintering Bird Survey report by Huckle Ecology can be dealt with as a pre-commencement condition to inform the mitigation measures needed and management of the site.

We also note that the EclA has identified that the development falls within the Impact Risk Zone (identified on MAGIC map) for Stour and Copperas Woods Site of Special Scientific Interest. Natural England has not commented on likely risks from this solar scheme with a footprint of more than 0.5ha although we agree that any noise, vibration and air pollution from the construction phase is unlikely to travel the intervening distance with no obvious functional ecological connectivity between the sites.

The amended Ecological Impact Assessment states that the development will result in the loss of four Skylark territories and that Yellow wagtail may also occasionally nest in the site. We therefore welcome the compensation for these Priority farmland species in the form of 9 skylark nest plots (2 per territory displaced) and 1 for potential loss of yellow wagtail territory) and management of grass margins to boost insect availability to also benefit these bird species. The details for this offsite compensation will need to be provided to the LPA in a farmland bird mitigation scheme to be secured by a condition of any consent to be discharged prior to commencement of development. Agreement for delivery of the Scheme for 10 years will also need to be secured

by the LPA.

We welcome the retention of all the existing hedgerows with new access points to the A120 created in existing hedgerow gaps as well as protecting the Priority habitat from accidental damage by ensuring that security fencing will be erected at a minimum distance of 5m from existing hedgerows. We note that the security lighting will be infra-red and so will not impact foraging or commuting behaviour of bats.

This is needed to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We support the proposed biodiversity enhancements, which have been detailed in Chapter 7 of the updated EclA, to secure measurable net gains for biodiversity as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be confirmed within a Biodiversity Enhancement Layout to be secured by a condition of any consent.

We also support the statement in the updated EclA that habitat enhancements will need appropriate and long term management to deliver net gain for biodiversity from the development. We therefore recommend that a Landscape and Ecological Management Plan (LEMP) is secured as a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in chapter 6 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during

construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: FARMLAND BIRD MITIGATION AND MONITORING STRATEGY

"A wintering and breeding farmland bird mitigation and monitoring Strategy must be submitted to and approved in writing by the Local Planning Authority, and the strategy must provide details of the measures that will be implemented if the surveys identify a decline in bird population numbers.

The Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery

The Farmland Bird Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for a minimum period of 10 years."

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

3. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Chapter 7 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

5. PRIOR TO BENEFICIAL USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and

funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

ECC Highways Dept
30.11.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the possible impact on the A120 Strategic Trunk Road to this application is likely to be greater initially and as a result Highways England have been consulted separately.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development a vehicular turning facility for service and delivery vehicles, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No works whatsoever shall commence until such time as the Construction and Traffic Management Plan as detailed in the supporting Documents is approved in writing by the Local Planning Authority which shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason: To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety and in accordance with Policy DM 1.

3. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in

writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. swept path analysis for construction vehicles for key junction(s)

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1.

4. No development shall take place until a Construction Traffic Routing Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority which shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason: To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety and in accordance with Policy DM 1.

5. Prior to the commencement of any work on the site a joint inspection of the local road (Bowl Road) to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority.

Reason: To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance with Policy DM 1.

6. The public's rights and ease of passage over public footpath no. 18_183 (Wix) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

7. Prior to the first use of any external solar panel within the development site, shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved

in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from within the development in the interest of highway safety and in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

TDC Building Control and Access
Officer
23.10.2020

No adverse comments.

Essex County Council Heritage
13.11.2020

Placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection.

Heritage assets within the vicinity of the proposal site and effected by this proposal:

- Burnt Ash Farmhouse, Grade II listed (List UID: 1240502)

The significance of the farmhouse is partly derived from its surroundings and how the heritage asset is experienced. The farmhouse can still be experienced in its rural and agrarian landscape due to the undeveloped nature of the surrounding land. The proposal is considered to have some limited detracting effect on the setting through eroding the wider agrarian context. However, given the site is removed from the immediate environs of the farmhouse by an undeveloped field providing a buffer zone, the level of harm to the setting and thus significance of the heritage asset is minimal. Therefore, ECC Heritage would raise no objection to this proposal.

TDC Environmental Protection
06.11.2020

Provide the following comments:

Noise

EP have reviewed the submitted Noise Impact Statement and are satisfied with the findings of the report. It has confirmed that the location of the substation/transformer will be sited in such a way to not cause any noise disturbance.

It should be noted that our recommended working construction times are: 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Essex Wildlife Trust

No comments received

Essex County Council Archaeology
13.11.2020

The application for a solar farm is supported by an archaeological desk based assessment which has identified that no known heritage assets lie within the development area. Evidence from the HER in the surrounding area shows there is, however, potential for survival of previously unrecorded archaeological remains dating to the prehistoric and Roman periods and Medieval to postmedieval agricultural features. The nature of the finds recovered from the area suggest possible prehistoric settlement or ritual activities which would be considered of local significance.

The information provided demonstrates that there would be minimal impact from the installation of the solar panels, however the impact from the associated infrastructure cannot be determined until the construction management plan is provided. There is the potential for the disturbance or destruction of archaeological remains from the cumulative impact of the site infrastructure, including compounds, access roads, cable trenches and concrete bases. Should it be demonstrated that these areas will not require topsoil removal or groundworks then there would be no requirement for archaeological investigation, however at this time this information cannot be supplied. This will need to be assessed and the information provided following the production of their construction management plan.

The following recommendation is therefore being made in line with the National Planning Policy Framework to ensure the appropriate protection of the potential heritage assets impacted by the development:

RECOMMENDATION: Archaeological investigation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and

report ready for deposition at the local museum, and submission of a publication report.

5. Representations

Parish Councils (Ramsey & Parkeston, Bradfield and Wix Parish Councils)

- 5.1 The view of the Ramsey & Parkeston Parish Council is no objection.
- 5.2 Bradfield Parish Council would like to make the following comments on this planning application: The planning application is for a very large solar farm which will permanently ruin more agricultural land. Whereas the council recognises the need for more electric power, before continuing to cover agricultural land with solar farms, solar panels should be put on buildings instead. New housing should be repositioned to face the sun with both solar panels and air source heating systems in place. Finally, the Council would also like to know what the community benefit from this solar farm may be.
- 5.3 Wix Parish Council are once again being asked to comments on a solar farm application. If approved, this will be the 4th large scale solar farm in the area, and the 5th application. A previous application at Burnt Ash Farm was refused. This application went to appeal, and the planning inspector dismissed the appeal. Comments made by the inspector includes:

"...The effects of the proposed development on its own, and in combination with other photovoltaic development, on the character and appearance of the area. (b) The effects on heritage assets. (c) The effects on agricultural land and soils. (d) The compatibility of the proposed development with policy in respect of the generation of energy from renewable sources. (e) Whether any harm that might be caused would be outweighed by the benefits of the scheme.

On the first main issue, I consider that the proposal would harm the character of the area, and would have a significant adverse effect on its appearance. Given its relationship with three other solar farms in the locality, it would also have a significant cumulative adverse impact on the visual amenity of the area. Overall, the proposal would have an adverse effect of major/moderate significance on the local landscape. The development proposed would be temporary, but the harm to the landscape would last for 25 years, and so would be significant. This harm is a consideration that weighs heavily against the proposal."

Wix Parish Council strongly feel these issues apply to this new site, and as such, the application should be refused.

Key reasons Wix PC objects to this application:

- Size of the site. This application covers a huge area.
- Overdevelopment of solar farms in the area. If it were granted, with the other solar farm sites, Wix would have lost 10% of its agricultural land in 5 years.
- Safety concerns relating to the access from the A120, during construction.
- Impact on neighbouring properties. Whilst the application says the site does not have any neighbouring properties, it does have an impact on Wickham Lodge, Harwich Road. The site will also be overlooked by properties in Spinnels Lane.
- Public Right of Way. There are 2 PRoW running through the site, and whilst they will remain open, the high fencing around them will have a negative visual impact of those using the footpaths.
- Detrimental to the agricultural, rural nature of the area.
- Accuracy of the agricultural land grade, given in the application.

Details of those reasons:

Size of the site and overdevelopment. If this were to be approved, it would be the largest solar farm in Wix, where there are already 3 other sites. As stated above, this would equate to a loss of 10% of its agricultural land in 5 years. Wix is a farming village, and whilst the Parish Council as a whole supports green energy, it should not further reduce the land used for agriculture.

Safety concerns-A120. Wix Parish Council has serious safety concerns regarding the new access point, past the brow of where the Harwich Rd joins the A120. This is a known accident hotspot, and with added traffic movements at this site, we ask planners to give this serious consideration. Policy DM1- the Parish Council are also concerned about potential glint and glare from within the development. We support the comments submitted by Highways England.

Impact on neighbouring properties. In addition to the comment above, the Parish Council are also concerned about what will happen to the land near Wickham Lodge that is to be used during construction. What will happen to this piece of land once construction is complete?

Public Right of Way and detrimental impact on the rural nature of the area. These rights of way allow the population to get outside, explore the area, enjoy the countryside, and reap the benefits of doing so, which is more important now than ever, Whilst the PRoW will remain open, it will have an impact on how it is used and enjoyed, and will not bring the same benefits to mental health as a walk in the rural area with unrestricted views.

Agricultural land grade.

TENDRING LOCAL PLAN (2007) - Policy EN4 - Protection of the Best and Most Versatile Agricultural Land

"Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown."

According to the Agricultural Land Classification map (ALC008) published on 18 November 2011 (<http://publications.naturalengland.org.uk/publication/127056>), the land upon which the proposed development is planned falls into both Grade 1 and Grade 2 and therefore this planning application should be refused as there is no special justification for siting a solar farm at this location.

The applicant claims in their submission (Soils and Agricultural Quality of Land at Primrose Hall, Primrose Lane, Ramsey Essex), that the land is grade 3a / 3b. Discounting potential bias in the report's findings, their finding that 34% of the proposed development land is Grade 3a is sufficient to reject this application.

Other concerns: One final concern is how poor the consultation has been for this development. The previous applications for solar farms held large public consultation events, which we appreciate is not possible during the pandemic, however very little else has been done to make residents aware of this large-scale proposal. There appears to have been a poorly distributed letter drop, where many residents did not receive the letter at all, and a website which was only open very briefly. We would ask that a wider virtual consultation event is held, and that the developer's consultation website is reinstated, giving residents the proper opportunity to have their say and ask questions of the developers. Additionally, parts of the application are incorrect (e.g. proximity of the closest properties).

Recommendation: Wix Parish Council recommends that this application is refused.

5.4 9 letters of objection have been received outlining the following issues

- Significant adverse impact upon the rural landscape character
- Substantial harm to nearby designated heritage assets
- Severe impacts on the amenity of nearby residents through loss of privacy, glint and glare from the panels and noise and disturbance
- Loss of the best and most versatile agricultural land
- Severe impact upon highway and pedestrian safety
- Quality of landscape will be severely damaged as the development would be visible from numerous vantage points
- Scale, height, massing, form, layout, landscaping, colour and materials of the development are wholly out of place in a high quality landscape
- Noise from unloading/loading of deliveries, vibration from construction works and construction traffic
- Loss of privacy from tubular CCTV poles
- Visibility overbearing and overshadowing
- Recent refusal and appeal decision on nearby land due to landscape impacts
- Wix has already lost 10% of its agricultural land in the last 5 yrs
- Two footpaths would be adversely affected due to loss of countryside views
- Loss of prime agricultural land
- The arrays are ugly and constitute an eyesore
- Loss of beautiful views from footpaths and mitigation planting along routes is not sufficient
- Solar panels should be placed on roofs and in urban areas. Farmland is for farming.

6. Assessment

Site Context

- 6.1 The application site (the site) covers an area of approximately 28.5 hectares (70.5 acres) and is located south of Primrose Hall and north west of the A120 (Harwich Road/Wix By-pass). The site is located north east of the village of Wix and south west of Ramsey. The site is located partially within the parish of Wix and partially within Ramsey parish.
- 6.2 The proposed site comprises of two agricultural fields. The site is bounded to the north, east and west by agricultural land. The southern boundary is bounded by the A120 Harwich Road. To the south east is Essex Recycling and KKM Driving School. To the south west there is a ground mounted solar farm (Green Farm Solar Farm). The permission for this development (ref 15/00147/FUL) was approved for 15 hectares on 6th May 2015.
- 6.3 The Wix Bypass (A120) runs along the southern boundary of the site which connects Primrose Lane/Harwich Road. The A120 runs along the southern boundary and is the main route between Wix which is the main village to the south west and the market town of Ramsey to the north east. The A120 is subject to the national speed limit (60mph).
- 6.4 The nearest residential dwellings are located to the north of the site (Willow Hall Cottage approx. 100m away) and to the south along Bowl Road (directly to south of the proposed site compound area). Along the north and eastern boundary, the hedge line is also interspersed with trees. The hedgerows are in good condition and have been left to grow to a reasonable height. Along the south eastern boundary, the site is bounded by grass buffer areas.
- 6.5 There are a number of field access points from the A120 and an additional access point is off the Bowl Road to the south east of the site. A Public Right of Way (PRoW) crosses the site from north to south (Ref. PROW 183_1); PRoWs also run along part of the northern boundary, and western boundary outside of the application site. The character of the area is mainly open countryside with agricultural fields, with sporadic residential development. There are overhead power lines which cross the site in an east/west direction.

- 6.6 The site is within flood risk zone 1 as identified on the Government's Flood Risk maps but the site is currently separated by a drainage ditch.
- 6.7 The site does not accommodate any listed buildings or Scheduled Ancient Monuments (SAM). The closest heritage asset is a WW2 Bombing Decoy Scheduled Ancient Monument located 1.8km to the north west of the site. The White Hart Inn is located 460m south west of the site which is a Grade II listed building.
- 6.8 The nearest Site of Special Scientific Interest (SSSI) is the Stour and Copperas Woods SSSI located approximately 1km north of the site.
- 6.9 Currently the land is in arable production. The applicant has undertaken an Agricultural Land Classification assessment of the site and it is found to be made up of 34% grade 3a, 65% grade 3b and 1% of non-agricultural land.

Proposal

- 6.10 This application proposes the placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection. The farm will have an export capacity of 17.6 Mega Watts (MW). The proposed development will consist of a number of different elements outlined below.
- 6.11 The proposal will comprise the installation of photovoltaic (PV) panels laid out in arrays of rows running from east to west across the site, the number of these will be dictated by the finalised layout. The height of the panels will be at a maximum of 3 metres above the ground and they will comprise of a standard polycrystalline type.
- 6.12 The mounting structure for the panels is a metal frame securely fixed to the ground. The structure will also provide a route for electrical wiring. The solar panels will be installed at 25° from the horizontal. The rows will be placed an appropriate distance apart (likely to be around 5m) in order to optimise solar collection per unit land area. The mounting posts will be pile-driven approximately 1.5 metres into the ground for support. Such supporting systems are designed to avoid the use of mass concrete foundations on site.
- 6.13 The development will also require the installation of associated infrastructure required for the running of a solar farm which includes:
- 1 x Substation and DNO substation – Maximum height of 3.8m.
 - 3 x Inverter transformers – Maximum height of 3.5m.
 - 49 x CCTV cameras – Maximum height of 3m.
 - Perimeter fence – Maximum height of 2.5m.
- 6.14 In terms of site access the development will consist of an entrance to the site via an existing farm access point from the A120 and a new access point on Bowls Road (slip road off A120). The existing farm access point will be improved and will facilitate HGVs accessing the site. An offloading area / turning area will be provided within the site which will allow goods to be offloaded and transported via the fields boundaries to the proposed construction/compound area located off Bowl Road. HGVs will then exit onto the A120 in a forward gear.
- 6.15 LGVs/ contractors vehicles will travel to the proposed storage & compound area via Bowl Road. A new 5m wide over verge access point circa will be created to the east of the existing Bowl Farm agricultural access. The access off Bowl Road will be temporary and is to be closed after construction is completed.
- 6.16 Two construction compounds are proposed namely Area 1 and Area 2, both are to be accessed via Bowl Road and will be temporary in nature. Area 1 shows the construction

compound area to be used for on-site staff only and storage of materials and Area 2 will be used as a Covid-19 decontamination area as and when required.

- 6.17 Once the solar farm is operational, traffic generated by it will be limited to that associated with occasional maintenance work. Movement within the site will be by way of small farm utility vehicle or 4x4. The Distribution Network Operator, UK Power Networks, will visit the site from time to time to check the apparatus. No on-site staff will be required to operate the solar farm and no staff offices or maintenance buildings needed within or near to the site.

Principle of Development/Policy Context

- 6.18 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.
- 6.19 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.
- 6.20 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.
- 6.21 In addition to the NPPF, the Government has published a suite of National Planning Practice Guidance documents. Included within this suite of 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.
- 6.22 This 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.

6.23 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 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.

Wider Renewable Energy/Sustainability Aspects

6.24 The UK is committed to meeting a target of “net-zero” by or before 2050. This broadly means that across the UK, emissions of GHG from all sources will have to reduce from the current figure of 4352 million tonnes. The UK Government industrial and green growth strategies has made further pledges to invest in green jobs, low carbon infrastructure and investment in energy efficiency. These will create substantial, and significant, opportunities in Tendring to build new industries and create new, highly skilled and well-paid jobs.

6.25 In addition, after declaring a climate emergency in 2019, Tendring District Council have since approved the Climate Change Action Plan 2020-2023. The action plan sets out a bold vision to combat climate change and help Tendring to become a net carbon neutral authority by 2030. To meet this ambition, the action plan includes a number of goals:

- Move to the purchase of 100% renewable electricity.
- Focus on the switch away from oil, natural gas use by 2030.
- Maximise onsite renewable energy generation opportunities.
- Promote, support and facilitate energy efficiency improvements to homes.

6.26 It is therefore 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.

6.27 In this respect over its 30 year lifespan the proposed solar park will generate 563 GWh and with the potential to reduce carbon emissions by 143,000 tonnes. The annual production of electricity is sufficient to meet the power needs of 10,600 of the district's residents, or 7% of the total domestic demand in the district.

6.28 The above are material considerations which weigh in favour of a renewable energy proposal. 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 are '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 of the development.

Landscape Impact

6.29 The application site is currently in agricultural use and has a pleasant undulating character. The site is not well populated with trees or countryside hedgerows and the development proposal will not result in the loss of such landscape features.

6.30 In some respects it could be considered that this type of development in a rural setting would result in a significant diminishment in the quality of the landscape and a degradation of the character of the area. However, the proliferation of green energy equipment in the landscape, such as solar arrays and wind turbines, are rapidly becoming features that are expected to be seen in a rural setting and are gradually becoming an integrated part of the agricultural landscape.

6.31 In order to quantify the potential impact of the development on the local landscape character the applicant has provided a Landscape and Visual Impact Assessment (LVIA). The document accurately describes the baseline qualities and current condition of the local landscape character. It identifies several locations (visual receptor viewpoints) from which the application site can potentially be viewed.

6.32 The LVIA also identifies steps that would be taken to mitigate any harm that would be likely to arise from the implementation of the development. These are described in section 2.6, 2.7 and 2.8 of the LVIA and further details are shown on the submitted Landscape Mitigation Plan. Nevertheless it is considered that additional planting will be required in order to more effectively screen the development.

6.33 In terms of the impact of the solar array on the local landscape character it is clear that it would bring about a significant change to the character of the local landscape and have an impact on the appearance of environment within which it would be situated.

6.34 The summary and conclusion section LVIA quantifies the impact of the solar farm on the local environs and identifies mitigation measures, primarily soft landscaping, to address potential harm. The harm resulting from the development is described as 'highly localised' and 'low'. The conclusion drawn is considered accurate with the greatest impact will be for users of the Public Right of Way (PRoW) that bisects the site and for drivers using the adjacent A120.

6.35 In terms of the level of soft landscaping proposed on the Landscape Mitigation Plan it is considered that the strengthening of planting proposals would greatly improve localised screening and additionally provide ecological benefits.

6.36 The Council's Tree and Landscaping Officer has stated that that the planting of the 'Species Rich Hedgerow' adjacent to the PROW should be extended around the perimeter of the solar array. Taking into account the height of the solar panels a hedgerow with an ultimate height of 2.5m - 3m would provide highly efficient screening for much of the perimeter of the site, only compromised when undulating land levels allow views across the array. Further comments state that trees could be planted on the northern boundary, at 10m centres, where over-shading is least likely to be an issue. It is suggested that Field Maple (*Acer campestre*) or Wild Service Tree (*Sorbus torminalis*) would be appropriate moderately proportioned tree species; although several other tree species would be equally acceptable.

- 6.37 Following receipt of these comments an updated Landscape Mitigation Plan has been provided to extend the native species hedgerow around the majority of the site (including along one side of the PRow, along the northern/southern boundaries and a section of the eastern perimeter). It is not considered extending planting around the perimeter of the whole site is reasonable or necessary to make the development acceptable having regard to the conclusions of the Landscape Visual Assessment. Furthermore, affected receptors are limited to those transiting through a highly localised geographical area, specifically the PRow and roads immediately surrounding the Site (i.e. the A120 and Bowl Road), or those living adjacent to the east. It is also noted that mature hedging and recently planted hedging is situated in part along Bowl Road, to the A120 and around the existing Solar Farm to the south-west. Precise details of the landscaping scheme and its on-going maintenance are secured via condition outlined in section 8.2 below.
- 6.38 On balance, whilst it is clear that the implementation of the development proposal would bring about a major change to the character of the immediate area the localised harm would not significantly diminish the overall quality of the local landscape character type or negatively impact on walker's and other users experience when 'walking thorough' or 'passing by' the area. It is judged that the visual effects arising from the proposed development will be highly localised, with the greatest visual impacts affecting a small number of visual receptors within the immediate vicinity of the site. The proposed development will not be significantly detrimental to either the landscape character or visual amenity of the landscape within the wider study area and that therefore, on balance the predicted landscape effects arising from the proposed development are acceptable when weighing up the overall benefits of the proposal. This is dependent on planting of the additional soft landscaping set out in the updated Landscape Mitigation Plan, precise details of which will be secured via condition in section 8.2 below.

Residential Amenity

- 6.39 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.40 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.
- 6.41 It is acknowledged that the mini-substation, control building, inverters and transformer stations will be acoustically rated, but even so they emit very little noise. The site is remote from any significant residential areas and the few properties that are in the vicinity are a reasonable distance away from the operational boundaries. The site also adjoins a busy A-road which will further reduce the perceived noise impact from either on-site plant or construction noise.
- 6.42 It is acknowledged that during the construction phase there will be periods when works are likely to be audible at nearby receptors. However, an indicative compound layout plan has been provided which shows that the areas closest to the residential properties will be utilised for storage only with the intervening screening hedgerow being retained and strengthened. Construction/delivery hours will also be restricted to 8am-6pm (Monday to Friday) and 8am-1pm (Saturday) to ensure compliance with the Council's standard working times and to reduce any impact upon nearby residents.
- 6.43 Overall taking all the above points into consideration, and bearing in mind the relative short-term duration of the construction phase, it may be concluded that if the best practice measures

are implemented as much as is practically possible, especially the suggested limitation on working hours, noise generated by the construction phase of the proposed solar farm is unlikely to have a significant adverse impact on the closest receptor properties to the site. Long-term the site operations would be expected to have no adverse impact. The proposed solar farm development is therefore considered suitable from a noise perspective, during both the construction and operational phases.

- 6.44 The panels themselves, being only 3 metres in height, are not considered to be overbearing in relation to proximity from existing residential properties, and the use of the site would not result in unreasonable noise and disturbance. A condition requiring a construction management plan would control the impacts during the assembly of the site.
- 6.45 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. The submitted Glint and Glare Study supports this stance and confirms that a moderate impact upon one surrounding dwelling is predicted, and mitigation in the form of planting along the site boundary is recommended to reduce any perceived impact in this regard.

Highway Impacts

- 6.46 Paragraph 102 of the NPPF requires Councils, when making decisions to ensure:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.47 Saved policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.48 A Transport Assessment has been submitted and outlines the specifics of the proposal in respect of development traffic, the access strategy and decommissioning stages of the development. In particular the documents confirms the following;
- During the construction phase there would be 70 HGVs deliveries. On the basis of a 36 working weeks this would equate to 2 HGVs deliveries every week.
 - HGV deliveries will be timed so it is unlikely that there will be any other vehicles accessing the site at any given time.
 - In addition to HGVs there would be 20 - 30 LGVs / contractors vehicles accessing the site during the construction period per working day.
 - Following commissioning it is anticipated that there would be one LGV / contractor vehicle accessing the site per month.
 - An existing agricultural over verge field access to the site exists from the A120 currently, on the southern boundary of the site. It is proposed to use the existing agricultural access, albeit improved, to facilitate HGVs accessing the site. The access will be widened to 11.8m and will allow a HGV to fully pull off the A120. Visibility splays from the access point are a minimum of 2.4m x 215m.

- An offloading area / turning area will be provided which will allow goods to be offloaded and transported via the fields boundaries to the construction / compound area located between the farm buildings at Bowl Farm, located off Bowl Road. HGVs will then exit onto the A120 in a forward gear.
- LGVs / contractors vehicle will travel to the proposed storage & compound area via Bowl Road. A new 5m wide over verge access point will be created to the east of the existing Bowl Farm agricultural access. This access point will have 2.4m x 90m visibility splays. The creation of the access will require removal of a small section of hedging and the trimming the height of hedges, adjacent the access, to facilitate the aforementioned minimum visibility splays.
- It is proposed that the A120 site access will be used by 2 HGVs a week during the construction period and by one LGV / contractors vehicle per month when the site is operational.
- The Bowl Road access will only be used during in the construction period by the LGVs / contractors vehicles. When the site is operation the access will not be used by HGVs accessing the solar park.
- On cessation of the 30 year operational phase the site would revert back to agricultural use. It is anticipated that the decommissioning phase would take approximately 9-12 months and details of the arrangements of this phase will be secured via condition.

- 6.49 As the development affects a trunk road (A120) both ECC Highways and Highways England have been consulted on the proposals. The consultees have reviewed the information provided and have confirmed no objections subject to a number of conditions outlined at section 8.2 below. In particular these conditions seek to secure; precise details of the enhanced access onto the A120, the submission of a construction method statement/routing plan, details of vehicular turning areas and the facilitation of a joint inspection of Bowl Road between the development and ECC to ensure any damage to the highway is restored upon completion.
- 6.50 Given the above it is concluded that the proposed development will not have severe impact as referenced by the government National Planning Policy Framework. On this basis there are no material highway and transportation reasons why the development should not be supported for approval.

Heritage Impacts

- 6.51 Government policies relating to planning are given in the National Planning Policy Framework (NPPF). Section 12 (paragraphs 126 – 141) of the NPPF (Conserving and enhancing the historic environment) outlines policies relating to the historic environment and the key role it plays in the Government's definition of sustainable development, the principle which underpins the document.
- 6.52 The NPPF requires that local planning authorities 'should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment', recognising that 'heritage assets are an irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'.
- 6.53 The NPPF requires that planning applicants should 'describe the significance of any heritage assets affected' by their application, 'including any contribution made by their setting'.

The Historic Environment Desk-Based Analysis submitted with the planning application concludes that assessment has established that the proposed development will have no impact upon any designated heritage assets in the surrounding area.

The following built heritage assets have been identified in the vicinity of the site;

- Burnt Ash Farmhouse, Grade II listed (List UID: 1240502)

- 6.54 ECC-Place Services (Heritage) have reviewed the submitted Historic Environment Report and conclude that the significance of the Burnt Ash Farmhouse is partly derived from its surroundings and how the heritage asset is experienced. The farmhouse can still be experienced in its rural and agrarian landscape due to the undeveloped nature of the surrounding land. The proposal is considered to have some limited detracting to the setting through eroding the wider agrarian context. However, given the site is removed from the immediate environs of the farmhouse by an undeveloped field providing a buffer zone, the level of harm to the setting and thus significance of the heritage asset is minimal. Therefore, they raise no objection to this proposal.
- 6.55 In terms of archaeology, The Historic Environment Report concludes there is some limited potential for the survival of remains dating to the early prehistoric, Iron Age and Roman period within the study site. ECC-Place Services (Archaeology) conclude that the information provided demonstrates that there would be minimal impact from the installation of the solar panels, however the impact from the associated infrastructure cannot be determined until the construction management plan is provided. As such they recommend the inclusion of a condition securing a programme of archaeological investigative works prior to any development taking place.

Biodiversity

- 6.56 Paragraph 170 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.57 An Extended Phase 1 Habitat Survey has been undertaken and accompanies this application. This provides a summary overview of the site and identifies the habitats on site and the potential further survey work that might be required. The appraisal concludes the following;
- The habitats within the development site consisted mainly of large arable fields with improved grassland field margins, strips of which were mown regularly for use by horse riders and pedestrians, with outer edges being longer and unmanaged.
 - The proposed development falls within the SSSI Impact Risk Zone for a number of Natura 2000 sites.
 - Without mitigation, the site is likely to result in a minor adverse impact on badger, reptiles, birds and Priority Species such as hedgehog and brown hare, with minor positive impacts on reptiles and hazel dormouse which will benefit from proposed hedgerow planting along a public footpath running through the site.
 - Mitigation recommendations focus on allowing wildlife to access the site through provision of suitable access opportunities underneath/through the security fencing, as well as protecting any wildlife present during the construction phase.
 - Clearance and construction works must commence outside of the bird breeding season, which runs between 1 March and 31 August. If at any point an active nest is found or suspected, all work within 20m of the nest must stop and an ecologist contacted for advice immediately.

- Compensation for skylark and yellow wagtail will be in the form of 9 skylark plots (8 for 4 lost skylark territories and 1 for potential loss of yellow wagtail territory).

- Significant biodiversity enhancements will be created through planting and appropriate management of wildlife friendly habitats including wildflower meadows, bird seed strips and tussocky grassland along with basking spots and new bird boxes.

- 6.58 The mitigation and enhancement measures proposed within the appraisal have been independently reviewed by ECC-Place Services Ecology Team. They have confirmed that they are satisfied that there is sufficient ecological information available for determination and that the information provided gives certainty for the Council of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 6.59 A bespoke HRA screening report has been produced and confirms that the Local Planning Authority can have certainty that the impacts of the development overall will not adversely impact upon the designated sites. In this respect Natural England have confirmed no objections to the development.
- 6.60 The ecological mitigation/enhancement measures outlined above are to be secured via conditions included at section 8.2 of this report. The conditions have been recommended by Place Services and secure the mitigation/enhancement measures outlined within the applicant's ecological appraisal in conjunction with the submission of a Farmland Bird Mitigation Strategy (including skylark compensation plots) and Landscape Management Plan.

Loss of Agricultural Land

- 6.61 Concern has been expressed that this development is reducing the land supply to meet the population's food needs.
- 6.62 The application is for a temporary period of 30 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.
- 6.63 Moreover 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 30 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.
- 6.64 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.
- 6.65 Moreover, Planning Policy Guidance (PPG) paragraph 13 ID 5-013 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".
- 6.66 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".

6.67 To this end the applicant has submitted with the application an Agricultural Land Classification Report (ALCR). The site was surveyed in 2020 and found to comprise land limited to subgrade 3a by droughtiness (14 ha / 34%) and land limited to subgrade 3b agricultural quality by wetness (27.1 ha / 65%) with 0.1 ha of non-agricultural land. None of the site is shown to be within Grade 1 or Grade 2.

6.68 Representations have made reference to Agricultural Classification Maps which show the land in Grade 1 and 2 land. However, those maps (produced by the former Ministry of Agriculture, Fisheries and Food) were published in the 1970s at 1:250,000 scale and based on reconnaissance field surveys. They use obsolete grade criteria that have been superseded by the currently used 1988 Agricultural Land Classification (ALC) Guidelines (ref). Furthermore, Natural England state that these maps are:

“not sufficiently accurate for use in assessment of...development sites, and should not be used other than as general guidance” (Natural England, Technical Information Note TIN049).

Therefore, Natural England recommend for planning applications detailed surveys (produced by qualified surveyors) should be conducted. In summary, therefore, it is the detailed agricultural land report submitted on which the impact of the application on agricultural land should be assessed.

6.69 As such the agricultural grade of the land is 3a/3b (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. 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.

6.70 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 or 2 land has not been used), and the proposal has the potential to result in the continued use of the site for agricultural production (livestock grazing) and biodiversity improvements have been secured via condition, and therefore the proposed development would not be contrary to published Government guidance.

Drainage

6.71 As most of the development is solar panels which are supported on piled struts the surface area of the site used is comparatively small in comparison to the overall development site area.

6.72 However, as the proposal is classified as a major development a Flood Risk Assessment has been provided. The assessment concludes the following;

- The site is at low risk of flooding and is identified on the Environment agency mapping as being in flood zone 1 (Low Risk).
- The proposed solar panels will deflect rain but will not significantly change the flow path of the surface water flow and will not change the rate of infiltration. The rows of panels will be separated by gaps of 4 to 5m and surface run off will be able to infiltrate in these areas and under adjacent panels.
- The permanent structures on site (storage containers, Invertor cabins and transformer stations) will drain to filter strips located around the sides of the structures. The filter strips will

be design following confirmation of the in situ infiltration rate and the design will include allowance for 40% climate change.

- All roadways will be of permeable construction to allow surface to infiltrate as per the existing situation.

- By increasing the amount of year-round vegetation on the site there will be an increase in natural attenuation and reduction in the compaction of the soil associated with agricultural operations.

- 6.73 ECC-SUDs Team have reviewed the submitted assessment/drainage strategy and have no objections subject to conditions outlined in section 8.2 below securing precise details of the scheme, its implementation and on-going maintenance along with a soil management plan.

Other Considerations – Appeal at Burnt Ash Farm

- 6.74 A previous application for a solar farm at Burnt Ash Farm was refused. This application went to appeal, and the planning inspector dismissed the appeal in 2015.
- 6.75 Burnt Ash Farm is located approximately 600 m to the north-west of the application site, and in comparison, to the current proposals, the total site area was 25.71ha, with 22.2ha to be occupied by the proposed solar farm. In the decision the Inspector drew upon the landscape character of the area at the time, and states *'Solar panels are an existing feature of the wider landscape given the proximity of the development at Wix Lodge (about 875 m from the appeal site), the facility under construction at Barn Farm (550 m), and that permitted at Green Farm (740 m). The locality can properly be described as a rural landscape with some solar arrays.'*
- 6.76 The appeal site was located partly within the southern extent of the Stour Valley System (6A) character area, and partly within the north eastern extent of the Bromley Heaths Plateau character area (7A) as identified in the Tendring District Landscape Character Area (2001). Reference is made by the inspector to the key characteristics of area 6A in that they relate mostly to the importance of the estuary and its setting, in particular that the B1352 passes along the coast with outstanding views of the estuary.
- 6.77 In context with the current proposal and visual landscape sensitivity, the application site is located in the National Character Area 111 (Northern Thames Basin) and Local Landscape Character Area 8a (Tendring and Wix Clay Plateau). The Tendring District Landscape Character Assessment (2001) identifies that the key characteristics of the area include gently undulating rural agricultural plateau in the north east of Tendring underlain by London Clay, remote rural arable landscape of large scale, geometric fields divided by low, gappy hedgerows with occasional hedgerow trees, and small remnants of ancient woodland have neglected coppice with standards structure. The landscape context between the appeal and applications sites is therefore different, and the same conclusions cannot necessarily be drawn regarding any perceived impacts.
- 6.78 The inspector also raised the issue of cumulative impacts of an accumulation of solar farms in the area. It is acknowledged that the proposal would be adjacent to the existing Green Farm solar farm development and there are two solar farms to the west (Wix Lodge) and north west (Barn Farm) of the application site, however from a cumulative perspective we do not consider that the effects of this are significant given they are some 2km and 3km away. Furthermore, the predicted visual effects, as described in the supporting LVIA submitted with this planning application, for all distant views has been found to be negligible. The impact on short distance views has been assessed as important to moderate. However, these are envisaged to be effectively mitigated through the proposed landscape mitigation and the additional strengthening of the planting proposals which will greatly improve localised screening and additionally provide ecological benefits.

- 6.79 It is also important to recognise National Planning Policy Guidance has significantly changed and moved on since the appeal scheme at Burnt Ash Farm was dismissed in 2015, which is a key material planning consideration in the determination of this application. The NPPF, published in March 2012, has since undergone consultation and subsequently a revised submission was published in February 2019. This provides a framework within which regional and local policy is set. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying that sustainable development consists of economic, social and environmental roles. Whilst there is no specific policy for solar energy development contained in the NPPF, paragraph 148 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It has therefore become more evident that the planning system should facilitate the transition to a low carbon economy by, amongst other things, maximising renewable energy development.
- 6.80 In addition, after declaring a climate emergency in 2019, Tendring District Council have since approved the Climate Change Action Plan 2020-2023. The action plan sets out a bold vision to combat climate change and help Tendring to become a net carbon neutral authority by 2030.

To meet this ambition, the action plan includes a number of goals:

- Move to the purchase of 100% renewable electricity.
- Focus on the switch away from oil, natural gas use by 2030.
- Maximise onsite renewable energy generation opportunities.
- Promote, support and facilitate energy efficiency improvements to homes.

- 6.81 Therefore, whilst the appeal decision at Burnt Ash Farm is a planning consideration, the differences between the two sites in terms of landscape character and visual impacts along with the changes outlined at national planning policy and corporate level, means a direct comparison of the two proposals does not hold significant weight in the decision making process. The development the subject of this application should be determined on its own merits having regard to the detailed aspects of the proposals, the landscape character and the comments of statutory consultees.

7. Conclusion

- 7.1 Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives, economic, social and environmental. Having regard to the proposed development, it is considered that the proposals meet the objectives outlined above and such can be considered as sustainable development.
- 7.2 There is a recognised need and support for renewable energy technology through National and Local planning policy and this development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from renewable sources.
- 7.3 The assessment of a renewable energy proposal requires the impacts to be considered in the context of the strong in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. 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.
- 7.4 The landscape impact is considered to be relatively local, contained mainly to the adjacent A120, Bowl Road and the Public Right of Way that crosses the site. This impact however is

considered to be of moderate harm. The landscape mitigation would soften the impact but would not eliminate it.

- 7.5 However, 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 moderate harm to the countryside, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.
- 7.6 The proposals can therefore be considered to be in accordance with saved policies EN1 and EN4 and emerging policy PPL 3 and represents an appropriate form of development in the countryside. Therefore, the principle of the development in this location is acceptable.
- 7.7 The application is supported by saved policy EN13A and emerging policy PPL10 which advocates for new proposals for renewable energy developments in the District. The energy generated by the proposed development will contribute to supporting growth in the region, and the carbon emissions saved as a result of generating electricity from a renewable source, would help to tackle climate change and minimise resource use.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

1. The development hereby permitted shall begin no later than three years from the date of this decision. Written notification of the date of commencement of the development hereby permitted shall be given to the Local Planning Authority no later than 14 days after the event.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos. titled

- REN669-CEPH-SL001 B – Solar Farm Layout
- CE-PHSF-SD001 0 – Solar Panel Section
- CE-PHSF-ED001 1 – Solar Panel Elevation
- 5033-1 A – Tubular Fixed Pole Elevation
- Inverter Top and Side Elevations
- Inverter Section Elevations
- Inverter Floor Plans
- Inverter Elevations
- Tubular Fixed Pole Specification Sheet

Reason - For the avoidance of doubt and in the interests of proper planning.

3. Development, aside from enabling works, shall not begin until a Decommissioning Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing, equipment and landscaping initially required

to mitigate the landscape and visual impacts of the development. Decommissioning shall be carried out in accordance with the approved Decommissioning Method Statement.

Reason - In the interests of the amenity of the area.

4. No development, aside from enabling works, shall take place until a scheme for landscaping, including a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of additional and supplemental planting, including an on-going management plan to ensure maintenance of any approved landscaping. The landscaping scheme shall be implemented in accordance with the approved details within the first planting season following the completion of the development hereby permitted, and shall be maintained during the first 5-years of the development, with the replacement of any trees or plants which die, are removed or become seriously damaged or diseased, in the first available planting season with others of similar size and species.

Reason - To ensure the provision of amenity afforded by appropriate landscape design.

5. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in chapter 6 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

6. A wintering and breeding farmland bird mitigation and monitoring strategy must be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development, and the strategy must provide details of the measures that will be implemented if the surveys identify a decline in bird population numbers.

The Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery

The Farmland Bird Mitigation Strategy shall be implemented in the first nesting season following completion of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for a minimum period of 10 years.

Reason - To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

7. A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Chapter 7 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), shall be submitted to and approved in writing by the local planning authority prior to the completion of the development. The

enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

8. There shall be no installation of external lighting during the operational phase of the development except in full accordance with a scheme that has been approved in writing by the Local Planning Authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to completion of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

10. No works except enabling works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. There should be a minimum of a 1m gap between the highest annual ground water level and the base of any infiltrating feature. All point infiltration features should maintain a 5m distance from any structure foundations.

- Ensuring that discharge rates and volumes are not increased as a result of the application for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.

- Detailed information regarding the mitigation of the risk channels being created by the solar arrays.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

11. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

12. Prior to completion of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

13. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

14. The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - Soil compaction and the creation of channels can cause increased run-off rates and volumes from the site. Therefore a soil management plan should show how this will be mitigated against. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

15. No construction or decommissioning works shall take place except between the following hours: 0800 to 1800 Monday to Friday, and 0800 to 1300 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

Reason - In the interests of local amenity.

16. The planning permission hereby granted is for a period from the date of this decision until the date occurring 30 years after the date the development is first operational commences, when the use shall cease and the solar panels and all ancillary equipment and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed from the site in accordance with the Decommissioning Method Statement approved pursuant to Condition 3.

Reason - To ensure that the landscape impact of the development exists only for the lifetime of the development.

17. All ancillary equipment, including substations and inverter/transformer stations, shall be painted a non-obtrusive colour in accordance with details to be agreed in writing with the Local Planning Authority before implementation of the ancillary equipment. The development shall be carried out in accordance with the approved details.

Reason - In the interests of the amenity of the area.

18. 12 months prior to the expiry of the planning permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels and related equipment, and shall be fully implemented within 12 months of the expiry of this permission.

Reason - In the interests of the amenity of the area.

19. If the solar farm ceases to export electricity to the grid for a continuous period of 12 months then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months from the end of the 12 month period for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

Reason - In order to ensure that the solar park fulfils its required purpose or is removed from the land in the interests of rural visual amenity.

20. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in above.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - Evidence from the HER in the surrounding area shows there is, however, potential for survival of previously unrecorded archaeological remains dating to the prehistoric and Roman periods and Medieval to postmedieval agricultural features. This condition is therefore being applied in line with the National Planning Policy Framework to ensure the appropriate protection of the potential heritage assets impacted by the development.

21. Within 18 months of the date of this planning permission the developer shall have submitted and received written approval from the local planning authority (in consultation with Highways England) of the following design details relating to the required improvements to the A120 site access and the scheme shown in outline on SLS drawing number SLS 376.1/20/002 rev2. Scheme details shall include drawings and Documents showing as applicable;

- i. How the improvement interfaces with the existing highway alignment and carriageway markings.
- ii. Full construction details relating to the highway improvement. This should include any modifications to existing structures or proposed structures with supporting analysis.
- iii. Full Signing/lighting.
- iv. Confirmation of compliance with Departmental standards (DMRB) and policies (or approved relaxations/departures from standards).
- v. Evidence that the scheme is fully deliverable within land in the control of either the applicant or the Highway Authority.
- vi. An independent Stage 2 Road Safety Audit (taking account of and stage 1 Road Safety Audit recommendations carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The above scheme approved by the Local Planning Authority shall be implemented and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Authorities and NO construction of the main development shall take place unless and until the junction improvements shown in outline on SLS drawing number SLS 376.1/20/002 rev2 have been delivered and are fully open to traffic.

Reason – In the interests of highway safety.

22. Prior to the commencement of development a vehicular turning facility for service and delivery vehicles, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

23. No works whatsoever shall commence until such time as a Construction and Traffic Management Plan is approved in writing by the Local Planning Authority. The approved plan shall be adhered at all times during all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason - To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety.

24. No development shall take place, including any enabling works, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. swept path analysis for construction vehicles for key junction(s)

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

25. No development shall take place until a Construction Traffic Routing Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved plan shall be adhered at all times during all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason - To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety.

26. Prior to the commencement of any work on the site a joint inspection of the local road (Bowl Road) to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority.

Reason - To preserve the integrity and fabric of the highway, in the interests of highway safety.

27. The public's rights and ease of passage over public footpath no. 18_183 (Wix) shall be maintained free and unobstructed at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

28. Following the completion of construction works the site compound areas shall be restored in full accordance with an approved Site Compound Restoration Scheme. This scheme

shall be submitted 4 months prior to the completion of construction works and approved in writing by the Local Planning Authority.

Reason – To ensure the compound areas are sympathetically restored in the interests of visual and residential amenity.

8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively, you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.18_183 (Wix) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

If as part of development proposals, there is a need to alter the trunk road network either to provide access on to it or to provide improvements to the road and its junctions, in order to mitigate the impact of the development, then the developer will need to enter in an arrangement with Highways England to procure and deliver these works.

This is undertaken by entering into a Section 278 Agreement of the Highways Act, 1980, as amended by section 23 of the New Roads and Street Works Act 1991, with Highways England.

The Agreement provides a financial mechanism for ensuring delivery of the mitigation works identified and determined as necessary for planning permission to be granted. This protects the Public owned Company against the risk of carrying out the works without adequate funds being in place.

Following granting of planning consent, the developer should contact the Service Delivery Manager of the trunk road affected to discuss taking these matters forward. The contact details are:

Service Delivery Manager
Network Operations
Highways England
Woodlands
Manton Lane
Bedford MK41 7LW
Email PlanningEE@highwayseglan.co.uk
Telephone 0300 123 5000

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.