

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
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**Application:** 21/01860/FUL **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr James Nicol - Thorpe Park Solar Farm Ltd

**Address:** Thorpe Park Solar Farm Land South of Thorpe-Le-Soken Tendring

**Development:** Proposed construction and operation of a solar photovoltaic farm and associated infrastructure, including inverters, substations, security cameras, fencing, access tracks and landscaping.

### **1. Town / Parish Council**

Little Clacton Parish Council  
13.12.2021 Supports (with no comment).

Thorpe-le-Soken Parish Council  
No comment recorded.

### **2. Consultation Responses**

Essex County Council  
Archaeology  
01.03.2022

The advice given by this office required the identification of areas of high archaeological significance and the proposal of a mitigation strategy which would allow for the preservation of archaeological remains. As evaluation is not considered feasible prior to determination of the application a mitigation strategy has been submitted for the preservation of areas of archaeological significance by design and archaeological evaluation of the whole site. This mitigation strategy is approved and an archaeological evaluation will be required post determination in order to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (NPPF 205).

The following recommendation is in line with the National Planning Policy Framework:

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 evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.
3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
5. 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.

An archaeological brief detailing the requirements can be produced from this office. The District Council should inform the applicant of the recommendation and its financial implications.

Essex  
County  
Council  
Heritage  
23.02.2022

The application is for the proposed construction and operation of a solar photovoltaic farm and associated infrastructure, including inverters, substations, security cameras, fencing, access tracks and landscaping. This follows my previous letter dated 16th December 2021 and submission of updated Heritage Statement by the applicant.

No designated heritage assets are located within the Site. A number of designated heritage assets are located within the environs of the Site which include (but not limited to) Grade II Listed Thorpe Park Farmhouse, Ricebridge Cottage, Great Holland Mill House, Thorpe-le-Soken Maltings, Park Gate Farmhouse and the gardens at Thorpe Hall. There are also a number of Conservation Areas in the environs and potentially a number of non-designated heritage assets.

As the applicant correctly states in the Heritage Assessment, with regards to the National Planning Policy Framework (2021), the level of harm caused by the proposed development to Thorpe Park Farmhouse and Ricebridge Cottage as designated heritage assets is considered to be 'less than substantial' due to change in land use which will alter their historic agricultural setting. This is particularly relevant with regards to Thorpe Park Farmhouse which has an historical functional connection to the proposed site and for Ricebridge Cottage which is located at the edge of the site boundaries.

Contrary to what stated in the Heritage Assessment, the proposed development would not cause less than substantial harm to the significance of Thorpe-le-Soken Maltings and Thorpe-le-Soken Station and Maltings Conservation Area, as their historic significance lies in their association with the railway and the industrial development. Similarly, while the agricultural setting contributes to the significance of Great Holland Mill House and Park Gate Farmhouse, it is considered that the proposed development would not have an impact on these designated assets due to their distance from the proposed site and limited intervisibility.

Generally, the intervisibility between the proposed site and the designated heritage assets is mostly limited to glances in the distance due to the topography of the site and to the intervening railway line, mature trees throughout the landscape and areas of woodland and large agricultural buildings. However, it is recognised that

the Proposed Development would constitute a degree of change to the wider agricultural setting of Thorpe Park Farmhouse and Ricebridge Cottage, which will cause less than substantial harm to their significance as designated heritage assets.

As such, the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202. Whilst the scale of harm may be considered 'less than substantial', great weight should be given to the heritage asset's conservation as per Paragraph 199 and clear and convincing justification provided for any level of harm (Paragraph 200).

Were permission to be granted, I request the following conditions are imposed. Please note that inclusion of potential conditions does not imply compliance with national/local legislation policy.

1. Prior to commencement, a schedule of drawings that shows details of the proposed landscape at appropriate scales, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Arch.  
Liaison Off,  
Essex  
Police  
21.02.2022

I have attached my original response to this enquiry, sent 03/02/22, (as attached) but I can confirm Essex Police will accept a planning condition for the landscape management of the defensive planting.

Taken from attached email - "A planning condition to require continued landscape management for the proposed Thorpe Park Solar Farm site, to ensure continuous, unobstructed CCTV images while making best use of the protective properties of the defensive planting, will be acceptable to Essex Police."

ECC SuDS  
Consultee  
17.02.2022

Lead Local Flood Authority position:

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.

Highways  
England  
25.11.2021

Referring to the consultation on a planning application dated 19 November 2021, referenced above, in the vicinity of the A120, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

Highways Act 1980 Section 175B is/is not relevant to this application.

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

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a 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.

The proposed solar photovoltaic farm development site is located east of A133 on the local road network. The nearest SRN junction will be on the A120 trunk road, but there are capacity constraints on the A120, close to A12 junction 29.

After reviewing the submitted supporting document on transport, it is clear that there is likely to be minimal traffic impact on the SRN, during operation and maintenance phase. However, during 18-20 weeks of construction period, the construction traffic will have an impact on A12 Junction 29, especially, when there would be HGVs (16.5m length) movements, via SRN junction.

We have noticed that the submitted Transport Report has stated the construction time periods during weekdays and the number of daily HGVs trips. As this is only for a temporary period for up to 20 weeks, National Highways are content with the proposed development provided that construction traffic does not use the SRN during the weekday's peak hours. We recommend that the following condition which is set out below:

1. No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing with the local planning authority in consultation with the Highways Authorities; and shall be implemented in full to the satisfaction of the local planning authority in consultation with National Highways (former Highways England) before first use of any part of the development. Construction Traffic Management Plan (CTMP) shall include:
  - measures to minimise delivery of construction materials on the A120 and A12 at peak periods.
  - agreement on travel routes to and from the A120 and A12 to the proposed development site(s).
  - details of how mud and other debris will be prevented from reaching the A120 and A12.
  - details of how the construction workforce will get to and from the site, with the aim of minimising any congestion on the A120 and A12.

Reason:

To ensure that the A120 and A12 trunk roads will continue to operate safely and efficiently as a part of the Strategic Road Network in accordance with Section 10 of the Highways Act 1980.

Natural  
England  
06.12.2021

#### SUMMARY OF NATURAL ENGLAND'S ADVICE: 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.

Natural England's generic advice on other natural environment issues is set out at Annex A.

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.

#### Other advice

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application may impact on 'best and most versatile agricultural land'. We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 170 [Sic] and 171 [Sic] of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

And

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about Agricultural Land Classification or the reliability of information submitted with regard to BMV land please consult Natural England's Technical Information Note 049 on Agricultural Land Classification. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Sites of Special Scientific Interest Impact Risk Zones:

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Department  
For  
Environment  
Food and  
Rural Affairs

No response.

The  
Ramblers  
Association

No response.

Civil  
Aviation  
Authority

No response.

ECC  
Highways  
11.02.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. It is noted that the development will be utilising an established vehicular access that exits onto Station Road and Thorpe Park Lane/ Frinton Road respectively one of which serves an industrial unit. There is no evidence of any personal injury accidents in the vicinity of the existing access for the most recent 5-year period for B1414 Station Road (western access point) and Thorpe Park Lane/ Frinton Road (eastern access point). The applicant has demonstrated that the existing accesses have adequate visibility and will provide adequate off-street parking and turning, while the overall scheme is set back from the main public highway and any Public Rights of Way, taking these factors into consideration:

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 the commencement of any work on the site, including any ground works or demolition, a Construction Management Plan as detailed in the supporting documents is submitted to and 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. The approved plan shall be adhered to throughout the construction period. The Plan 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. temporary road works entrance and exit/ construction traffic signage

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Prior to the commencement of any work on the site a joint inspection of Thorpe Park Lane 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. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.

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

3. Prior to the commencement of any work on the site, an appropriate Traffic Management Plan shall be provided outlining a designated route to and from the development site for all HGV movements restricting those movements through High Street, Thorpe-Le-Soken between the hours of 8am - 9am and 2:30pm - 3:30pm Mon - Fri during school terms; to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

Reason: To control the location and direction of HGV vehicle movements to and from the site in the interests of highway safety and Policy DM1.

4. Prior to occupation of the development a vehicular turning facility at both the eastern and western access points 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.

5. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary at Thorpe Park Lane access point.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

6. 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.

Building  
Control and  
Access  
Officer  
22.11.2021

No comment.

Network  
Rail  
03.12.2021

Please see below the informative suggested by our Asset protection Team:

1. Issues - Encroachment on the boundary fence, interference with sensitive equipment, space for inspection and maintenance of the railway infrastructure.

Reasons/Mitigations: The developer / designer must ensure that the development line is set back from the Network Rail fence line to achieve sufficient gap / space to inspect and maintain Network Rail fence line and provide an access for inspection and maintenance of the proposed development or other assets in the future without imposing any risks to the operational railway. This would normally be 2-5m from the boundary fence depending on the adjacent NR assets or boundary fence.

2. Issues - Stability of railway infrastructure and potential impact on the services.

Reasons/Mitigations: Existing railway infrastructures including embankment should not be loaded with additional surcharge from the proposed development unless the agreement is reached with Network Rail. Increased surcharge on railway embankment imports a risk of instability of the ground which can cause the settlement on Network Rail infrastructure (Overhead Line Equipment / gantries, track, embankment etc.)

3. Issues - Potential buried services crossing under the railway tracks. Some of the services may be owned by Network Rail or Statutory Utilities that may have entered into a contract with Network Rail.

Reasons/Mitigations: The developer is responsible for a detailed services survey to locate the position, type of services, including buried services, in the vicinity of railway and development site. Any utility services identified shall be brought to the attention of Senior Asset Protection Engineer (SAPE) in Network Rail if they belong to railway assets. The SAPE will ascertain and specify what measures, including possible re-location and cost, along with any other asset protection measures shall be implemented by the developer.



4. Issues - Proximity of the development to the Network Rail infrastructure and boundary fence and adequate space for future maintenance of the development.

Reasons/Mitigations: The developer must ensure any future maintenance does not import the risks to the operational railway. The applicant must ensure that the construction and subsequent maintenance of their development can be carried out without adversely affecting the safety of operational railway.

5. Issues - Collapse of lifting equipment adjacent to the boundary fence/line.

Reasons/Mitigations: Operation of mobile cranes should comply with CPA Good Practice Guide 'Requirements for Mobile Cranes Alongside Railways Controlled by Network Rail'. Operation of Tower Crane should also comply with CPA Good Practice Guide 'Requirements for Tower Cranes Alongside Railways Controlled by Network Rail'. Operation of Piling Rig should comply with Network Rail standard 'NR-L3-INI-CP0063 - Piling adjacent to the running line'. Collapse radius of the cranes should not fall within 4m from the railway boundary unless possession and isolation on NR lines have been arranged or agreed with Network Rail.

6. Issues - Collapse of temporary structure near the railway boundary and infrastructure.

Reasons/Mitigations: Any temporary structures which are to be constructed adjacent to the railway boundary fence (if required) must be erected in such a manner that at no time will any item fall within 3 metres from the live OHLE and running rail or other live assets. Suitable protection on temporary works (for example: Protective netting around scaffold) must be installed.

7. Issues - Piling adjacent to the railway infrastructure if any. Issues with ground movement affecting the track geometry and surrounding ground and structure stability.

Reasons/Mitigations: The developer must ensure that any piling work near or adjacent to the railway does not cause an operational hazard to Network Rail's infrastructure. Impact/Driven piling scheme for a development near or adjacent to Network Rail's operational infrastructure needs to be avoided, due to the risk of a major track fault occurring. No vibro-compaction/displacement piling plant shall be used in development.

8. Issues - Trespasses and unauthorised access through an insecure or damaged boundary fence.

Reasons/Mitigations: Where required, the developer should provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. Network Rail's existing fencing / wall must not be removed until it is agreed with Network Rail.

9. Issues - Interference with the Train Drivers' vision from artificial lighting and human factor effects from glare.

Reasons/Mitigations: Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain

Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

10. Issues - Errant vehicle onto the railway land.

Reasons/Mitigations: If there is hard standing area / parking of vehicles area near the property boundary with the operational railway, Network Rail would recommend the installation of vehicle incursion barrier or structure designed for vehicular impact to prevent vehicles accidentally driving or rolling onto the railway or damaging the railway lineside fencing.

11. Issues - Potential impact on the adjacent railway infrastructure from the construction activities.

Reasons/Mitigations: The applicant shall provide all construction methodologies relating to works that may import risks onto the operational railway and potential disruption to railway services, the assets and the infrastructure for acceptance prior to commencing the works. All works must also be risk assessed to avoid disruptions to the operational railway.

12. Issues - Structural stability and movement of Network Rail Assets.

Reasons/Mitigations: Network Rail's infrastructures should be monitored for movement, settlement, cant, twist, vibration etc if there are risks from the proposed development (if there the proposed development import these risks in the operational railway) to mitigate the risk of adverse impact to the operational railway in accordance with Network Rail standard 'NR/L2/CIV/177 - Monitoring track over or adjacent to building or civil engineering works'.

13. Issues - Invasive or crawling plants near the railway.

Reasons/Mitigations: The developer must ensure that the locations and extent of invasive plant (if any, for example: Japanese Knotweed) are identified and treated in accordance with the current code of practice and regulations if exists on site. Any asbestos identified on site should be dealt in accordance with current standard, Health and Safety Guideline and regulations by the developer.

14. Issues - Interference with the Train Drivers' vision from sunlight and human factor effects from glare.

Reasons/Mitigations: Glint and Sunlight glare assessment should be carried out (if there is a risk) to demonstrate the proposed development does not import risk of glare to the train drivers which can obstruct in the visibility of the signals.

15. Issues - Effects due to electromagnetic compatibility on the users and the development located within proximity of a high voltage overhead electrification lines. Any Outside Party projects that will be within 20m and/or any transmitter within 100m of the operational railway will be required to undertake an Electromagnetic Compatibility assessment to be carried out in accordance with Network Rail standards 'NR/L1/RSE/30040 & 'NR/L1/RSE/30041' and NR/L2/TEL/30066'

Reasons/Mitigations: The developer will be required to undertake a full Electro Magnetic Interference (EMC) risk assessment on the impact the project will have upon NR.

16. Issues - Environmental impact i.e. loss of habitat to the wildlife, dust, noise during construction etc.

Reasons/Mitigations: Contractors are expected to use the 'best practical means' for controlling habitat of wildlife, pollution and environmental nuisance complying all current standards and regulations. The design and construction methodologies should consider mitigation measures to minimise the generation of airborne dust, noise and vibration in regard to the operational railway.

17. Issues - Tree species alongside the railway boundary.

Reasons/Mitigations: Contractors are expected to use Network Rail recommended tree species only if required alongside the railway boundary. List of recommended tree species can be made available when requested.

Network Rail strongly recommends the developer contacts the Asset Protection Team on [AngliaASPROLandClearances@networkrail.co.uk](mailto:AngliaASPROLandClearances@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website:

<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>

Arch.  
Liaison Off,  
Essex  
Police  
09.12.2021

It should be noted that there was an expedient rise in crime in relation to solar farms during 2020 in Nottingham, Leicestershire, Lincolnshire, Derbyshire, North Yorkshire, Staffordshire, Lancashire, Warwickshire, and Scotland with further offences this year in Windsor and near Chesterfield. Whilst Essex thus far has not experienced a rise in this specific crime. Essex Police are aware that there has been a substantial increase in the numbers of metal thefts from other locations. There is real potential for thefts from solar farms to occur within the County of Essex.

Current Home Office research suggests that the thefts are fuelled by the rising metal prices especially that of copper being at a 10-year high; with everything from solar panels to cabling, batteries and ancillary equipment being targeted. As a consequence, the Solar Trade Association have consulted with the National Metal Crime Working Group, which comprises of National Police organisations, metal trade and recycling bodies, infrastructure organisations and other allied stakeholders, with a view to seeking risk commensurate options for security measures at solar farms.

We note within the Planning Statement, section 4.20-4.23 references "Security Fencing and CCTV". Whilst we accept the importance given to mitigating the site's impact on the local wildlife, we wish draw attention to the inherent crime risk of such sites due to the increase in metal theft crime and the need for serious consideration of risk commensurate security measures.

"Deer/stock fencing" in relation to crime is not sufficient to deter or mitigate a crime risk and only provides a symbolic boundary. It is also noted on some applications in the past that some cameras will be mounted on posts forming part of the fencing, in itself total unsuitable for security and image capture. Mature dense natural hedging ideally of a spiky nature such as hawthorn and blackthorn provides a stronger deterrent, but as with other measures requires regular inspection to ensure growth it is not obstructing CCTV cameras and to detect intrusion attempts; this needs to be included within maintenance and management plans.

We are quite appreciative of the desire to preserve open site lines across the countryside wherever possible and where stronger boundary treatments are not compatible combining 'deer fencing' with suitable monitored CCTV, Perimeter Intrusion Detection System (PIDS), 24 hour response, and enhanced building and compound security may provide a compromise solution. Where due to increased risk this is not possible, a black or green weld-mesh fence has been shown to be less obtrusive.

We would wish to draw attention to the following documents that suggest risk commensurate measures to mitigate the crime risk - BREEAM document "Guide to large scale ground mounted solar PV systems" pages 11 & 12 and "NFU Risk Management Programme for Photovoltaic Field Arrays" paragraphs 7-9 [www.bre.co.uk/filelibrary/pdf/other\\_pdfs/KN5524\\_Planning\\_Guidance\\_reduced.pdf](http://www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf) and [www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/](http://www.nfumutual.co.uk/farming/farm-safety/loss-prevention-guidance-farming/)

Essex Police would welcome the opportunity of consultation with the applicant to mitigate potential security risks to this development both during and after construction and invite them to contact us via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk)

Essex  
County  
Council  
Ecology  
20.04.2022

No objection subject to securing biodiversity mitigation and enhancement measures.

We have reviewed the Ecological Impact Assessment (Clackson and Woods, October 2021), Wintering Bird Survey (Clackson and Woods, March 2022) and the Landscape and Biodiversity Plan (EDP, January 2022), relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in Ecological Impact Assessment (Clackson and Woods, October 2021), Wintering Bird Survey (Clackson and Woods, March 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly birds, amphibian, Brown Hare, and Hedgehogs.

It is also recommended by the Ecological Impact Assessment (Clackson and Woods, October 2021), that to avoid impacts as a result of any runoff, dust deposition and chemical pollution, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity).

It is highlighted by the Ecological Impact Assessment (Clackson and Woods, October 2021), that the proposed development is likely to impact reptiles such as Slow Worm, Common Lizard, and Grass Snake within and adjacent to the site. It is therefore recommended that precautionary method statements for reptiles should be considered and included within the CEMP: Biodiversity.

Furthermore, it is predicted by the Ecological Impact Assessment (Clackson and Woods, October 2021), that impacts to Badger, Dormice and nesting birds could result, due to directional drilling that will be required underneath the scrub and railway between fields 5 and 6. It was therefore advised that a precautionary method statements for these species are included within the CEMP: Biodiversity.

We also support the proposed reasonable biodiversity enhancements, which have been recommended by the Ecological Impact Assessment (Clackson and Woods, October 2021) and Wintering Bird Survey (Clackson and Woods, March 2022). This

includes but not limited to bat boxes, reptile hibernacula, and the retention, creation and enhancement of hedgerows, trees, grassland, scrub, ditches, and marsh to secure measurable net gains for biodiversity, as shown by the Biodiversity Net Gain Headline Results within the Ecological Impact Assessment (Clackson and Woods, October 2021), and as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

Furthermore, it is recommended by the Ecological Impact Assessment (Clackson and Woods, October 2021) that to ensure that all retained habitats and biodiversity enhancements are protected and managed appropriately to maximise their biodiversity value, a Landscape and Ecological Management Plan should be considered and should be secured by a condition of any consent.

In addition, the Ecological Impact Assessment (Clackson and Woods, October 2021) highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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

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

We recommend that 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 the Ecological Impact Assessment (Clackson and Woods, October 2021), Wintering Bird Survey (Clackson and Woods, March 2022) 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: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

## 3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

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

## 4. PRIOR TO OCCUPATION: 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 to the

commencement 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)

#### 5. PRIOR TO OCCUPATION: 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 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

### 3. Planning History

21/00393/EIASCR	Screening Opinion in relation to the proposed solar energy scheme.	Non-EIA Development	09.04.2021
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### 4. Relevant Policies / Government Guidance

The following Local and National Planning Policies are most relevant:

National Planning Policy Framework July 2021 (The Framework)  
National Planning Practice Guidance (The NPPG)

Tendring District Local Plan 2013-2033 and Beyond (Section 1, adopted on 26 January 2021)

#### Relevant Section 1 Policies

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond (Section 2, adopted on 25 January 2022)

#### Relevant Section 2 Policies

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
PPL8	Conservation Areas
PPL9	Listed Buildings
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility

#### Local Planning Guidance

Tendring Landscape Character Assessment (Volume 2) (2001)  
Essex County Council Car Parking Standards (Parking SPD)  
Essex County Council Development Management Policies

### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal**

Under the Town and Country Planning Act 1990, local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts (MW) or less installed capacity<sup>1</sup>. The proposal is for a 40MW solar farm and the application has therefore appropriately been submitted to the Council for its determination.

### **The Site**

The site is located to the south of Thorpe-le-Soken on undulating agricultural land, measuring 54.94 hectares. Railway lines run adjacent to the site. To the west, the site is bounded by Holland Brook. Beyond the Brook is Bridleway 173 No. 10. The site is predominantly located on the slopes of the Holland Brook Valley System which is a pastoral landscape contrasting with the surrounding plateaux, and within the setting of a number of statutorily listed buildings. This gives the area its strong historic agricultural character.

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<sup>1</sup> PPG Paragraph: 002 Reference ID: 5-002-20150618



## The Proposal

Full planning permission is sought for the construction of a large scale photovoltaic solar farm and associated infrastructure, which would include inverters and substations, security cameras, fencing, access tracks and landscaping. Access to the site would be via existing accesses from the B1414 Station Road to the west of the site and Thorpe Park Lane/Frinton Road to the northeast.

The application includes, amongst other things, the following information and reports:

- Application form and certificate of ownership declaration;
- Design and Access Statement;
- Site, layout, and development zone plans;
- Panel cross section;
- Details of fencing and CCTV;
- Inverter elevations, floorplans and dimensions;
- Substation elevations and floor plans;
- Alternative Site Assessment;
- Cultural Heritage Assessment;
- Geophysical Report;
- Arboricultural Survey Report;
- Flood Risk Assessment;
- Essex Biodiversity Checklist;
- Ecological Impact Assessment;
- Agricultural Quality Report;
- Archaeological Mitigation Strategy - WSI;
- Wintering Bird Survey (as amended);
- Transport Report;
- Glint and Glare Study;
- and
- Supplementary letter of 23 May 2022 outlining the benefits of the scheme.

## Whether EIA Development

The Environmental Impact Assessment Regulations (EIA) do not refer specifically to solar farms. However, Schedule 2 includes at 3(a) proposals for '*industrial installations for the production of electricity, steam and hot water*'. The applicable thresholds and criteria within Column 2 state '*the area of development exceeds 0.5 hectares*', which in this case it does. Having regard to the criteria set out in Schedule 3 and the PPG, the proposal and its location, the Council has concluded that the proposal is non-EIA development.

## Principle of Development

In 2019 the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030, and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change<sup>2</sup>. Approval was granted for Solar Farms in Wix and Bradfield, these have been delivered, which together will have the capacity to generate 'clean electricity' for approximately 3,409 homes<sup>3</sup>.

Strategic Policy SP1 states, amongst other things, beyond the main settlements the authorities will support diversification of the rural economy. The preamble to Policy PPL10<sup>4</sup> states Tendring District supports renewable energy generation in terms of wind energy, solar energy and biomass installations [Emphasis added]. Under this policy, proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of

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<sup>2</sup> Section 2 Local Plan, Paragraph 7.9.3

<sup>3</sup> Section 2 Local Plan, Paragraph 3.1.6.3

<sup>4</sup> Section 2 Local Plan, Paragraph 7.9.2

energy which is to be generated. In this case the applicant states that the proposal would generate approximately 40 MW (38,544 MWh annually), enough to power 13,291 homes per annum, saving 8,986 tonnes of carbon equivalent per annum.

Paragraph 152 of the Framework states:

*“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 should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

Paragraph 158 states:

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

The PPG states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Moreover, that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable<sup>5</sup>.

Since the proposal was submitted, the Government published the British Energy Security Strategy in April 2022. This identified an urgent need for the deployment of low-cost renewable energy generation in order to tackle climate change and improve the UK's security of energy supply, and shield consumers from high energy costs. It recognises a national need for increased solar generation capacity as a critical element of the plan to decarbonise. From the above there is strong policy support in principle for the proposal in terms of the development plan, the Framework, and the PPG, subject to detailed consideration of the environmental effects which follows below.

### Landscape, Character and Appearance

As a largely rural area, Tendring District's countryside is one of its main assets and maintaining an attractive rural environment is important to the quality of life experienced by both residents and visitors. It can also be an important consideration for the location of some businesses and help to expand the tourist economy and related services<sup>6</sup>.

Strategic Policy SP1 states, amongst other things, beyond the main settlements the authorities will support conservation and enhancement of the natural environment. The first bullet of Policy SP7 states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 Part B criterion c) states that development must respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Amongst other things, criterion d) of Part B requires that the design and layout of development maintains or enhances important existing site features of landscape value.

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<sup>5</sup> Paragraph: 001 Reference ID: 5-001-20140306

<sup>6</sup> Section 2 Local Plan, Paragraph 7.3.3

Section 15 of the Framework includes that planning decisions should contribute to and enhance the natural local environment by recognising the intrinsic character and beauty of the countryside. The PPG states that large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively<sup>7</sup>. The PPG also makes clear that the need for renewable or low carbon energy does not automatically override environmental protections<sup>8</sup>.

Policy PPL3 is criteria based, and states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:

- a) *estuaries, rivers and undeveloped coast;*
- b) *skylines and prominent views including ridge-tops and plateau edges;*
- c) *traditional buildings and settlement settings;*
- d) *native hedgerows, trees and woodlands;*
- e) *protected lanes, other rural lanes, bridleways and footpaths; and*
- f) *designated and non-designated heritage assets and historic landscapes including registered parks and gardens.*

In addition, new development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

The Landscape Character Assessment (2001) (the LCA) identified 30 areas with different landscape characteristics and highlighted key sensitivities which need to be considered when assessing development proposals. Proposals within the rural landscape should have regard to the LCA (and any subsequent updates) and protect and re-inforce historic landscape features and important characteristics identified within it<sup>9</sup>. While the Local Plan does not identify areas suitable for large scale solar farms, as referred to in the PPG district level LCAs may provide an appropriate scale for assessing the likely landscape and visual impact of proposals<sup>10</sup>.

The majority of the proposal would be sited on the south and southwest facing slopes of the Holland Brook Valley, which is located within character area 6 Clay Valleys (6D Holland Brook Valley System). A small portion of the easternmost part of the proposal would be located within character area 8 Clay Plateaux (8B Clacton and the Sokens Clay Plateaux). Some of the site would be located on the lowest part of the site, which would be located within character area 5 River Floodplains (5A Holland Brook).

From the LCA, in summary, the 6D Holland Valley System is described/characterised as:

- A steep sided valley containing Holland Brook and its tributaries which contrast with the flat landscape of the Tendring Plateau;
- A pastoral landscape typically and historically devoid of development, with the exception of the cluster of buildings including Thorpe-le-Soken railway station, Thorpe Maltings, and industrial development at Rice Bridge;
- Provides relief from the flat landscapes of the Tendring Plateau;
- The pattern of infrastructure has not changed since Chapman and Andre's map of 1777;
- Containing historic crossing points which include Rice Bridge;
- Being crossed by the railway line which in contrast pays little attention to topography of landscape features;
- A peaceful, rural landscape that shows good survival of characteristic features including unimproved grassland and woodland;
- Having escaped the pressures of agricultural intensification and dense built development associated with the more easily accessible flatter areas of the district; and
- Having a **strong** landscape character [LCA's emphasis]

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<sup>7</sup> Paragraph: 013 Reference ID: 5-013-20150327

<sup>8</sup> Paragraph: 007 Reference ID: 5-007-20140306

<sup>9</sup> Section 2 Local Plan, Paragraph 7.3.2

<sup>10</sup> Paragraph: 005 Reference ID: 5-005-20150618

The LCA Strategy states that condition of this character areas is 'declining'. Overall, the character area is evaluated as having a moderate sensitivity to change, with particular sensitivity to any changes that would affect its ancient woodlands, streamside vegetation, unimproved damp meadows and historic features.

From the LCA, in summary the Landscape Management Strategy is to:

- Conserve the rural, undeveloped character of the valleys, resist urban or suburban development;
- Conserve the character of the woodlands;
- Restore and extend native woodlands;
- Enhance public access and enjoyment by considering the creation of riverside walks for the large numbers of local residents in Clacton and Frinton;
- Conserve historic features by promoting restoration of features such as mills, maltings and bridges;
- Conserve the intimate rural character by resisting road improvements.
- Conserve clear visual physical links along the valley rather than embankments to take roads across the valley.

In terms of public countryside access for residents of Clacton, Bridleway 167 No. 24 Great Clacton runs from Gorse Lane through the Local Plan strategic housing allocation of Oakwood Park<sup>11</sup>. As part of this planned development, which includes a school, it may be that a scheme of improved pedestrian crossing facilities at Holland Road will arise due to the likely increase in recreational use of local bridleways, potentially as a result of proposals currently being considered under application reference 22/00537/OUT. After crossing Holland Road and a short walk up Lodge Road, this route then continues along Bridleway 173 No. 10 which runs along a route to the west of the proposed development. As a result of this planned development, it is likely that recreational usage of it will increase.

The solar panels at 3m above the ground, the inverters and substations, would be visible in a number of views from the Bridleway to the west as evidenced by the submitted Landscape Visual Impact Assessment (LVIA). In these views the proposal would detract from the strong pastoral character of the area. There would be a significant change in the rural character of the valley sides and this would be apparent due to their sloping nature. Although the site is seen in the context of overhead railway line equipment this does little to diminish the attractiveness of the site and its surroundings. As the LVIA states at Paragraph 7.14, at Year 1 the magnitude of change was judged to be high from the northern section of the bridleway which resulted in a major/moderate level of effect when combined with the high sensitivity.

The Council's landscape officer agrees with the baseline value and qualities outlined within the submitted LVIA. Noting only small sections of protected hedgerow would be removed to allow for access, he confirms that otherwise all important trees and boundary hedgerows would be retained. Nevertheless, he states that the scale of the development is such that it has the potential to have an adverse impact on the character and appearance of the landscape. While confirming the site is relatively contained, in that views are distant, partial, or limited by vegetation, he concurs with the LVIA's findings that the impact of the development would at the upper end be 'moderate'.

Taking account of the LVIA and the landscape officer's findings, and following site visits, it is concluded on this main issue that there would be moderate harm to landscape character and the character and appearance of the area in public views from the west. As a result, the proposal conflicts with Policies SP1, SP7, SPL3, and PPL3. It is contrary to Policy PPL3, and it would be at odds with the policies within Section 15 of the National Planning Policy Framework.

Additional brook side planting would take time to mature – maturation at year 15 from the LVIA. In any case, due to the slope of the land and its elevation it could not mitigate against the overall adverse effects which would be most significant when viewed from the bridleway to the west. For these reasons the condition of Framework Para 158 b) is not met.

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<sup>11</sup> Section 2 Local Plan, Site Allocation SAMU3

## Heritage

While there are no statutorily listed buildings within the site itself, it forms part of the countryside setting of a number of designated heritage assets. These include, but are not limited to, the Grade II Listed Thorpe Park Farmhouse, Ricebridge Cottage, Great Holland Mill House, Thorpe-le-Soken Maltings, Park Gate Farmhouse, and the gardens at Thorpe Hall. There are also a number of Conservation Areas in the wider area, the nearest of which is Thorpe-le-Soken Conservation Area located to the north. ECC Heritage also state in their comments that potential Non-Designated Heritage Assets (NDHA) may also lie in the area surrounding the site.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of “preserving or enhancing the character or appearance” of a Conservation Area. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), special regard must be paid to the desirability of preserving listed buildings potentially affected by the proposal, or their settings or any features of special architectural or historic interest which they may possess. Following Paragraph 193 of the Framework, great weight should be given to the conservation of these heritage assets.

The PPG makes clear that 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<sup>12</sup>. The PPG advises that 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 PPG also states that the need for and impact of security measures such as lights and fencing should be considered<sup>13</sup>.

Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:

- a) scale and design, particularly in relation to neighbouring buildings and spaces;*
- b) materials and finishes, including boundary treatments appropriate to the context;*
- c) hard and soft landscaping;*
- d) the importance of spaces and trees to the character or appearance; and*
- e) any important views into, out of, or within the Conservation Area.*

Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the Framework should be applied dependent on the level of harm caused.

Framework Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be - irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account - in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Because their significance lies in their association with the railway and industrial development, it is not considered that harm would be caused to the significance of Thorpe-le-Soken Maltings and Thorpe-le-Soken Station and Maltings Conservation Area. Similarly, while their agricultural setting

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<sup>12</sup> Paragraph: 007 Reference ID: 5-007-20140306

<sup>13</sup> Paragraph: 013 Reference ID: 5-013-20150327

contributes to the significance of Great Holland Mill House and Park Gate Farmhouse, it is considered that the proposed development would not have an impact on these designated assets due to their distance from the proposed site and limited indivisibility.

However, ECC Heritage agree with the applicant's evidence that the scheme would be harmful to the historic agricultural setting of Thorpe Park Farmhouse and Ricebridge Cottage. The former is a Grade II listed 17<sup>th</sup> century timber-framed building. The latter, also Grade II listed, is an 18<sup>th</sup> century timber-framed thatch-roofed cottage. The level of harm is confirmed to be 'less than substantial', particularly relevant with regards to Thorpe Park Farmhouse, which has an historical functional connection to the development site. Also for Ricebridge Cottage, which is located at the edge of the site's boundaries - the rural character of the landscape surrounding it contributes positively to its historic setting.

There is little intervisibility with Ricebridge Cottage due to intervening vegetation and topography. However, as the PPG states although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places [emphasis added]. Also, that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time<sup>14</sup>.

While ECC Heritage recommend a landscaping condition in the event approved were to be recommended, this does not imply compliance with planning policy. It is not considered that landscaping conditions could overcome the harm in view of the scale of the proposal and the local topography. Because the many rows of solar panels the inverters substations and fencing would be visible in a number of views from the public right of way to the west, they would detract from the open and green agricultural character of the site which forms part of the wider setting of these listed buildings. The Proposed Development would introduce a harmful change to the wider agricultural setting of Thorpe Park Farmhouse, and Ricebridge Cottage. Great weight is given to given to this harm and the conservation of these heritage assets. As a result of these considerations there is conflict with development plan Policy PPL9, which states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest.

### Heritage Balance

When the identified harm to these designated heritage assets is weighed with the public benefits of the proposal it is finely balanced. However, because the proposal would be reversible and temporary in nature, the heritage balance is considered to lie in favour of the proposal. The public benefits of the scheme towards energy supply security, reducing greenhouse gas emissions and addressing climate change would outweigh the less than substantial harm identified.

### Highways

Part B of Policy SPL3, criterion a), requires that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to a severe traffic impact.

Paragraph 111 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

National planning policy is reflected in Section 2 Policy CP2 Improving the Transport Network, which states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or if the residual cumulative impact on the road network would be severe. Amongst other things, Policy SPL3 requires that access to the site is practicable and the highway

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<sup>14</sup> Paragraph: 013 Reference ID: 18a-013-20190723

network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

The proposal would utilise existing accesses from the highway network. The Local Highway Authority do not identify any accidents resulting in personal injury in the vicinity of these during the most recent five-year period. Being satisfied that the scheme demonstrates adequate forward visibility, off-street parking and turning facilities, the proposal is considered to be acceptable subject to the use of planning conditions. As such, there would be no unacceptable or severe highway impact. Therefore, the proposal would accord with the highway related policies of the development plan and the Framework. This is a neutral factor in the planning balance.

### Ecology

Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application. Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

Paragraph 174 d) of the Framework requires that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 d) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

ECC Ecology have reviewed the submitted Ecological Impact Assessment and Landscape and Biodiversity Plan, in relation to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures. Following initial objection and the submission of further information, they are satisfied that there is sufficient information to determine the application and that it provides sufficient ecological information to determine the application.

No objections are raised. Recommended conditions include a requirement for a wildlife/bat friendly lighting scheme, adherence to the biodiversity protection and enhancement measures set out in the submitted assessments and plans. Conditions are also recommended to require a Landscape and Ecological Management Plan, a Biodiversity Enhancement Strategy, and a Construction Environmental Management Plan for Biodiversity. Subject to conditions, the above policy requirements would be capable of being met.

Overall, the applicant states that the proposal would provide significant biodiversity net gains – 48.3% in habitat units and 858.5% in hedgerow units. This is a positive aspect of the proposal which weighs in its favour and attracts moderate weight in the planning balance.

### Archaeology

The final paragraph of Policy PPL7 states that proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted.

Framework Paragraph 205 states:

*“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible<sup>69</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*

ECC Archaeology note that a mitigation strategy has been submitted for the preservation of areas of archaeological significance by design and archaeological evaluation of the whole site, and have approved of it. They comment that an archaeological evaluation would be required post determination in order to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact.

### Loss of Agricultural Land

Paragraph 174 a) of the Framework includes that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile (BMV) agricultural land. The Glossary to the Framework defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

As the submitted Agricultural Quality Report confirms, the site comprises land which the ALC Map indicates is likely to be predominantly Subgrade 3b falling outside of the definition of BMV. However, a small part of the site is stated as being subgrade 3a land. Natural England comment that they have no objection, but that the proposal may impact on BMV, and that there would be a general reduction in agricultural activity - the Council should consider whether this is an effective use of land in line with the PPG, which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

The application site is, in the main (90%), not BMV land. Furthermore, the proposal would not result in the site's permanent loss from agriculture and it would deliver biodiversity improvements around the array. The benefits of the scheme would outweigh any limited conflict with the Framework in this regard, and it is not therefore considered that this consideration ought to be a reason for refusal. This consideration is therefore considered to be neutral in the planning balance.

### Flood Risk and Drainage

In accordance with Policy PPL1 and Framework Footnote 50, the application is supported by a Flood Risk Assessment (FRA). The FRA summarises that approximately half of the site falls within Flood Zone 1. All sensitive control equipment and the majority of solar panels would be situated on this part of the site. The remainder of the site would be within Flood Zones 2 and 3 where a small area of solar panels and fencing would be located.

Framework Annex 3 'Flood risk vulnerability clarification' includes solar farms under essential infrastructure. The PPG states<sup>15</sup> that essential infrastructure is appropriate in Zones 1 and 2, and that in Zones 3a and 3b the exception test is required. In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood. Paragraph 167 states that development should only be allowed in areas at risk of flooding, amongst other things, where the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. The submitted FRA confirms that modelled flood depths have been assessed, and it is asserted that the solar arrays and security fence would remain operational during times of flood.

Coastal defences along the coast offer protection against the 1 in 200 year event and protect the site from storm surges during high tides. Pre-development potential flood risk to the site ranges between 'low' for the higher areas, and 'high' in lower areas adjacent to Holland Brook. Having reviewed the FRA, the Lead Local Flood Authority confirms that they have no objection on flood risk grounds.

In accordance with Policy PPL5 and Framework Paragraph 169, the proposal incorporates sustainable drainage in the form of swales which would be positioned at low points of the application site to intercept extreme flows. These would gradually empty by infiltration, evaporation and evapotranspiration.

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<sup>15</sup> Paragraph: 067 Reference ID: 7-067-20140306



Paragraph 167 of the Framework provides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The solar panels would be raised above the ground and rainwater would runoff on the ground beneath them. The FRA states that the effect on the Mean Annual flood is minimal, equating to a 0.37% increase compared with the greenfield runoff. Having reviewed the FRA, the Lead Local Flood Authority confirms that they have no objection on flood risk grounds.

While part the site is located within Flood Zone 3, for the above reasons it is not considered that the proposal would conflict with the development plan in relation to flood risk and drainage, or that refusal would be reasonable on such grounds.

### Other Matters

#### *Other Sites*

The application is supported by an Alternative Site Assessment (ASA). This looked at sites within an area of search encompassing Thorpe-le-Soken, Kirby-le-Soken, Parts of Frinton-on-Sea, Great Holland and the northern edge of Clacton. Sites were shortlisted having regard to a number of criteria such as public rights of way, proximity to residential areas and listed buildings, and the quality of agricultural land and overhead power lines. Nevertheless, the site identified would result in heritage harm, harm to landscape character and the character and appearance of the area, and the ASA does not therefore justify approval of the application.

#### *Effect on the Living Condition of Neighbours*

Together, Policies SP7 and SPL3 seek to protect the living conditions of neighbours. Amongst other things, Framework Paragraphs 119 & 174 state that decisions should safeguard and improve the existing environment ensuring safe and healthy living conditions, and enhance the natural and local environment from unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 130 f) includes that planning decisions promote health and well-being with a high standard of amenity for existing and future users.

The proposal would affect the outlook across the rural landscape from some properties in the surround landscape. However, in view of the degree of separation simply having sight of the development would not of itself result in any unacceptable harm. There would also be a degree of noise and disturbance due to construction works and construction traffic, but this would not be of such magnitude or unacceptability that it would conflict with the above policies. This is therefore a neutral consideration.

#### *Railway Safety*

Network Rail were consulted as a statutory consultee and in response raise no objection. They give informative advice and recommend a number of conditions, including the need for an assessment to demonstrate the proposal would not cause glare to train drivers which could obstruct visibility of signals. The Submitted Glint and Glare Study (G&GS) recommends mitigation. Due to a lack of screening between the panel areas and the adjacent railway lines and for the reasons detailed in the G&GS, opaque screening is recommended for receptors 2-15 and 25 (36 were looked at). This amounts to a substantial amount of the boundary of the site with the adjacent railway lines. However, this is a safety matter that would be capable of being addressed through the use of planning conditions and is therefore neutral in the planning balance.

#### *Aviation Safety*

The G&GS does not appear to have considered the possible effects of the proposal on aviation safety. However, the Civil Aviation Authority were consulted and in response no comment was received. Furthermore, the Council notes that the approaches to Clacton Airfield's runway 36 and runway 18 (360° moving north and 180° moving south, respectively) do not pass over the application site which is located approximately 6.8 km to the northeast. Due to these factors, it is considered

unlikely that the proposal would unduly impair a pilot's ability to navigate and or read flight instruments. This is also therefore a neutral consideration.

### *Economic Benefits*

The applicant states that the proposal would create 100-120 construction jobs in addition to unspecified numbers in the supply chain. They estimate that between £2.0m and £2.25m gross value would be added during construction and a further £2.8 during operation. The economic benefits of the scheme are not therefore insignificant and attract moderate weight.

### *Business Rates*

The applicant states that the proposal would generate business rates revenues of £80,000 per annum. However, because this is not necessary to make the proposal acceptable in planning terms this is not material to the Council's decision.

### *Lack of Objections*

Although the applicant contends that there were no public objections, the absence of such objections does not itself mean the proposal is acceptable. The proposal has been considered against the provisions of the development plan, material considerations and the submitted evidence.

### Planning Balance

The proposal would result in moderate harm to landscape character in some views of the site, harm to the character and appearance of the area, and less than substantial harm to the significance of designated heritage assets through harm to their setting. As a result, the proposal would conflict with development plan policies SP1, SP7, PPL3, PPL9 and SPL3. As per Framework Paragraph 2, planning permission should therefore be refused unless material considerations indicate otherwise.

Subject to conditions the proposal would not be harmful to highway considerations including the strategic road network, protected species or their habitat. It would not result in unacceptable harm to the living conditions of neighbours, aviation or railway safety. Furthermore, although there would be a loss of agricultural land, it would not be permanent, and there would be no unacceptable loss of BMV agricultural land. The proposal would be sufficiently resilient to flood events and the relevant sequential and exceptions tests are satisfied, and the proposal would not increase the risk of flooding elsewhere. Overall, these are all neutral factors in the planning balance.

In its favour the proposal would make a meaningful contribution towards energy supply security, reducing carbon emissions and addressing climate change. Significant weight is given to these considerable benefits. The proposal would deliver net gains in biodiversity which adds moderate weight in favour of approval, and there would be economic benefits during construction and during the installation's operation, benefits which would also attract moderate weight. Nevertheless, considerable weight is given to the harm to landscape character and the character and appearance of the area, and great weight is given to the less than substantial harm to the significance of designated heritage assets. In the overall planning balance, the combined weight given to the benefits does not outweigh the identified harm.

### Conclusion

While the proposal is acceptable in principle the site is not considered to be a suitable location for a large scale solar farm. It would be harmful to landscape character and the character and appearance of the area, and result in harm to the setting of designated heritage assets. The proposal would conflict with the development plan and the planning balance is considered to fall against the scheme. Planning permission should therefore be refused.

## **6. Recommendation**

Refuse – Full.

## **7. Reasons for Refusal**

1. The siting proposed predominantly on valley sides would be inappropriate, and, when coupled with the proposal's scale and appearance within the historic pastoral landscape, it would result in harm to landscape character and unacceptable harm to the character and appearance of the area. As a result, the proposal would be contrary to Policy SP1 which seeks to conserve and enhance the natural environment and Policy SP7 which requires proposals preserve and enhance the quality of existing places and their environs. Furthermore, it would be contrary to Policy PPL3 which states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Further still, there would be conflict with the requirements of Policy SPL3 that development must respect or enhance local landscape character, and it would be at odds with the policies within Section 15 of the National Planning Policy Framework. Conditions would not be capable of mitigating the identified harm. Therefore, it is an unacceptable location for large scale solar farm development.
2. By virtue of the proposal's scale, appearance, and siting within the agricultural setting of the Grade II listed Thorpe Park Farmhouse and Ricebridge Cottage, the proposal would result in less than substantial harm to their significance through harm to their setting. As a consequence, the proposal would be contrary to Policy PPL9 which states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest.

## **8. Informatives**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.