



**REPORT of
HEAD OF PLANNING SERVICES**

**to
PLANNING AND LICENSING COMMITTEE
24 JULY 2014**

PLANNING APPLICATION FOR DETERMINATION BY THE COMMITTEE

*(TO BE CONSIDERED BY THE NORTH WESTERN AREA PLANNING COMMITTEE
ON 2 JULY 2014)*

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	Land South Of Beckingham Road Great Totham Essex		
	Applicant:- Lightsource SPV 19 Ltd		
	Agent:- Mr Cairan Dillon - Lightsource Renewable Energy Ltd		

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Replacement Local Plan – Saved Policies

Legislation

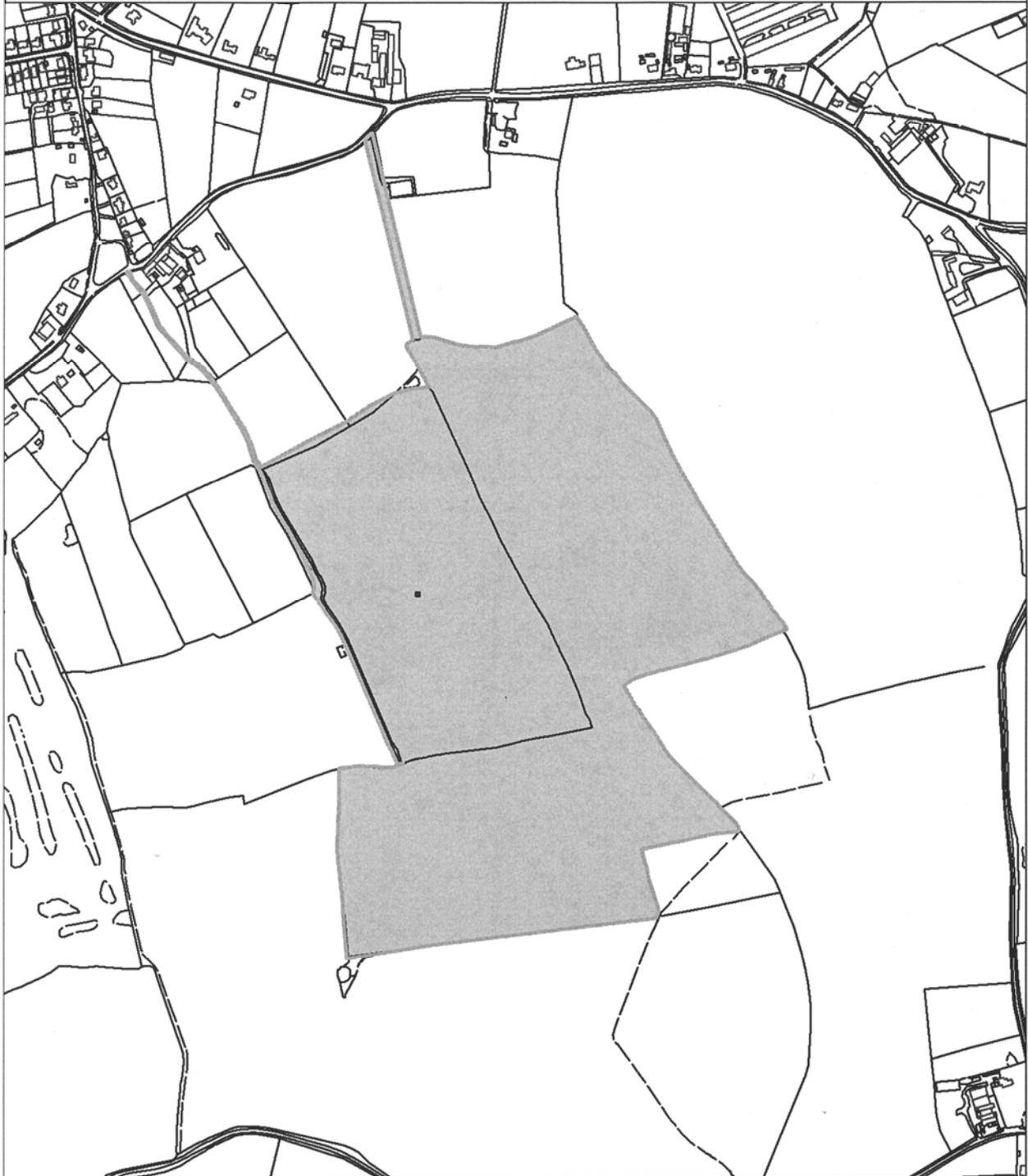
- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice (including emerging Local Development Plan Documents)

- i) Government policy and guidance
 - National Planning Policy Framework and Technical Guidance
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Local Development Plan Preferred Option Consultation 2012
 - Vehicle Parking Standards Supplementary Planning Document (SPD)
 - Accessibility to Buildings SPD
 - Children's Play Spaces SPD
 - Sadd's Wharf SPD
 - Heybridge Basin Timber Yard SPD
 - Developer Contributions Guide
 - Affordable Housing Guide
 - Heybridge Basin Village Design Statement
 - Wickham Bishops Village Design Statement

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

Land South of Beckingham Road,
Great Totham FUL/MAL/14/00283



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Department	Planning Services	
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PL1	Application Number	FUL/MAL/14/00283
	Location	Land South Of Beckingham Road Great Totham Essex
	Proposal	Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole-mounted security cameras for the lifetime of the solar farm.
	Applicant	Lightsource SPV 19 Ltd
	Agent	Mr Cairan Dillon - Lightsource Renewable Energy Ltd
	Date Valid	12 May 2014
	Target Date	11 August 2014
	Case Officer	Phillip Rowson, TEL: 01621 875738
	Parish	GREAT TOTHAM

1. Introduction

- 1.1 This application is brought to the North Western Area Planning Committee for recommendation to the Planning and Licensing Committee as the Head of Planning Services has exercised his discretion to refer this application to the Planning and Licensing Committee being planning application of major strategic importance to the District.
- 1.2 This is a major planning application for a solar farm on 18.6ha for 39,760 solar Photovoltaics (PV) panels with a maximum capacity of 10.7Mw which has been screened under Environmental Impact Assessment (EIA) regulations and has been determined as not requiring Environmental Impact Assessment as detailed under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.
- 1.3 The proposals are a resubmitted application following the refusal of planning permission (Ref. FUL/MAL/13/00818) for Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras for the life of the solar farm (30 years and six months). The application was refused on the following grounds:
- ‘The proposals are subject to significant objections from the local community and are considered to be inappropriately sited and akin to a large-scale development. The scale and extent of the proposals will create an unacceptable visual impact upon the acknowledged and highly sensitive landscape character assets of the “Tolleshunt Coastal Farmland E1” as identified within the Braintree, Brentwood and Chelmsford, Maldon and Uttlesford Landscape Character Assessment. The siting and adverse landscape character impact are contrary to saved local plan policy PU6, NPPF, and the Planning Practice Guidance for Renewable and Low Carbon Energy.’*
- 1.4 Officers wish to direct Members to this previous decision (as detailed above) and the assessment of those amendments made to those material planning matters which are referred to in the reason to refuse planning permission.

2. Site Description

- 2.1 The site is an irregular shape comprising one entire agricultural field, and portions of two other fields sited to the south of Beckingham Road, Great Totham. The site is located within an area of open countryside. The site is under active agricultural land management.
- 2.2 The fields are demarcated by hedgerows with interspersed tree planting along the site boundaries. A coppice covering 1.28ha is located immediately adjacent to the site's south eastern corner. The land slopes from north to south west.
- 2.3 The application site is located within the existing farm holding of Wicks Manor Farm. The site area is 18.6 ha. There is an existing farm access track to the north that connects the site with Beckingham Road and the Planning and Design and Access Statement indicates that this route is proposed to be the maintenance access for the development. Access for construction vehicles is shown to the north via an existing access point to Beckingham Road. The construction access links via a temporary haul road to a proposed construction compound within the site located centrally adjacent to northern site boundary.
- 2.4 The site is located in open countryside but there are a number of dwellings in close proximity to the site; closest are those in the village of Great Totham on Beckingham Road at around 250m to the north, with more dispersed settlement at around 330 to 450m to the east on Office Lane, and finally at greater separation to the south on Park Wood Lane / Church Lane. The village of Little Totham is between 800 to 1km from the site. There is a public footpath 350m to the west of the application site, which connects Beckingham Road to Church Road.

3. The Proposal

- 3.1 Planning permission is sought for the construction of a solar development consisting of 39,760 PV panels attached to mounting frames with a height as mounted at 1.44m, and mounted at a 25 degree angle. The panels are proposed to measure 1.512m, 0.05m deep and 0.995m wide.
- 3.2 The development also proposes associated infrastructure including:
- six inverter cabins (2.92m tall, 4.42m long 1.520m wide);
 - three transformer cabinets (2.9m tall, 6.06m long, 2.44m wide);
 - two switchgear substations, these are referred to as DNO building and Client Side (4.40m tall, 5.50m long, 4.95m wide) / Customer Sub-Station (2.90m tall, 6.06m long and 2.44m wide) on the supporting plans;
 - Communications building (2.51m tall, 3.66m long and 3m wide);
 - 27 x 2m tall pole mounted security cameras;
 - 2m Security fencing (Deer Netting);
 - landscape planting.

- 3.3 The application as submitted is accompanied by a number of supporting documents:
- Design and Access Statement;
 - Landscape Visual Impact Assessment;
 - Flood Risk Assessment;
 - Built Heritage Assessment;
 - Archaeological Evaluation report;
 - Geophysical Survey;
 - Archaeological Assessment;
 - Agricultural Land Classification Report;
 - Tree Survey and Arboricultural Impact Assessment / Protection Plan;
 - Noise Assessment;
 - Glint & Glare Assessment;
 - Ecological Appraisal;
 - Dormouse Survey;
 - Biodiversity Management Plan;
 - Construction and Transport Management Plan;
 - Construction and Decommissioning Statement;
 - Statement of Community Involvement;
 - Construction and Decommissioning Method Statement;
 - Construction Traffic Management Plan;
 - Planning Obligation – Unilateral Agreement under Section 106 (S106) of the Town and Country Planning Act (TCPA) 1990 (as amended).
- 3.4 Planning permission is sought for a development ‘life ‘of 30 years and six months, inclusive of decommissioning. The Planning and Design and Access Statement states the development has a maximum generation capacity of approximately 10.7 Mega Watts of electricity, which is enough to supply up to 3,197 homes per year. The applicant states that the development would avoid 5,445kg created by traditional carbon dioxide based energy generation, the equivalent of carbon generation from 1,212 large family cars.
- 3.5 The solar panels will cover one third of the site area, lain out in single rows. The solar panels will be fixed to “H” section tables which are fixed to the ground by piled foundations, pile driven 1.5m into the ground. The existing field hedgerows are maintained, with a new hedgerow planted to ‘split’ the solar farm into three sections.
- 3.6 Each panel is fixed to the mounting frames to create continuous rows of panels to face the sun at an angle of 25°. The Mounting panels are raised 900mm from ground level to allow sheep to graze below the solar panels, maintaining agricultural use on the land.
- 3.7 The entire site is to be enclosed by a 2m high security fence and security cameras on 2m poles. The proposals show 26 camera poles spaced along the site boundary, all to be set on inside the fence line and facing inwards. The security fence will be

constructed of square wire mesh panels supported at 3.5m intervals by round section timber poles.

- 3.8 The proposed panels generate Direct Current (DC) electricity which must be converted into Alternating Current (AC) before being fed into the local electricity grid network. This is achieved using inverters housed in cabinets, transformers are then required to transform electrical energy from one circuit to another and to allow the energy generated to feed into the local grid network.
- 3.9 Two substations are proposed to provide the onsite point of connection from where electricity flows into the grid network via the connection cable. The substations house the site switchgear, which is used as a safety mechanism to protect both the solar farm from any fault in the grid network, and the grid from any fault in the solar farm.
- 3.10 The connection of this site to the grid will require planning permission. The applicants have submitted a separate standalone application to which it is proposed to facilitate connection to the Tiptree substation.
- 3.11 Landscaping proposals indicate strengthening to existing hedgerows and planting areas. A new hedge is proposed within the site to screen views of the solar panels as they sit on higher ground in the northern section of the site.
- 3.12 The access proposals are split into two functions, firstly for the construction and decommissioning of the development from the north east to Beckingham Road; and secondly to the north via the existing access to Hill Farm on Beckingham Road for operational use once the site has been commissioned for generation of electricity. Details of vehicular flows and operational activities for these activities are included within the supporting documents.
- 3.13 The development process is scheduled to take 12 weeks. Site construction works which are noise generating would only take place on a Monday to Friday basis between 8am and 6pm and on Saturdays between 8am and 1pm. The following Heavy Goods Vehicle (HGV) movements are projected over the construction period:
 - Weeks one and twoup to 35 deliveries (70 movements).
 - Weeks three to ten.....up to 100 deliveries (200 movements).
 - Weeks 11 and 12.....up to 19 journeys (38 movements).
- 3.14 Other journeys associated with the development will include Mini Bus trips up to a peak of ten per day for construction workers and a small number of managerial cars / vans.
- 3.15 The traffic management plan projects a potential of up to 160 HGV visits to the site over the 12 week period, with a peak of HGV flow of five deliveries / ten movements per day occurring in weeks three to ten. The peak of traffic movement would be centred upon delivery of solar panels to the site. Once preparation works have been completed, deliveries are predicted to be less at the start and end of the construction project.

- 3.16 The construction access track will be removed once the development has been commissioned. Any future decommissioning is to be via this access point, with a re-laid access track.
- 3.17 Access to the site for maintenance following completion of the solar farm is via the Hill Farm, Beckingham Road access. Maintenance is a low key activity taking place as an ancillary operation on the existing agricultural track. Maintenance will include washing the panels (two - four visits Per Annum (pa)), maintaining grassland, landscape planting and ecological enhancements (three – four visits pa), and adjustments as required to infrastructure (20 visits pa).
- 3.18 Plans:
- Drainage plan;
 - Site location plan;
 - Site layout plans;
 - Landscape planting plan;
 - Indicative details of security fencing;
 - Five detailed plans for ancillary building types;
 - CCTV installation elevations;
 - Indicative sectional plans for proposed panels and frames.

4. Relevant Planning History

- **SOR/MAL/13/00197:** Request for a Screening Opinion to determine the requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for a proposed solar farm (15mw). Environmental Impact Assessment required.
- **SOR/MAL/13/00634:** Request for Scoping Opinion under section 13 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 - To Accompany a Planning Application for a Proposed Solar Farm. Scoping opinion issued.
- **SOR/MAL/13/00719:** Revised Request for a Screening Opinion to determine the requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for a proposed solar farm (10.8mw). Environmental Impact Assessment is not required.
- **FUL/MAL/13/00818:** Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras for the life of the solar farm (30 years and 6 months). Refused.
- **SCR/MAL/14/00114:** Request for a Screening Opinion to determine the requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for a proposed solar farm (10.7mw). Environmental Impact Assessment is not required.
- **SCR/MAL/14/00261:** Revised Request for a Screening Opinion to determine the requirement for an Environmental Impact Assessment (EIA) to accompany

a planning application for a proposed solar farm (10.8mw). Environmental Impact Assessment is not required.

5. **Consultation Replies**

Parish Council

Great Totham Parish Council - The development is highly visible, inclusive of the marine conservation area of the Blackwater Estuary. The proposals will create damage to listed buildings, and the historic landscape inclusive of Totham Green. Screening will not grow fast enough to overcome these impacts.

Buildings are reduced from 39 to 13, the security fence remains at 2m high with installation of CCTV cameras inside the perimeter. There are concerns regarding conflicting specifications that have produced these amendments.

The amended construction access is on a tight bend and is more dangerous than that previously proposed; the construction route is shared with a school bus route and poses highways safety concerns. The existing solar development has created “carnage” on the local network.

Thieves have targeted the site; this development is in an area which may be an open invitation to crime.

Connectivity to the national grid is a concern in terms of the potential impact on economic viability and transportation disruption.

Public opinion is strongly opposed to the development; our local Member of Parliament (MP) Priti Patel has sent copies of letters from the Energy Minister to the Council stating that there should be no uncontrolled expansion of solar installations into the countryside.

Little Totham Parish (adjoining Parish) - An initial response was received via the Parish Chairman who asked for additional information in relation to technical drawings for the inverters and transformers. This information has been supplied by the applicant; any further comment received as a result will be reported in Members’ update.

A further response was received via the Parish Clerk which details that the parish Council do not support this application and that this was a unanimous decision. The consultation response raises concerns over the scale of the site and loss of a significant area of good agricultural land. The Parish note the topography of the site and consider that visual impact would be experienced from as far away as the Blackwater Estuary (marine conservation area).

It is stated that the site will be clearly visible from many points and will have an adverse impact on the homes of some residents and the surrounding countryside, which is regularly used by walkers, cyclists and horse riders. Residents in Office Lane are particularly close, especially Bullace Cottage, who will view the site from close range from their garden and home. The Parish Council finds this unacceptable.

Little Totham Parish (adjoining Parish) continued:

Further concerns are raised over highway safety during the construction period, on the basis of the narrow lanes, and blind bends with no speed restriction. Plains Road has no footpaths and is used by children.

A concern is raised in relation to potential crime / theft.

‘The Parish Council do not support this kind of development and note that the Energy Minister has stated that he does not want green fields to be used in this way. We urge the District Council not to support this application. If approved then recommend conditions limiting future expansion of the site and that plans are in place for the dismantling of the development at the end of its life should be imposed.’

Tolleshunt Major Parish Council (neighbouring Parish) - The Parish Council supports this application provided that the size of the proposed solar farm remains as detailed in the application, and that the land is used for grazing purposes in addition to the solar farm. It is felt that a condition could be added that, in the event of the solar farm ceasing to exist, the land should be returned to its original agricultural use.

External

Braintree District Council - The site is remote from Braintree District and the impact is considered to be minimal.

Campaign to Protect Rural England - Raise an objection, on the basis of no significant change since previous refusal of planning permission.

‘The proposals create an enormous detrimental visual impact to numerous residents, recreational users, listed buildings and visitors to the area. The siting of development and adverse impacts on landscape character are contrary to local and national planning policy.

The loss of a substantive area of productive agricultural land for over 30 years is a significant factor. Solar farms should be located on roofs of suitable buildings not on agricultural land. If development goes ahead it is vital that it should be left as agricultural land with the capacity to produce food. An intensive form of sheep grazing may not be attractive to the land owner. Open arable land management assists with flood mitigation.

The site is in an elevated location viewed from a number of locations; this industrial development will be visually intrusive and lead to the loss of the open character of the historic landscape. The loss of views across green countryside is priceless. The erection of a 2m tall security fence and 26 CCTV cameras will impact on the undulating countryside between two rural communities. New planting will take years to reach maturity and even then will not be effective.

The revised plans have larger equipment with increased capacity, no increase in the size of containment buildings has been mentioned, how can a quart fit into a pint pot? Any buildings will have a negative impact on the landscape.

Campaign to Protect Rural England continued

The applicant has not provided accurate images of how this proposal would appear. Local residents have no clear indication of how much of this industrial development will be visible.

Tourism is an important economic driver for improving the Essex economy, the attractiveness of an unspoilt countryside provides a backdrop for visitors, and those experiences should not be harmed by the intrusion of Solar Farms on agricultural landscapes. The site will be visible from Chigborough Lakes and the Blackwater Estuary, there will be an impact on the stunning long distance panoramic views to this open estuarine marsh

This area is studied with listed buildings, The White House a Grade II listed building is omitted from the applicant's consideration. Paragraph 134 of NPPF states that harm to setting and significance of impact on designated heritage assets should be taken into account when considering an application. Excavation and piling has potential to cause damage to nearby listed buildings such as Hill Farm

The loss of a 28m section of hedgerow should be resisted as it provides a rich diversity of flora and fauna.

The site is located some 6.5km away from the Tiptree substation, necessitating a considerable amount of trench digging along roads and verges causing considerable disruption to the local community.

The Environment Agency considers that if the ground under the panels is left bare that surface water run off would increase.

There are concerns about traffic movement during construction and decommissioning of the site. The proposed access is on a very narrow lane, 100 yards from a junction with a 60mph road. To the west is a blind bend on a very narrow lane. There will be a significant impact on local highway safety, especially as there are bus pick up points for local school children.

The Rt. Hon. Greg Baker MP, Minister of State, Department of Energy and Climate Change (DECC) advised "*I do not want to see uncontrolled expansion of solar in the countryside. Ideally that should mean rooftop deployment...To reinforce this point I have written to every planning authority making clear my concerns about large scale, inappropriately sited green field solar farms.*"

I hope that the planning committee will follow the minister's direction to local councils and take into account the strong feeling of the local community.'

Civil Aviation Authority - No comment at the time of compiling this report, any comment received to be reported in Members' Update.

Colchester Borough Council - No comments to make in relation to this matter.

English Heritage – ‘A variety of sites have been identified as being within the zone of theoretical visibility, but the applicant concludes that only one of these sites would be affected, and that that impact is only a slight one. This appears a reasonable conclusion on the basis of the cartographic and photographic evidence available, although it is not wholly clear how the consultants have assessed these impacts. We urge you to take specialist conservation advice in your assessment of these proposals.’

The consultee confirmed above statement in response to an amended plan consultation.

Environment Agency (EA) - The proposed site lies within Flood Zone 1, and a Flood Risk Assessment (FRA) has been submitted. ‘We do not wish to object but offer the following advice:

This comment is caveated in that the EA have not reviewed the FRA in detail and will require the Council to be satisfied that the installation of the solar panels will not have a significant effect on run off volumes as it will have only a small increase in the impermeable surface across the site area. If the ground area under the panels is left bare then peak discharge of surface water could increase and water may cause erosion at the base of the panels. Where panels are sited and do not follow the contours of the site, then intensification of run off into small channels could occur.

It is recommended that vegetation beneath the panels is maintained and that a buffer strip or swale is placed below the most down gradient panels to intercept overland flows.

Existing watercourses or ditches should be maintained to ensure that the existing drainage system remains.’

Essex and Suffolk Water – ‘Our existing apparatus is not affected, and we have no objection to the proposed array of PV panels on the site.’

Essex Bat Group - No comment at the time of compiling this report, any comment received to be reported in Members’ Update.

Essex County Council (Highways) - No objections subject to conditions relating to implementation of visibility splay improvements for the construction access, and implementation of a routing agreement for construction deliveries and wheel cleaning.

Essex Wildlife Trust - No comment at the time of compiling this report, any comment received to be reported in Members’ Update. Comments Awaited.

Ministry of Defence Safeguarding - No comment at the time of compiling this report, any comment received to be reported in Members’ Update.

National Air Traffic Safeguarding - The proposals have been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria and has no objection to the proposal.

National Grid - No comment at the time of compiling this report, any comment received to be reported in Members’ Update.

Natural England - Natural England (NE) has no objection based on the information provided and advise that the proposal is unlikely to affect any statutorily protected sites or landscape.

‘In making this comment NE direct the Council to Standing advice on protected species on the likelihood of presence of protected species on site and detailed advice on assessment of impact and mitigation strategies. The Council are directed to apply this advice as a material consideration to the determination of this application.

If minded to grant permission appropriate biodiversity enhancement opportunities should be incorporated into the design e.g. nesting and roosting boxes, attention is drawn to the statute responsibilities of the Council in this matter.

Landscape enhancement opportunities may arise which can improve the local landscape character and distinctiveness.

Specific reference is then drawn to Solar development and the Technical Note: Solar parks maximising environmental benefits.’

Southend London Airport - Confirm no objection to this application.

Internal

Conservation Officer - No comment at the time of compiling this report. Any comments received will be reported in Members’ Update.

Council’s Landscape Consultant – ‘The applicants approach to undertaking the assessment appears to be thorough, with good practice being followed, and a wide range of relevant background information, such as landscape character assessment being referenced. The chosen methodology is appropriate and is applied in a consistent and well supported manner. Inconstancies in the Landscape and Visual Impact Assessment (LVIA) should be resolved, but do not materially impact upon the conclusions reached.

In comparison with the 2013 application, the removal of panels from the northern parts of the application site, which were on the highest areas of land and which were therefore the potentially most visible parts of the development, will reduce the potential landscape and visual impact of the scheme. It is agreed that the proposed development would result in very limited prominent landscape and visual effects, impacts are limited to approximately 1km away from the site, mainly to the south, east, and south east.

Taking into account the specific characteristics of the site, such as the existing screening offered by established boundary vegetation, and the characteristics of the general surrounding landscape against which the development is viewed, such as field size, pylons and evidence of human activity, views of the development will not significantly change the character of any existing views of the site.’

Countryside and Coast Officer – ‘I have no objections to this proposal subject to the development being carried out in accordance with the recommendations contained within Section 4 of the March 2014 Preliminary Ecological Appraisal and subject to the ecological enhancements proposed within the March 2014 Biodiversity Management Plan being fully implemented, monitored and regularly reviewed.

These measures should result in a significant long term benefit in local biodiversity.

I would suggest that further ecological gains could be provided by improving one or more of the ponds within the proposed development site and by providing a small number of deadwood piles in suitable locations.

No objections to the impact on protected species, having regard to the information set out in the ecology reports supporting the proposals.’

Environmental Health Officer

Noise

Consideration has focussed upon operational noise generation, most significantly from fan noise generated by cooling fans in the ancillary buildings. An issue was raised as to the potential increase in “start-up” noise in the early summer mornings (04:00 to 07:00). At this time a conservative noise attenuation measure of an open window could be 10 decibel (dB); this may then theoretically result in a level of 20dB upon “start-up” of energy generation. A sudden rise in 10bD in the early hours could be disturbing in some circumstances.

Therefore, and despite the disagreements over standards it appears that from the information provided a marginal increase in the background level at the boundary of the nearest noise affected premises.

A further exchange of correspondence has taken place; an explanation has been given about the way the plant starts in the early morning. This has given reassurance in that fans would commence operation one at a time as the temperature rises. It has been explained that it would not be until mid-morning on a hot day that all the fans would be operating simultaneously giving rise to the predicted levels. This avoids a sudden sharp rise in noise levels as feared. A suitably worded planning condition could be imposed to ensure that noise levels from the proposed development will comply with the projections and methodologies detailed within the applicants supporting evidence.

Glint and Glare

The report indicates that some residential properties may be subject to impacts at some times of the year, albeit that existing features such as hedgerows or trees obscure most views of the site. Recommend a condition be imposed relating to landscaping and screening.

Vehicle Movements

The Construction Management Plan indicates 160 HGV movements over a three month period with a potential maximum of ten deliveries per day. Deliveries are limited to take place between 08:00 and 18:00 weekdays and 08:00 to 13:00 on Saturdays with no deliveries on Sundays. It is recommended that hours of construction activity are restricted to those given in the supporting Construction Management Plan.

Planning Policy - No comment at the time of compiling this report. Any comments received will be reported in Members' Update.

Tree Officer - No comment at the time of compiling this report. Any comments received will be reported in Members' Update.

6. Letters of Representation

- 6.1 At the time of compiling this report to Members, the following letters of representation had been received.

Letters of Objection:

Margaret & Peter Triston 4 Sawyers Road Little Totham Essex CM9 8JP
I Siddall Tsuru Back Lane Wickham Bishops
Clive Allenby The Oaks Back Lane Wickham Bishops
J Seager 2 Totham Hill Green Great Totham Essex
F Mr & Mrs Ruck Eva's Garden Mount Lodge Chase Great Totham
N Pettican 92 Maldon Road Tiptree Essex
Michael, Tina, Jasmin & Adam Barry Crackingwood Plains Road Little Totham
E Wager 22 Goat Lodge Road Great Totham Essex
Karen Tarling York House Plains Road Tolleshunt Major
K Siddall Tsuru Back Lane Wickham Bishops
J & I Kevis Foxmead School Road Little Totham
RA Harrington Pengarth Plains Road Little Totham
Kevin Muddock 15 Plains Road Great Totham Essex
B Walshe Layndon The Forge Parkwood Lane Little Totham
P Woods 10 Kings Road Great Totham Essex
N Eary Hull Cottage The Street Little Totham
R King Krallis Tan Sheepcoates Lane Little Totham
A Francis 4 School Road Wickham Bishops Essex
Simon & Ann Jesney Acorn The Street Little Totham
Clare Lane Hill Holme Beckingham Road Great Totham
Brian Lane 14 Primrose Lane Tiptree CO5 0LB
Richard Siddall Fern House The Street Little Totham
Mr & Mrs Collison Appledene Witham Road Tolleshunt Major
Mr & Mrs Malcolm & Jennine Pook 44 Colchester Road Great Totham Essex
Betty & Dennis Macey 33 Hall Road Great Totham Essex
Alec Fraser Langdon House Back Lane Wickham Bishops
John & Elizabeth Patient The Lodge 5 Sawyers Road Little Totham
Mr & Mrs K Gibbs 4 Kings Road Great Totham Essex
Colin Heaviside 12 Totham Hill Green Great Totham Essex
Andrew & Jayne Gibson Hill House Loamy Hill Road Tolleshunt Major
D Oram The White House School Road Little Totham
M Morgan 3 Oaktrees Little Totham Maldon
G Richardson 41A Maldon Road Tiptree Essex
A & C Shorter Orchard Cottage Totham Hill Green Great Totham
P & J White 38 Chapel Road Great Totham Essex
V Merchant 53 Mill Road Great Totham Essex
C Harris 19 Totham Hill Green Great Totham Essex
M Seager 2 Totham Hill Green Great Totham Essex

Letters of Objection continued:

S Robinson Spring House School Road Little Totham
K King Bullace Cottage Office Lane Little Totham
Dr J Dixon 14A Mill Road Great Totham Essex
Mary King & David Carter Little Oaks Chelmer Close Little Totham
M Belsom Moorlands 18 Hall Road Great Totham
J & S Harris 58 Colchester Road Great Totham Essex
K Dispirito 174 Maldon Road Tiptree Essex
L Chapman 27 Kings Road Great Totham Essex
M Garwood 31 Seagers Great Totham Essex
R Hunter 19 Kings Road Great Totham Essex
S Hunter 19 Kings Road Great Totham Essex
N & B Hodson 30 Eaton Way Great Totham Essex
K & K Bowen Brackens Plains Road Little Totham
C Adams Willow Brook Plains Road Little Totham
E MacAllen 12 Mill Road Great Totham Essex
M Brooker 14A Mill Road Great Totham Essex
R Balaam 8 Staplers Walk Great Totham Essex
E King Hatching Tan Office Lane Little Totham
Helen White Wallis Farm Plains Road Little Totham
A Chandler Well Cottage 42 Maldon Road Tiptree
C Witney 31 Totham Hill Green Great Totham Essex
S Agnew MEP 145 New London Road Chelmsford Essex
M Hull Gable End Post Office Lane Little Totham
DA & CL Overy Spurling 15A Mill Road Great Totham
V Osborn 55 Seagers Great Totham Essex
P Davis 1 The Green Little Totham Essex
P Cawood 9 Hall Road Great Totham Essex
S & G Todd Bean Cottage 14 Totham Hill Green Great Totham
J Eary Hull Cottage The Street Little Totham
N & N Smith 2 Poney Chase Wickham Bishops Essex
Clare Chapple Penwarren House Plains Road Little Totham
J D Allen 61 Mill Road Great Totham Essex
Nigel Lane Hill Holme Beckingham Road Great Totham
D J Norman Greenacre 19 Plains Road Great Totham
Linda & Alan Bennett Meadow House School Road Little Totham
Alan & Jill Unwin 10 Field View Drive Little Totham Essex
Colin & Carol Mack Belfreys Plains Road Tolleshunt Major
Joseph J Marshall 10 Totham Hill Green Great Totham Essex
Denise Mumford Brookview Plains Road Little Totham
The Occupier Jubilee Cottage The Street Little Totham
Christine Adams Cupressus 6 Maldon Road Great Totham
Roger & Heather Gulliver 3 Eaton Way Great Totham Essex
P & MB Solomons 168 Maldon Road Tiptree Colchester
Mrs E K Carter 6 Eaton Way Great Totham Essex
Lorna Key Foxley School Road Little Totham
M J Phillis Godfreys Farmhouse Sheepcoates Lane Little Totham
Peter & Pauline Stoney 12 Eaton Way Great Totham Essex
Mr L E & Mrs A Philpott Plains Farm Barn Plains Road Little Totham
P Wakelin The Haven Farm School Road Little Totham
John & Patricia Arrowsmith Westholme 20 Totham Hill Green Great Totham

Letters of Objection continued:

Carole Josselyn Plenty Poultry Farm Maldon Road Tiptree
Judith Waring 48 Chapel Road Great Totham Essex
Mark Beesley 65 Mill Road Great Totham Essex
Anthony Adams Cupressus 6 Maldon Road Great Totham
Ann Farr 5 St Peters Walk Great Totham Essex
Susan & Derek Ganley 66 Maldon Road Tiptree Colchester
Wayne, Sharon & Oliver Middleton 2 Wickham Hall Cottages Langford Road
Wickham Bishops
P Page 2 Seagers Great Totham Essex
Brian Reed Oakwood Beckingham Street Tolleshunt Major
Mr Peter Brookes Penbrook House Plains Road Tolleshunt Major
Mrs I Higgins 6 Totham Hill Green Great Totham Essex
Mr & Mrs D Buckley Eaglefields Office Lane Little Totham
Mrs A Waite St Luke's Lodge 40 Maldon Road Tiptree
AD & JM & AL Hopkins Eastcot 46 Chapel Road Great Totham
DR Barclay Jacaranda 26 Hall Road Great Totham
R Cordwell 10 Chapel Road Great Totham Essex
Patricia Harrington Pengarth Plains Road Little Totham
Paul Harrington Pengarth Plains Road Little Totham
K French Old Farm Parkwood Lane Little Totham
Roy W Sach 22 Walden House Road Great Totham Essex
Mrs D A Pyman 10 Eaton Way Great Totham Essex
Derek Sterling Woodfield Cottage 40 Chapel Road Great Totham
Joy Flood Pink Gables Bakers Lane Tolleshunt Major

Main reasons for Objection:

Analysis of the reasons for objecting to the development:

- 78 letters raise the matter of the adverse visual impact that the development may create by virtue of the panels, ancillary buildings and security fencing; the concerns include the disproportionate scale of the development in relation to the local villages and its location on raised ground above the Blackwater estuary.
- 72 letters include the potential adverse impact on local highway safety, and likelihood of increased congestion. The concerns included a specific reference to the location of the proposed construction access, narrow nature of the local roads and proximity to a school bus route.
- 64 correspondents include concern relating to the loss of agricultural land associated with these proposals, concerned especially as to the good agricultural quality and productivity of the land in question.
- 46 letters state this development proposal is contrary to national and local planning policy, some including specific quotes given from the Energy Minister, Greg Baker, stating that uncontrolled expansion of solar development should be resisted.
- 38 letters raise the matter of connectivity to the national grid, stating that the connection point is over 6km away in Tiptree and that this will cause disruption and make the development unsustainable.
- 32 correspondents raise the generally negative impact on the local community who resist the development on matters of detail and principle.

Main reasons for Objection continued:

- 29 letters raise the absence of any economic benefit arising from the scheme and its' potential adverse economic impact on the area.
- 23 letters detail concern regarding the adverse impact on local wildlife communities and habitats, quoting loss of hedgerow and poor relationship to the Blackwater estuary RAMSAR site.
- 18 comments in relation to inadequate decommissioning of the scheme upon the end of its productive life.
- 16 comments in relation to the poor potential, inefficiency and alleged unreliable nature of the proposals.
- 15 correspondents note that the proposals are inappropriately located and should be either on an existing building or on brownfield land.
- 11 letters state that the development is industrial in nature and inappropriate in a rural area.
- Other comments received from objectors include potential adverse impact in relation to glint and glare; noise; attraction of crime to the area; impact on listed buildings; light pollution; doubting commercial viability of the development; inadequate details to assess the impact of the scheme; surface water run-off, and health risks from the constituent materials in the panels.

Letters of Support:

Brian W Fisher 14 Sawyers Road Tolleshunt Major Essex
The Occupier 1 Godfreys Cottages Sheepcoates Lane Little Totham
John Mumford & Gilly Ashby, 63 Mill Road Great Totham

Letters of Comment:

Mrs P D Pettet Hill Farm Beckingham Road Great Totham

Correspondence from these parties include the following comments:

- It is important that “We should not bury our heads in the sand” as to the need for renewable energy, alternatives such as fracking and nuclear are more detrimental to the environment, safety and the local amenity.
- This development can serve around 3,200 homes (80% of Great Totham). The land can still be grazed and is still in agricultural use for grazing or could be used to raise crops.
- The amount of agricultural land devoted to scheme is insignificant in relation to total amount of agricultural land in a three mile radius. The site is set well back from the road and will be hidden most of the year by mature trees and hedgerows.
- The RSPB and Essex Wildlife trust have confirmed to local residents that they have no objection to the scheme. The scheme will allow local wildlife to flourish, giving an undisturbed area free from weed killer and fertilisers.
- ‘Disruption for construction is temporary, and will provide a clean and silent source of energy for 30 years. Solar power must become an important part of our regions generation of electricity.’

7. Assessment of Proposal

Policy Issues

(i) **Relevant Saved Development Plan Policies**

Maldon District Replacement Local Plan

- S1 – Development Boundaries and New Development.
- S2 – Development outside Development Boundaries.
- CC5 – Protection of wildlife at risk on development sites.
- CC6 – Landscape Protection.
- CC13 – Protection of the best and most versatile agricultural land.
- CON5 – Pollution prevention.
- BE1 – Design of New Development and Landscaping.
- PU6 – Renewable Energy.

These policies have been tested for compliance with the NPPF and are weighted accordingly in the determination of this application

(ii) **Submission Local Development Plan**

The Local Development Plan will supersede the Maldon District Replacement Local Plan ‘saved policies’ as the statutory Development Plan for the District. In the meantime, the National Planning Policy Framework states that the Replacement Local Plan ‘saved policies’ can continue to be given due weight according to their degree of consistency with the Framework (the closer the saved policies in the plan to the policies in the Framework, the greater the weight that may be given). The Local Development Plan will need to demonstrate conformity with National Planning Policy.

The Local Development Plan (LDP) was submitted to the Planning Inspectorate (PINS) in April 2014 in accord with the timetable for LDP adoption. The Council awaits notification of the proposed Examination in Public and adoption is anticipated towards late 2014.

As such, this document carries some material weight in the determination of planning proposals. Relevant draft LDP consultation policies include:

- S1 – Sustainable Development.
- S8 – Settlement boundaries and the countryside.
- D2 – Climate change and environmental impact of new development.
- D3 – Conservation and heritage assets.
- D4 – Renewable Energy and low carbon energy generation.
- D5 - Flood risk and coastal management.

(iii) **Government Guidance**

- **The National Planning Policy Framework (NPPF)** was published by the Government on 20 March 2012 and came into immediate effect. The NPPF provides the national planning guidance and forms a material consideration with all planning applications. This document supersedes all Planning Policy

Guidance notes and Planning Policy Statements as well as other certain government publications listed within Annex 3 of the NPPF. Notwithstanding this Local Plan ‘saved policies’ can continue to be given due weight according to their degree of consistency with the Framework (the closer the saved policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 97 gives criteria upon which to consider renewable energy schemes, and remains worded that local planning authorities should recognise the responsibility of all communities to contribute to energy generation from renewable sources. Paragraph 98 requires that planning authorities should not require applicants to demonstrate the need for renewable energy schemes and approve applications which have (or can be made to be) acceptable.

- **Department for Community and Local Government (DCLG) “Planning Practice guidance for renewable and low carbon energy” July 2013** - The Government produced guidance on the planning issues associated with the development of renewable energy. The guidance should work alongside the NPPF and can be a material consideration in planning decisions.

Paragraph 15 offers a number of criteria applicable to renewable energy schemes:

- The need for renewable energy does not automatically override environmental protection.
- Cumulative impacts upon local landscape and amenity require particular attention.
- Local topography is an important factor; impacts can be “as” significant in both hilly and flat lying areas.
- Great care should be undertaken to ensure heritage assets and their setting are conserved in a manner appropriate to their significance.
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Buffer zones are considered to be inflexible, distance itself does not determine whether or not the impact is unacceptable (Paragraph 16).

Specific guidance is given on large scale solar farm proposals from Paragraph 26 to 28. Solar farms can have a negative impact if poorly planned in undulating landscapes. In the case of ground mounted solar panels it should be noted that with effective screening and appropriate land topography the area of the zone of influence could be zero. Criteria guidance in this section includes:

- previously developed land should be favoured, and that if proposed on agricultural land that the agricultural use is continued and biodiversity is encouraged.
- installations are temporary; conditions can ensure that land is returned to its former state and use.

- the effects of glint and glare are effectively considered / ameliorated in terms of neighbouring uses and aircraft.
 - the impacts of security measures, fencing, lights and CCTV are accurately reflected.
 - protection of heritage assets, their setting and significance is appropriately considered.
 - use of screening with native species hedges / planting is thoroughly explored.
 - energy generating potential can vary for reasons of latitude and aspect.
- **BRE “Planning guidance for the development of large scale ground mounted solar PV systems” - October 2013**
 - **Rt. Hon Gregory Baker MP – Minister of state for climate change - DECC letter 14.10.13** - The commentary relates to potentially unwelcome large scale solar farm development; he states that he intends to “crack down” on inappropriately sited solar PV. He will aim to eliminate subsidies over the “next few years”.

Stated in bold within the letter:

“...if we put solar on just 5.2% of domestic roofs or 16% of commercial and industrial roofs that would be more than enough to meet my 20GW ambition.”

He then quotes sections of Part 1 of the Solar strategy (noted above) relating to siting and community engagement. Then moves onto re-quoting the recent DCLG released Planning Practice Guidance for renewable and low carbon energy. Finally, he points to publication of a full solar strategy from DECC in spring 2014, and states that DECC will continue to monitor solar PV to assess whether additional measures are needed to ensure that deployment is consistent with government guidance and is not sited in inappropriate parts of the countryside.

- **Rt. Hon Gregory Baker MP – Minister of state for climate change - DECC letter to Local Planning Authorities – April 2014** - *“I do not want uncontrolled expansion of solar on the countryside. Ideally that should mean rooftop deployment on industrial, commercial and retail roof tops. To reinforce this point, I have written to every planning authority, making clear my concerns about large inappropriately sited green field solar farms.”*

8. Principle of Development and Sustainability

8.1 Environmental Impact Assessment

- 8.1.1 The proposal is considered within category 3(a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, i.e. as an “industrial installation for the production of electricity, steam and hot water” on a site with an area in excess of 0.5 hectares (ha). The impact of these proposals has been screened in accordance with the regulations and is considered not to be of significance in terms of the recognised interests for sensitive ecology or heritage

assets. The scale of development, in combination with effects with other developments, production of waste, pollution nuisances, risk of accidents are not considered to be such that an Environmental Impact Assessment is required to determine this scheme.

8.2 Planning Policy

8.2.1 The need for renewable energy:

8.2.1.1 The International Panel on Climate Change (IPCC) was set up in 1988 to investigate world climate change implications and have given in a series of recommendations. Those IPCC recommendations have then driven climate change policy at International, European and domestic levels.

8.2.1.2 A number of measures have been implemented at the national level in order to meet IPCC recommendations, e.g. the Renewables Obligation (2002) and the Renewable Energy Strategy (2009). European Directives require member countries to secure 15% of their energy supplies from renewable sources by 2020. The Energy White Paper 2007 and the Energy Act 2008 highlight the Government's Strategy to move towards cleaner energy supplies and one of the key elements is to provide more support for low carbon technologies. The UK's Renewable Energy Strategy 2009 sets out how targets should be met; the primary target is for 30% of UK electricity demand to be met from renewable sources by 2020.

8.2.2 Delivery of Solar energy:

8.2.2.1 Department of Environment and Climate Change (DECC) Minister Greg Baker launched new guidance and issued a press statement on 8 October 2013:

“Solar PV can play a central role in meeting this challenge. It's a genuinely exciting energy technology which has already seen rapid growth and enjoys strong public support. I want this growth to continue and to help us push further ahead in the global race – but new solar installations must be sensitive to public opinion and mindful of wider environmental and visual impacts.”

8.2.2.2 The Roadmap - Part 1 (October 2013), confirms key principles for new solar PV installations. They will need to be appropriately sited, give proper weight to environmental considerations such as landscape, heritage and local amenity, and provide opportunities for communities to influence decisions that affect them. The impacts of deployment on grid systems balancing, grid connectivity and financial incentives will also have to be considered, ensuring the challenges of deploying high volumes of solar PV are addressed.

8.2.2.3 Part 2 of the Road Map was produced on 4 April 2014, this iteration has placed emphasis on creation of “roof top” power stations” quoting a potentially available 250,000 hectares of south facing commercial rooftops. This guidance does not rule out the use of agricultural land for large scale solar energy projects, paragraph highlights the potentially controversial nature of these proposals. The solar trade association undertake to ten commitments, which include a focus of development on rooftops and lower quality agricultural land, and echo the criteria detailed in the DCLG renewables guidance.

8.2.2.4 This guidance is re-enforced by the Minister's most recent letter to planning authorities dated 14 April and is quoted above.

8.2.3 National Planning Policy considerations

8.2.3.1 The National Planning Policy Framework (the "NPPF") sets out Central Government planning policies and how these are to be applied.

8.2.3.2 Paragraphs 6 and 7 of the NPPF confirm the commitment to sustainable development based on three dimensions; this is followed by a commitment to a presumption in favour of sustainable development and paragraph 14. For decision-taking this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, then sustainable development proposals should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits that the proposals can deliver.

8.2.3.3 Section 10 of the NPPF refers to 'Meeting the challenge of climate change, flooding and coastal change'. Paragraph 98 requires that when determining planning applications for the supply of renewable and low carbon energy local authorities should 'approve the application if its impacts are (or can be made) acceptable'.

8.2.3.4 Planning Practice guidance for Renewable and Low Carbon Energy was released as government guidance in July 2013. This guidance does not rule out the siting of large scale solar development on agricultural land. Proposals for large scale solar development on agricultural land should actively promote the continuance of agriculture and enhance local biodiversity. The impacts on heritage assets and their significance should be given careful consideration. Solar farms are recognised as temporary structures where land can be reinstated to its previous use once the solar farm is no longer in use. The impacts of glint and glare from the panels and visual impacts from security measures are also highlighted (paragraph 27).

8.2.4 Local Planning Policy considerations

8.2.4.1 Saved Local Plan Policy PU6 Renewable Energy is a criteria based policy which is directly relevant to this proposal.

8.2.4.2 Policy PU6 Renewable Energy states that proposals for the development of renewable energy facilities will be permitted provided they would not:

- a) have a significant impact on the appearance of the surrounding area, the countryside or local landscape; and
- b)
 - i) generate an unacceptable level of noise or traffic; or
 - ii) have an adverse impact upon areas of ecological, architectural, landscape, historical or conservation importance; or
 - iii) have a detrimental impact upon the adjoining properties and landholdings

8.2.4.3 Any existing local plan policy that predates the NPPF should be assessed in accordance with paragraph 215 of the NPPF, which advises that weight should only

be given to those saved policies in existing plans according to their degree of consistency with the NPPF. The closer the saved policy is to those policies in the Framework, then the greater the weight that may be given that saved policy.

- 8.2.4.4 Policy PU6 has already been subject to a level of assessment with regard to renewable energy projects determined after publication of the NPPF. It is recognised that there will be some adverse impact from renewable energy schemes and that the test of suitability outlined in the Criteria of PU6 equates to consideration of the ‘planning balance’ (NPPF Paragraph 14). The policy requires that any harm assessed is then weighed against the positive planning principle that applies to renewable energy (NPPF Paragraph 98).
- 8.2.4.5 Whilst Policy PU6 is not wholly in accordance with the NPPF, and thereby has reduced weight as a “saved” policy the criteria based assessment it espouses remains relevant to the wider considerations of the “planning balance” suggested by the NPPF.
- 8.2.4.6 Local plan policy CC6 relates to landscape impact from development proposals and is considered to be in compliance with the NPPF and therefore can be afforded full weight in the determination of these proposals.

8.2.5 Submission Local Plan – LDP

- 8.2.5.1 The LDP has been submitted to Secretary of State and will continue to gain weight as a material planning consideration as the Examination in Public (EIP) process is completed and the plan moves towards adoption.
- 8.2.5.2 The LDP carries a Renewable and Low Carbon Energy Generation policy D4, which is supportive of large scale renewable and low carbon energy projects provided that adverse social, economic and environmental impacts have been managed to an acceptable level. The policy encourages developers to engage with the community early in the design process to identify issues that could help influence the overall location and design of the scheme. Developers should explore the potential for community benefits and identify how energy schemes can enhance community interests (3.40).

8.2.6 Summary

- 8.2.6.1 There is a clear and evident need for renewable energy resources both nationally and locally to achieve adopted national targets. The development of such renewable energy sources will provide electricity and help tackle climate change by reducing the need for burning of fossil fuels. However these benefits need to be considered on balance with robust assessment of any adverse impacts, as required under the NPPF, Planning practice for renewable and low carbon energy and local plan policies and local plan policy.
- 8.2.6.2 The comments of The Energy Minister relating to a preference for solar development on roof tops and brown field sites are noted. It also remains clear that there is currently no national or local planning guidance that expressly precludes large solar PV being located in countryside locations. In appropriate circumstances large scale solar on agricultural land remains to play a role in producing renewable energy.

- 8.2.6.3 The NPPF and planning practice for renewable and low carbon energy is the current national planning policy framework for decisions relating to solar PV. This framework is supported by the BRE good practice guidance.
- 8.2.6.4 DECC statements and roadmaps are analogous to this guidance, but do not constitute planning policy. Consideration of DECC guidance is included to reflect concerns from the local community relating to a series of ministerial statements which will then enable Members to be briefed as to the widest context of up to date government advice on renewable energy proposals.
- 8.2.6.5 Planning decisions on solar PV in the countryside remain a criterion based assessment taking into account those factors outlined above. There has been no significant change in planning policy since this matter was last determined. Solar installations when appropriately sited in the countryside as well as on brownfield and buildings will continue to play a role in the delivery of solar PV, and assist with the UK renewable energy targets set for 2020. The saved local plan policy PU6 continues to carry weight, demonstrating a degree of compliance with the renewables and countryside planning considerations expressed in the NPPF. Saved policy CC6 relates to landscape impact and is considered fully compliant with the NPPF and is given full weight. Submission LDP policy D4 has gained weight as the LDP moves towards EIP and adoption later this year.

8.3 Landscape Visual Impact

- 8.3.1 In terms of assessing potential impacts the development may have on landscape character, the applicant must clearly measure the sensitivity of the site's landscape character, and capacity of that landscape to assimilate the proposals.
- 8.3.2 The site is not subject to any national or local landscape character protection i.e. National Park, Area of Outstanding Natural Beauty (AONB) or any locally identified Area of Special Landscape Character.
- 8.3.3 Members will recall that the matter of landscape visual impact was central to the reason for refusal of the last application. The scheme has been amended and has received additional supporting material to address the reason for refusal. Tables follow considering the extent of those amendments.
- 8.3.4 Comparative table current and previous proposals:

	Current	Previous	Change
Site area	18.6ha	23.30ha	4.70 fewer
Number panels	39760	43769	4009 fewer
Proposed power output	10.7Mw	10.8Mw	0.1Mw less
Inverters	6	21	15 fewer
Transformers	3	14	11 fewer
Switch stations	2	2	None
Communication building	1	1	None
CCTV cameras	26	24	2 more

	Current	Previous	Change
Mounting height of panels	1.44m	1.55m	0.11m lower
Angle of panel mounting	25	25	None
Height of security fence	2m	2m	None

8.3.4.1 The most significant change in ancillary buildings is the number of inverter and transformer buildings, 26 fewer buildings are now proposed. The scale and size of those buildings has changed since the previous refusal and the volumes have marginally increased as shown in the table below:

	Current	Previous	Proposed Change
Inverters	4.42m x 1.520m and 2.92m high	1.32m x 5.61m and 2.27m high	Volume greater by 2.73 cubic metres
Transformers	6.06m x 2.44m and 2.9m high	2.5m x 6.20m wide and 2.60m high	Volume greater by 7.58 cubic metres

8.3.4.2 When considering the local landscape’s ability to accommodate changes the applicant states:

- *“Woodland, hedgerows and trees provide containment and limiting perceptibility, notably from views to and from the ‘visually sensitive’ adjacent Blackwater Estuary as illustrated by Figure 21.*
- *The site and its immediate surroundings are also impacted by a number of existing man-made features such as the nearby settlement of Great Totham and the B1022.*
- *While the landscape change proposed is ‘industrial’ in nature the construction of the panels allows for continued grazing of the field below. This allows for a dual-use development and maintains the fundamental agricultural nature of the site with a “superficial” additional use in the form of Solar PV.”*

8.3.4.3 The Council’s consultant Landscape Architect considers these statements and agrees with the applicant’s conclusion that this landscape has a moderate sensitivity to change for the following reasons:

- ‘1 The applicant refers to woodland, hedgerows and trees providing containment and limiting views, and I agree that the enclosure provided by vegetation, specifically to the site’s boundaries, and that provided by hedgerows to the surrounding lanes, lowers the sensitivity of the site to this particular type of development.
- 2 The applicant also refers to the site and its surroundings being affected by a number of man-made features. It is agreed that landscapes which contain signs of human activity and development are likely to be less sensitive to solar farm development than landscapes which are free from signs of human activity and development because the new development would introduce new and uncharacteristic features into the landscape. Within close proximity to

the site there are numerous agricultural buildings, large scale poultry units and associated feed hoppers, electricity pylons and lines, telephone poles and lines, large scale industrial units to the west at Tolleshunt Major, a tall mast north of the site, and surrounding residential development. The local landscape character assessment referring to the Tolleshunt Coastal Farmland E1 area refers specifically to 'Pylons marching across the fields in line moving south west to north east between Little Totham and Tolleshunt Major.'

- 3 In addition, the local landscape character assessment for the Tolleshunt Coastal Farmlands E1 area mentions the appearance of a large scale field pattern in the area. The field patterns of the development site itself are fairly large in scale and regular in pattern. Landscape with small-scale and more irregular field patterns are more likely to be sensitive to the introduction of large scale ground mounted solar development than landscape with large, rectangular field patterns.'

8.3.4.4 Taking into account the specific characteristics of the site and surroundings, rather than the general landscape characteristics of the whole of the Tolleshunt Coastal Farmlands E1 landscape character area, and taking into account the specific nature and characteristics of the development proposed, then the site is considered to be of a medium sensitivity to change.

8.3.4.5 Additional information has been received in relation concerns relating to potential changes to impact that may arise when the area is in sparse leaf cover. The applicant has now revisited the site, and the 2014 LVIA includes a range of sparse leaf images captured in March 2014. Photomontages using these sparse leaf images have also been included, showing the development at years 0, 5 and 15. Two additional viewpoints were also requested from the footpath which runs from Park Wood Lane to School Road; along with the junction of Park Wood Lane and School Road. These additional viewpoints have now been provided. The Council's Consultant is satisfied that the additional visual material provided in the LVIA complies with relevant good practice, and that the locations of the viewpoints are representative of the range of views and receptors from around the site.

8.3.4.6 The applicants approach to undertaking the assessment appears to be thorough, with good practice being followed, and a wide range of relevant background information, such as landscape character assessment being referenced. The chosen methodology is appropriate and is applied in a consistent and well supported manner. However, the LVIA does contain a number of inconsistencies, which although these may not significantly affect the outcome of the LVIA, they require clarification on number of solar panels (reduced from 43,054 to 39,760); height of panels (1.44m or 1.55m); presence of CCTV cameras; colour of security fence (Green?).

8.3.4.7 The inclusion within the LVIA of the March 2014 'sparse leaf' photographs and the additional viewpoints, particularly those from the south east (viewpoints 11 and 12) are useful in fully evidencing the findings of the assessment and further demonstrate that the judgments made in the LVIA regarding views from the south and south east are sound.

- 8.3.4.8 In terms of the sensitivity of the site, the Council's consultant takes the view that the set of characteristics specific to the site, and the local landscape characteristics, proposed layout, and design of the development combine to result in the site being of medium sensitivity to this development. Although the general Tolleshunt Coastal Farmland E1 area is given a non-specific development rating of a moderate to high sensitivity to change, this will be more relevant to the lower lying and more open areas of the character area, where potentially long distance and expansive views are achievable.
- 8.3.4.9 In terms of current best practice, guidance recognises that large scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. The guidance also recognises that the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. The key issue is ensuring that proposals to deploy solar PV take into account the landscape circumstances of each project.
- 8.3.4.10 Table 4.4, Criteria for Assessing Landscape Sensitivity to Solar PV Development, which is an extract from Technical Paper EV (a) An Assessment of the Landscape Sensitivity to Onshore Wind and Large Scale Solar Photovoltaic Development in Cornwall, is a particularly relevant document, giving detailed guidance relating to the determination of the sensitivity of a landscape to solar development. It is then found that the sensitivity level of the site would be moderate, i.e. in agreement with the applicant's assessment of local landscape sensitivity.
- 8.3.4.11 The applicant concludes that the proposed development would result in some prominent visual effects, but these would generally be limited to within 1km of the site, mainly to the south and south east. It is agreed that on the whole effects on the landscape character of the study area resulting from the development would be confined to the site itself and to a limited degree, within 1km of the site, to the south, east and south-east.
- 8.3.4.12 In comparison with the 2013 application, the removal of panels from the northern parts of the application site, which were on the highest areas of land and therefore the potentially most visible parts of the development, will reduce the potential landscape and visual impact of the scheme. The topography of the site is such that the development will only be visible when viewed from the south, south east and east of the site. The established boundary hedges and vegetation associated with the lanes which surround the site, combined with the low height of the proposed development and its static and quiet nature, result in any potential landscape and visual impacts which may arise being restricted close to the site. However, taking into account the specific characteristics of the site, such as the existing screening offered by established boundary vegetation, and the characteristics of the general surrounding landscape against which the development is viewed, such as field size, pylons and evidence of human activity, views of the development will not significantly change the character of any existing views of the site.
- 8.3.4.13 This conclusion effectively addresses the concerns of the recent refusal which considered the local landscape has a high sensitivity to change and that the effects of that change then had potential to be far reaching.

8.3.5 Summary

- 8.3.5.1 The proposals have been amended since last submission and have additional supporting information within the LVIA. The proposals have established a “baseline” for landscape character which then guides the applicants’ assessment of Landscape impact. The applicant has submitted a competent methodology and appropriate evidence to demonstrate that the local landscape character is one of medium impact in association with the proposed development. This impact is then demonstrably confined to a limited localised area within significance extending no greater than a 1km radius of the site.
- 8.3.5.2 The proposals therefore demonstrate compliance against the NPPF, Planning practice guidance for renewable and low carbon energy, saved local plan policies CC6, PU6 and emerging LDP policy D4.

8.4 **Associated visual amenity Issues**

8.4.1 Landscaping and planting:

- 8.4.1.1 A landscape scheme supports these proposals and should be read in conjunction with the LVIA. Existing mature site boundary hedges are to be retained and will be managed in accord with the biodiversity management plan, allowing for hedgerows to increase in height over the lifetime of the development. Those existing hedgerows will be enhanced through details set out in the proposed planting plan.
- 8.4.1.2 A new planted hedgerow is proposed (fig 30 Planting Plan - LVIA) to run north south in two sections one 50m and the other 35m across the site (subject to planning condition). Once the proposed hedge is at the specified height then it can further ameliorate the impacts of the proposed solar installation by breaking up the panel / field layout. The new hedgerow will break up the effect of the larger field boundaries and impact of the ground rising from south to north. This measure was recommended by the Council’s landscape consultant at the pre application enquiry stage.
- 8.4.1.3 Additionally, the planting plan shows that reinforcing of existing hedgerows and new hedgerow planting will total 639 shrub and tree plantings, with a further planting of 13 x 2m trees within the scheme.

8.4.2 Security fencing:

- 8.4.2.1 The scheme is supported by a scale plan of the proposed fencing and photographs of installations of similar fencing to that proposed. The security fencing is a major element of the development, the design and colour of the actual fence is considered to be critical to landscape impacts. The fencing shall be green wire with untreated timber supports. Precise details will be submitted to the Local Planning Authority prior to commencement of works.

8.4.3 Ancillary Buildings

- 8.4.3.1 The applicants have confirmed that the proposed “slab levels” of these buildings will be to existing local ground levels and not “built up”.

8.4.4 Summary

- 8.4.4.1 The screening capabilities of the existing landform, the potential for further screening via additional planting and future management of the existing hedgerows will offer effective mitigation over the lifetime of the development. These ameliorating effects will strengthen over time and will then further lessen the impacts of the scheme and impacts of the development.
- 8.4.4.2 The Council's landscape consultant concludes that these proposals will have limited landscape and visual effects upon completion of development, i.e. those ameliorating impacts will further lessen an already acceptable impact. The scheme is therefore not considered to be critically dependent upon that additional mitigation to ameliorate an unacceptable impact.
- 8.4.4.3 The proposals therefore demonstrate compliance against the NPPF, Planning practice guidance for renewable and low carbon energy, saved local plan policies CC6, PU6 and emerging LDP policy D4.

8.5 Heritage assets and setting within the historic landscape

8.5.1 Archaeology

- 8.5.1.1 The applicant provides a detailed report in consideration of archaeological assets. There are no scheduled monuments within the site, the nearest scheduled monument is 2.8km east of the site; a mill mound or barrow. There are no battlefields, within 5km of the site.
- 8.5.1.2 The site is within a historic landscape characterisation study for Essex County Council (ECC), split between the Great Totham and Tolleshunt Major Character areas.
- 8.5.1.3 A desk top and walk over survey have been submitted with the application, these have been added to by additional information from a geophysical survey, supplied under amended plans.
- 8.5.1.4 The Council's Senior Conservation and Urban Design Officer has previously advised that despite the scale of the site there is agreement with the applicant that the likelihood of archaeological finds is relatively low. It is advised that should planning permission be granted then the site is subject to a pre-commencement programme of archaeological investigation.
- 8.5.1.5 Archaeology Summary - The proposals are therefore considered compliant with NPPF, Saved Local plan policies BE17 &18 and Submission LDP policy D3

8.5.2 Built Heritage

- 8.5.2.1 The supporting evidence includes a Cultural Heritage chapter and an Archaeological Desk Based Assessment that states it should be considered as the heritage statement required by the NPPF.

8.5.2.2 The Report is compiled from the Essex Historic Environment record (2013); English Heritage data scheduled monument, listed buildings and registered parks / gardens; National heritage list for England.

8.5.2.3 The report shows that one scheduled monument, five grade I listed buildings, nine grade II* and 15 grade III Listed Buildings have the potential to be visually impacted by the proposals. Of those assets the following are considered as having potential impacts:

- **Grade I:**

- St Peters Church – Slight adverse impact, 1.3km to the west of the site substantive screening prevents visibility, screening will be lessened in winter months; may be distant glimpsed views.

- **Grade II**

- Vouchers Farm – Temporary slight adverse impacts, 380m to south east not directly impacted on the farmhouse, surrounding land parcels are impacted.
- Hill Farmhouse – Temporary slight adverse impacts, 300m north not directly impacted on the farmhouse, surrounding land parcels are impacted.
- Roundbush Farmhouse - Temporary slight adverse impacts, 930m to north not directly impacted on farmhouse, surrounding land parcels are impacted.
- Great Totham Hall – Temporary slight adverse, 1.3km to west impacts on the rural backdrop, only in winter months as glimpsed distant views.

8.5.2.4 Objectors note that a grade II building White House is out with the considerations of the applicant's supporting document.

8.5.2.5 All other assets are considered to be neutral in terms of development impact. The Council's Senior Conservation and Urban Design Officer has previously commented that the applicant's assessment has a sound methodology, this methodology has not been amended. Previously the impacts on the heritage assets were considered to be only slight, since that time the number of panels has been reduced and the section previously proposed on the highest ground has been deleted. Fewer ancillary buildings are proposed. Any impacts will be offset by additional planting proposed within the landscaping plan. It is important that the screening effects can be delivered as soon as possible to offset any harm associated with the development. English Heritage has recommended that the scheme be determined in accord with the advice of the Council's Conservation adviser.

8.5.2.6 The Senior Conservation Officers comments on these revised proposals will be reported within the Members' Update.

8.5.2.7 Built Heritage Summary - The solar farm will impact on the setting of listed buildings, but that impact is considered to be limited to a single Grade I and four Grade II listed buildings. The impacts are considered to be no more than slight and to be of temporary nature / or seasonal nature. Those impacts can be slight offset by landscape planting. The proposed solar farm, complies with the NPPF, practice

guidance for renewable and low carbon energy, saved local plan policy CC6, PU6 and emerging LDP policy D4.

8.6 Ecology and Biodiversity

8.6.1 The application includes an Ecological Appraisal, which incorporates an extended Phase 1 habitat survey on site. The appraisal identifies the same base line as that in place under the 2013 application. The findings show seven local wildlife sites within the 2km desk top search area. The habitat survey found the following habitats:

- On site:
 - Arable - dominant habitat within the site. Fields of autumn sown cereals, margins supporting some species diversity.
 - Species Rich Hedgerow, mature and unmanaged hedgerows, native species with sporadic mature trees. Hedgerows are gappy in places.
 - Tall Ruderal - dominated by common nettles in hedgerows.
- Immediately adjacent to site:
 - Broad leaved woodland - A small copse is located to the south east of the site. Dominated by blackthorn, ash, pedunculate oak, Norway maple.
 - Standing open water - Ponds are located immediately adjacent to the site and were dry at the time of the survey.

8.6.2 Of these habitats it was considered that the hedgerow and arable habitat would be affected by the development proposals. Those other identified habitats are either unaffected by the development or are of limited ecological value. The habitat of the site and immediate surrounding area could support badger, bats, dormouse, skylark, hobby and general nesting birds.

8.6.3 The report recommends that wherever possible the Biodiversity Action Plan (BAP) hedgerow should be maintained, where losses are unavoidable then these must be compensated. A 28m section is removed to facilitate visibility splays for the temporary construction access. This is off set by the creation of a substantive new hedgerow running in two sections north-south for a total of 85m and the enhancement of the existing hedgerows surrounding the site.

8.6.4 A specific management scheme has been proposed the plan includes:

- Grassland creation – grazing by sheep;
- New and replacement hedgerow planting;
- The retention and protection of broadleaved woodland adjacent to the site;
- Provision of bat and bird boxes.

8.6.5 In addition the Council's Coast and Countryside Officer will seek additional habitat creation and enhancement in pond areas under the applicants control that lay immediately adjacent to the site. This measure could be secured within a biodiversity plan condition.

- 8.6.6 In order to ensure satisfactory implementation of the biodiversity plan a programme of monitoring and management will be undertaken once the site is commissioned. This is particularly important to ensure that the proposed biodiversity enhancement grassland does not revert to arable land over the majority of the site which will be used for grazing land for sheep. Similarly, hedgerow and woodland management will require a management and monitoring programme to ensure the measures are effective and sustainable.
- 8.6.7 Bat and bird boxes include at least 100 bird nesting boxes in the broadleaved woodland adjacent to the site, 27 owl nesting boxes, 28 kestrel nesting boxes and 50 bat boxes at strategic locations over the site. This mitigation is to be installed under the supervision of suitably qualified ecologists. The boxes will be managed and maintained in accord with the biodiversity management plan. The principle for enhancement of Biodiversity is supported by NPPF paragraph 118 where opportunities to encourage biodiversity enhancement in and around developments should be encouraged. This is echoed by the English Nature guidance note on biodiversity enhancement opportunities that can be offered from solar proposals.
- 8.6.8 Natural England has no objection to the development and has suggested that reference to guidance notes to secure measures to enhance the biodiversity of the site.
- 8.6.9 Summary
- 8.6.9.1 The application site itself has limited ecological value but will be impacted by the proposed installation of solar panels and ancillary equipment / buildings.
- 8.6.9.2 The scheme proposes material enhancements to local biodiversity, and offers a detailed scheme to demonstrate delivery of these benefits. Measures can be secured by planning condition, and will accord with the recent Planning Practice Guidance for renewable and low carbon energy within paragraph 27 where biodiversity improvements should be encouraged around solar development.
- 8.6.9.3 The provision of a detailed ecological survey and supporting biodiversity management plan demonstrates that the impact of the development will be off set and be able to deliver biodiversity enhancement. The application complies with policy in the NPPF, good practice guidance and saved local plan CC5.

8.7 Agricultural land classification

- 8.7.1 Significant concerns have been expressed by local residents, a Member of the European Parliament (MEP) and Campaign to Protect Rural England (CPRE) relating to the loss of land from agricultural production to accommodate these proposals.
- 8.7.2 Advice is provided at Paragraph 112 of the NPPF which states that when determining planning applications planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The best and most versatile agricultural land is defined in

annex 2 of the NPPF, being grade 1, 2 and 3a agricultural land. Saved local plan policy CC13 similarly seeks to protect the best and most versatile agricultural land.

- 8.7.3 Paragraph 28 of the NPPF requires consideration of support for appropriate planning proposals for the diversification of agriculture.
- 8.7.4 Good practice guidance from DCLG for Renewable and Low Carbon Energy outlines considerations for large scale solar development which involves agricultural land. This advice is echoed by Building Research Establishment guidance “Planning guidance for the development of large scale ground mounted solar PV systems”. The guidance directs solar development to brownfield land, buildings and lower grade agricultural land. Lower grade land is 3b, 4, 5 & 6. Where agricultural land is used it is recommended that any project has a prescribed end date for return to agricultural use, and that the vegetation that grows under panels be subject to management via grazing rather than mechanical / chemical control.
- 8.7.5 The applicants have provided a survey of the agricultural land quality. The survey identifies the site as entirely grade 3 agricultural land. The land is then classified into sub classes as follows as; 22.8ha of grade 3b land; with a pocket of 0.5ha grade 3a land in the North West corner of the site. Members may note that the pocket of 3a class land is now mostly outside of the location for solar panels as the applicant has sought to remove panels from the higher laying land in the north of the site.
- 8.7.6 Land management of the site is proposed to be “ecological standard grazing”, being sown as an ecologically recommended grass seed mix, and managed by sheep grazing to ensure the biodiversity benefit of the grass sward diversity. This land management will prevail over all sections housing the solar panels in accord with the amended biodiversity management plan.
- 8.7.7 A recent Public Inquiry appeal relating to large scale solar development was recovered by the Secretary of State; appeal by Hive Energy, at Horse Close, Church Farm, Hacheston, Suffolk. The site is located on an area of countryside which has a local special landscape value in the local plan. A determinant in this case (alongside adverse visual impact) was that the development proposals were unable to secure the reversion of the land to agricultural use during the lifetime of the energy generating proposals. The land in question comprised 34% Grade 3a or above in a very mixed pattern with 3b and other lower class land. No grazing, haylage or other agricultural use was proposed for the site during the 25 year operation of the solar development. The developer proposed a wildflower meadow. The loss of agricultural land was considered to be a significant negative factor. The Secretary of State dismissed the appeal on the basis of the adverse visual impact and loss of agricultural land outweighing the benefits of the scheme.
- 8.7.8 Summary
- 8.7.8.1 The site covers 18.6ha, the higher grade land is in a pocket to the NW of the northern field. This higher grade land is now tangential to the amended development proposals. Previously, the larger site included less than 0.5ha (less than 2%) which is considered to be of the best and most versatile agricultural land (grade 3a).

- 8.7.8.2 During the lifetime of the solar farm the land will be actively managed as grazing land for sheep, in parallel with electricity generation. The grazing will also be managed to maximise the ecological value of the site. The land is not lost from agricultural production during the solar power production.
- 8.7.8.3 The site is subject to a proposed long running temporary use for thirty years use as a solar farm, which can be reversed in accord with the decommissioning plan accompanying the application. The land will not be lost in perpetuity from agricultural use and will be used as grazing land in the interim. It is concluded that the proposals comply with current national and local planning policy guidance (CC13) which will ensure that the best and most versatile agricultural land will be retained for agricultural purposes.

8.8 Glint and Glare

- 8.8.1 The application is accompanied by a Glint and Glare study, which explains that although ‘glint and glare’ are commonly referred to together, glint is the direct reflection of sunlight, whereas glare is diffuse reflection (or reflection of the bright sky around the sun). Glint is normally much more intense and more significant than glare.
- 8.8.2 Section 3 of the study identifies the main receptors from the proposed solar farm. In terms of glint the receptors are considered over a 5km radius from the site. The study produced a model based upon zones of theoretical visibility.
- 8.8.3 Glint is only experienced when the sun is shining on the panels. Any receptor would have to be able to see the front elevation of the solar panels to experience glint. It should be noted that glint is mostly experienced when the screening leaf cover of the surrounding hedgerows is at its most effective, this then tends to maximise screening of the development and minimise those who are able to directly view the site.
- 8.8.4 Residential Receptors
- 8.8.4.1 The study notes that Bulllace Cottage on Office Lane lies to the east of the site and is most exposed to views of the site with modelling indicating that glint will be received from a small section of panels at the very northern tip of the site. Glint would occur for a limited event on any one day, between 17:50 and 18:05 from mid-April to mid – September.
- 8.8.4.2 Vouchers Farm is to the south east of the site and may receive glint for a limited time between 18:00 and 18:10. The village of Little Totham is also considered and “a handful” of properties have potential to receive glint for once a day for a short time between 17:50 and 18:10.
- 8.8.4.3 Tolleshunt Major Village is over 2km to east south east of the development, properties on Bakers Lane are at 45 degrees to the site and at least 2km away. This angle and distance will give less bright glint which can theoretically occur for a short event at around 18:00 and will be limited to the period late April to mid - August.
- 8.8.4.4 Fabians Farm and surrounding dwellings at Totham Hill are 250m to the North West of the site, Great Totham village is 1.2km to the west and are both well screened

from the development. Tolleshunt D'Arcy lies at the furthest extent of the ground glint zone. These property groups are unlikely to experience glint from the development due to screening, topography and their orientation to the site.

8.8.5 Listed buildings and Scheduled monuments

8.8.6 St Peter's Church lies 3km to the east; only the most elevated section of the church tower may receive low intensity glint for very short periods of the day up to 26 days a year.

8.8.6.1 St Nicholas church at Tolleshunt D'Arcy is 4.9km east of the site, its tower is not screened from the development but glint could only be experienced at the uppermost section of the tower at very low intensity.

8.8.6.2 Both scheduled monuments, The Mill Mound Barrow and Beckingham Hall, are well screened and are unlikely to experience glint from the development.

8.8.7 Rights of way, roads and aircraft

8.8.7.1 Footpath to 1km to west of development site, this footpath is well screened and will not be impacted by glint from the proposals. The footpath south west of Little Totham, located 700m from the site will experience glint for a limited period between 15:55 and 18:05. Tiptree Heath Nature reserve is 450m to the east of the site and is well screened and will experience very limited glint from the development.

8.8.7.2 There are a number of roads within the glint zone; the closest is Office Lane at 280m east of the site. The road will not experience glint due to screening, other roads within the study area are similarly screened or at considerable distance and will not experience glint.

8.8.7.3 Airfields within 40km of the site are considered within the study. The study predicts a worst case whereby glint could potentially be experienced by a passing aircraft for no more than seven seconds; there is no possibility of prolonged glint for aircraft. No objections have been received from aviation bodies.

8.8.8 Summary

8.8.8.1 There is no objection raised in respect of the submitted Glint and Glare Study, from the Council's Environmental Health Officers, subject to further amelioration from the proposed planting plan. No objections are reported from aviation consultees or from ECC Highways in terms of potential adverse impacts on transport safety.

8.8.8.2 The worst case projections from the model showed that impacts would be fleeting on a limited number of receptors for short spells during any one day, these impacts only occur when the sun is shining and then due to the arrangement and proximity of the receptors for no more than 6 months of the year.

8.8.8.3 The impacts of the development are slight in terms of light pollution prevention, and will comply with those considerations of the NPPF, good practice guidance and appropriate saved local plan policies CON5 and PU6, and emerging policy D4.

8.9 Noise

8.9.1 The Environmental Health team has requested further information with regard to the new application in terms of the potential for noise impacts. The request was for a clarification in relation to background noise levels at site start up and clarification as to distances of inverters and transformers from the nearest noise sensitive receptors.

8.9.2 The applicant states that noise levels arising from the cooling fans on the transformer buildings and low hum from electricity transmission are created only at times when the solar scheme is generating electricity, i.e. only at times when the sun is shining. Environmental Health Officers queried the start-up noise. The area has very low background noise levels and potential for significant peaks arose when the cooling fans started up in the ancillary buildings. This concern has been addressed by the applicant. The cooling fans are thermostatically controlled and will not be active until temperatures in the ancillary buildings have risen. On this basis Officers consider that a suitably worded noise condition can be imposed which could effectively ameliorate impacts experienced to those nearest noise sensitive dwellings.

8.9.3 Summary

8.9.3.1 The applicant has supplied additional information relating to noise; Officers are content that the additional information gives confidence that a suitably worded condition can be successfully imposed to manage nuisance arising from the development.

8.9.3.2 The proposals therefore comply with the NPPF, good practice guidance and local plan saved policies CON5 & PU6

8.10 Highways

8.10.1 Highway matters relating to the application proposal are considered over two periods of activity, the construction phase of the development and then long term maintenance. The 'Planning and Design and Access Statement' and supporting plans set out the proposed access proposals and the 'Construction Method Statement' includes further information relating to deliveries during the construction phase.

8.10.2 Construction access is shown to the north of the site to the public highway at Beckingham Road, via a proposed construction access track serving the proposed contractors compound shown in the north of the site. The construction access is subject to an improved junction as shown on drawing L247/6. Maintenance / operation access is proposed to the north of the site to Beckingham Road.

8.10.3 Construction traffic

8.10.3.1 Construction is anticipated to take up to three months. Heavy Goods Vehicles (HGVs) will deliver the various components to the application site during this period, with light commercial vans and constructor's private cars delivering staff to the site. The Construction Traffic Management Plan (CTMP) submitted to support

the application includes a plan showing a proposed restriction on the routing of vehicles to and from the site.

8.10.3.2 The CTMP indicates that deliveries will only take place between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. The management of deliveries will be undertaken by construction staff to ensure safe exit of HGV movements onto Beckingham Road. Deliveries will be timed to prevent multiple HGVs leaving at the same time. Wheel washing facilities will be provided on site and will be controlled by planning condition. Warning signs will be posted on Beckingham Road, and Plains Road.

8.10.3.3 The plan details a right turn only from the site to Beckingham Road and then to access via Loamy Hill Road, and Plains Road, Braxted Park Road would be used to provide access to the A12 for construction vehicles.

8.10.4 Construction vehicle flows

8.10.4.1 HGVs - The first two weeks show initial deliveries to the site for security fencing, establishment of the security compound, cabling and landscaping – 35 HGV movements over two weeks, averaging five deliveries per day.

8.10.4.2 The following weeks 3 to 10 show solar panels will be delivered by 100 HGV deliveries over eight weeks, averaging 13 deliveries per week or around three per day.

8.10.4.3 The final weeks involve commissioning; no more than 19 HGVs would be entering the site to remove the compound and temporary welfare units.

8.10.4.4 The applicant predicts that no more than 160 HGV movements will be required within the three month construction period, at peak when solar frames, panels and ancillary buildings will be delivered to the site the applicant states that no more than ten HGV deliveries per day be undertaken.

8.10.4.5 Light Vans - These movements will be restricted to construction teams, no more than 10 vehicles will be expected at peak times.

8.10.4.6 Wheel wash facilities will be provided, sited close to the site access at Beckingham Road. All drivers will be required to wash wheels when exiting. A road sweeping service will be utilised as necessary.

8.10.5 Maintenance

8.10.5.1 Following completion of the solar farm, vehicle movements will be limited to maintenance visits estimated by the applicant as on average being between 10 - 20 visits each year throughout the 30 year lifetime of the development. These will enter the application site via an existing access served to the north of the site by Beckingham Road.

8.10.6 Decommissioning

8.10.6.1 The development is proposed over a 30 year period prior to the removal of all of the components. It is reasonable to estimate that vehicle movements required for decommissioning will mirror those associated with construction.

8.10.6.2 The applicant provides details of decommissioning in the Construction and Decommissioning Statement. Under the terms of the site lease the applicant is responsible for the whole cost of site clearance and reinstatement to its existing condition. The applicant proposes that the scrap value of materials will largely fund this action. To protect the site the applicant proposes to re-evaluate this cost at the 20 year time line, three quotes will be obtained and evaluated against scrap value. If average costs exceed scrap value then the company will accrue sufficient funds over the next five years to fund reinstatement. The precise details of the site reparation can be controlled by a suitably worded planning condition, with details being submitted and agreed with the District Planning Authority.

8.10.7 Summary

8.10.7.1 The application proposal will require 160 HGV deliveries during the construction period, this is significant but is a temporary impact. The vehicular flow is detailed within supporting documents and is projected to be no more than ten HGV deliveries, and ten light commercial vehicles per day. The Highway Authority raises no objection in terms of highway safety, subject to routing control and improvement of the construction access (as already proposed by the applicant). The flows can be controlled in conjunction with conditions which relate to the Construction Management Plan and are supported by a S106 Unilateral Undertaking in relation to the enforcement of the routing of vehicles.

8.10.7.2 The impact of the proposals can be accurately considered and are demonstrated to be compliant with the provisions of the NPPF, good practice guidance and relevant policies of the local plan.

8.11 **Drainage & Flood Risk**

8.11.1 The application site is in Flood Zone 1, i.e. at low probability of flooding, the proposals are supported by a Flood Risk Assessment on the basis of NPPF guidance (Para 102). The applicant has submitted a Flood Risk assessment to support the application.

8.11.2 The solar panels and ancillary equipment are impermeable surfaces, together with a proposed 0.29% increase in hardstanding. Surface water run-off will be directed to the surrounding ground and will follow existing drainage routes. The applicant predicts limited increase in run off rates to those “Greenfield” rates already experienced from this agricultural site.

8.11.3 The Environment Agency (EA) has raised no objections to the development and has confirmed that on this occasion they have not considered the FRA in detail. Members may recall that under the previous scheme (FUL/MAL/13/00818) covering a larger site area and proposing more panels that a detailed consideration of flood risk was undertaken by EA. At that point EA requested conditions be attached

requiring a drainage plan which commits to run off rates to no more than 1.38 litres per second.

8.11.4 The supporting drainage plan which accompanies the current application shows a Sustainable Urban Drainage System (SuDS) running across the site as an open swale to which surface water run-off will be directed to; those rates will then be attenuated to a Greenfield run off rate (1.38 litres per second) when discharged into the local surface water network. These swales are offered as indicative detail a detailed drainage calculation and evidence to support the capacity of these systems will be required to satisfy any surface water condition.

8.11.5 Furthermore, conditions can be imposed which can ensure that a suitable land management plan is entered into which will ensure that the area underneath the panels is vegetated and retained as such. An informative can be applied to require the clearing of local drainage channels under the applicant's control; currently this matter is an issue of riparian land drainage law and is not subject to direct planning control.

8.11.6 Summary

8.11.6.1 It is clear that EA do not object to the application, Officers consider that conditions be imposed to control discharge rates of surface water into the local water network and ensure a suitable for of land management which will avoid land below the panels being left bare of vegetation. The applicant considers that the restricted run off rate can be reasonably achieved; and commits to a grazing and land management regime. The likelihood is that a condition can be satisfied by submission of further evidence. The proposals demonstrate compliance with the provisions of the NPPF, good practice guidance and relevant polices of the local plan.

8.12 **Conclusions**

8.12.1 The previous proposals were refused on the basis of the detrimental impact that the scale and extent of the proposals will create an unacceptable visual impact upon the acknowledged and highly sensitive landscape character.

8.12.2 There is a clear and continuing need for renewable energy which weighs in favour of the development and is supported by the NPPF. Local Authorities are advised by the NPPF to "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources".

8.12.3 Guidance has been published by DCLG specifically on renewable energy development in July 2013, this guidance and ministerial statements lead to a criteria based assessment for large scale solar proposals on Greenfield land. Where that land is involved in agricultural production then the guidance requires that continued agricultural use is promoted and that biodiversity improvements should also be secured. Planning guidance also promotes consideration of local community views, protection of local amenity, heritage and ecology assets, consideration of local topography, site selection, and impacts of glint and glare and security measures within decisions.

- 8.12.4 The determination of the proposal must demonstrably balance adverse impacts against the benefits accrued from the generation of renewable energy and any other ameliorating effects proposed by the applicant. This process must be clearly evidenced and transparently identify demonstrable harm, benefits and mitigation.
- 8.12.5 In this current case the recent refusal of planning permission is also a material consideration; the current proposals must demonstrate how the amendments have specifically addressed the concerns expressed in the previous reason to refuse planning permission:
- The applicant has removed panels from the highest laying ground; the panels are removed from approximately 300sqm of the northern field lying between the 35 and 30m O.S. contour line.
 - The number of ancillary buildings has also been reduced to now be nine buildings; this represents a reduction of 26 buildings over the site area.
 - The reduction in buildings equates to a net reduction in building volume by 670 cubic metres. Initially the proposed buildings in the refused application totalled 1,113 cubic metres, and current proposals indicate development of buildings in the region of 440 cubic metres.
- 8.12.6 The result of the changes is considered by the Council's landscape consultant, who concludes that the development proposals will have a moderate impact upon landscape character in an area no greater than 1km radius in areas to the south, east and south east of the site. The proposals are then considered to have effectively addressed the previous landscape impact concerns.
- 8.12.7 It is concluded that planning conditions can effectively address other areas of concern and ensure compliance with the mitigating statement provided by the applicant e.g. traffic flows, surface water run-off, biodiversity and habitat mitigation. A legal agreement is supplied which proposes to control the routing of construction vehicles to and from the site. In other areas the harm attached to the development is considered to be so slight that it does not represent a material consideration against which a weighting exercise should be undertaken e.g. impact on heritage assets or glint and glare.
- 8.12.8 After comprehensive consideration of the impacts from these proposals it is concluded that at no point does the impact of these proposals demonstrably outweigh the wider benefits that this scheme can deliver in the form of a substantive delivery of a renewable energy resource, biodiversity and landscape management enhancements, and grazing of the site.
- 8.12.9 The application is considered to comply with the National Planning Policy Framework, good practice guidance, saved local plan policies CON5, CC5, CC6, PU6 and submission local plan policy D4, as such the proposals recommended for approval subject to the following conditions.

Recommendation

APPROVE subject to verification, signing and sealing of Unilateral Undertaking and the following conditions:

- 1 The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.
- 2 The development hereby permitted shall be carried out in strict accordance with the application forms, plans, Planning Statement and other documents and details received as received on 25.03.2014, 16.04.14, and 29.04.2014 as detailed on the attached plans and supporting documents list for which permission is hereby permitted and in compliance with any conditions imposed by the Local Planning Authority.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The planning permission is for a period from the date of this permission until the date occurring 30 years after the date of commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 28 days after the event ("Commissioning" is defined as the point at which the solar farm is put into active service or becomes "active", or is in use or useable condition).
REASON: To ensure that the landscape impact of the development exists only for the lifetime of the development.
- 4 Within six months of the expiry of this permission a fully detailed Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decommissioned in accordance with the approved Statement.
REASON: In the interests of the amenity of the area.
- 5 If the solar farm hereby permitted ceases to operate for a continuous period of six months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.
REASON: In the interests of the amenity of the area.
- 6 In relation to the construction of the development hereby permitted; no machinery shall be operated, no process shall be carried out beyond the hours of 08.00 - 18.00 Monday to Friday, nor outside the hours of 08.00 - 13.00 on Saturdays, or at any time on Sundays or Bank Holidays.
REASON: In the interests of the amenity of the adjacent residents.
- 7 Deliveries to and collections from the site shall only be undertaken between 0800 hours and 1800 hours on weekdays and between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays. Deliveries shall accord with those details laid out within the approved Construction Traffic Management Plan. A log of deliveries shall be retained throughout the development

and will be made available for inspection by the Planning Authority upon written request.

REASON: In the interests of the amenity of the adjacent residents.

- 8 Construction shall not commence until the areas within the site shown on Drawing titled "Land to the south of Beckingham Road proposed layout" LSB_01_A, have been laid out for the purposes of construction compound loading, unloading, manoeuvring and parking of vehicles and will thereafter these areas shall be retained and used for no other purposes.

REASON: To ensure that sufficient space for the on-site parking of construction vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

- 9 Prior to commencement of the development the access and visibility splays, as shown in principle on drawing no.L247/6, submitted on 16.04.2014 shall be implemented for a temporary period during construction only. A timetable and specification of works for the reinstatement of the access after its use has concluded shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall then be implemented.

REASON: In the interests of highway safety and efficiency.

- 10 The construction compound, welfare buildings, and temporary access shall be removed from the site in accordance with those measures laid out within the approved Construction Decommissioning and Traffic Method Statement.

REASON: In order to ensure satisfactory clearance of construction elements from this sensitive visual location upon completion of construction works.

- 11 The details, as outlined within the submitted PFA Consulting Construction Management Traffic Plan, but not necessarily restricted to, for the delivery route, associated Traffic Management and wheel cleaning, shall be adhered to at all times during the construction phase and until after the removal of the temporary access.

REASON: In the interests of highway safety, residential amenity and efficiency.

- 12 The solar farm shall not be used until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in an agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: The site is potentially of archaeological and historical significance.

- 13 No development shall take place within the area indicated (the whole site) until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of the significance and research questions and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.

- f) Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.
- g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

REASON: The site is potentially of archaeological and historical significance.

- 14 Those measures detailed within the approved Biodiversity management plan for the long term benefit and enhancement of wildlife shall be implemented in accordance with the approved timetable. The management plan shall then be implemented and monitored in accordance with the approved details and time line.

REASON: To preserve and enhance the biodiversity of the site in accord with an approved time line.

- 15 The landscaping of the site shall be carried out in accordance with the Landscape Planting Plan as shown on Drawing titled PE10305/Figure30, submitted on 25.04.2014. The landscaping scheme shall be completed within six months from the date when the solar farm is brought into use, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first five years shall be replaced during the next planting season.

REASON: To ensure the provision of amenity afforded by appropriate landscape design.

- 16 No hedges within the site shall be removed, cut back in any way, or damaged, unless or otherwise first agreed in writing with the Local Planning Authority. No development shall commence until fencing / ground protection to protect the hedges / shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per the Arboricultural method statement in accordance with British Standard 5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the local planning authority. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON: In order to ensure retention of existing mature trees and hedgerows.

- 17 No equipment, machinery or materials are brought to the site for the purposes of the development, until a written statement detailing the retention and protection of trees on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted statement shall include a survey and assessment of all trees on the site and shall identify on a scaled drawing those trees to be retained and where arboricultural work is proposed. It shall also detail the measures and means of protecting the trees on the site in accordance with British Standards 5837:2012 (Trees in Relation to Construction). The development shall be carried out fully in

accordance with the agreed details unless otherwise first agreed in writing with the Local Planning Authority. If within five years from the completion of the development a tree which is agreed to be retained is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON: In order to ensure retention of existing mature trees and hedgerows.

- 18 The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained as such thereafter.

REASON: In order to minimise potential flood risk from this development.

- 19 Prior to commencement of development a detailed surface water management plan shall be submitted to and agreed in writing by the Local planning Authority. That management plan shall demonstrate that the detailed scheme will successfully attenuate run rate to be no greater than 1.38l/s/ha.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site.

- 20 All surface water shall be discharged to existing flow routes to the south east of the development.

REASON: To prevent flooding elsewhere by ensuring use of an appropriate point of surface water discharge.

- 21 The development hereby permitted shall not be commenced until details of the proposed finished floor levels of all ancillary buildings have been submitted and agreed in writing by the Local Planning Authority. There shall be no alteration to these approved finished floor levels without the prior approval in writing of the Local Planning Authority.

REASON: In order to ensure a satisfactory relationship with the surrounding development and local visual amenity.

- 22 A security fence at 2m in height, the design and materials of which shall be submitted to and approved in writing by the Local Planning Authority, shall be erected in the position as shown coloured blue on approved plan Hill Farm Wicks Manor Site Layout. The fence as approved shall be erected prior to the commissioning of the development to which it relates and shall be retained as such thereafter.

REASON: In order to ensure a satisfactory visual impact from the proposed security fence.

- 23 Prior to the commencement of development precise details of the proposed external cladding and colour to be used for the inverter, transformer, switch station and communications buildings shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In order to ensure a satisfactory visual impact from the proposed ancillary buildings.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant / Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 6037631.