

<p><b>Item 4</b></p> <p>14/00649/FUL</p> <p>Land North of Ulverston Road and East of Fambridge Road, South Fambridge.</p>	<p><b>Contents:</b></p> <ol style="list-style-type: none"> <li><b>1. Further correspondence form the applicants in response to the officer recommendation</b></li> <li><b>2. Officer comment</b></li> </ol> <ol style="list-style-type: none"> <li><b>1. Further correspondence form the applicants in response to the officer recommendation</b></li> </ol> <p>In the first instance we do have a few points that I think need to cleared up in your report.</p> <ul style="list-style-type: none"> <li>• Paragraph 2.6 line 2;             <ul style="list-style-type: none"> <li>○ The fence will not have barbed wire on top and will be to a maximum height of 2.1m details attached. This can be controlled via condition in any event, the fencing will be green and can also be controlled.</li> </ul> </li> <li>• Paragraph 2.8 line 3;             <ul style="list-style-type: none"> <li>○ The sub-stations will not be pre-fabricated concrete I've attached details we would be looking to have the cabinets which would be erected in GRP in green</li> </ul> </li> <li>• Paragraph 5.29;             <ul style="list-style-type: none"> <li>○ We have indicated that we would put in place process for deliveries to be undertaken outside of the school drop off collection times.</li> </ul> </li> </ul> <p>We have undertaken additional photomontages from the areas identified within your report as being of concern for visual impact. I trust they demonstrate that there would be no opportunity to view the proposal from land to the Northern Bank of the River Crouch. And that there would be only limited views from the footpath to the east of the site, in addition the proposed screening and Green fencing would serve to further limit any visual impacts. Which leaves the views from St Andrews Church at Ashingdon.</p> <p>The footpath in question is 245m in length and views would only be obtainable heading in a northern direction for approximately half of the length. The view halfway along the footpath shows this impact to be reduced and the view at the roadside on Canewdon Road shows the significant screening from the hedgerows would render only a very small section of the site visible. Again with suitable green fencing and additional planting this would be significantly</p>
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	<p>screened in short time.</p> <p>We have also prepared a document to provide to all of the councillors on the Planning Committee.</p> <p>As I understand from your report the Officer opinion is that the proposal is inappropriate development within the Green Belt and therefore that very special circumstances must be displayed to allow you to support the proposal.</p> <p>In addition to the harm by means of inappropriateness you have also identified some limited visual harms from the footpath to the east. From higher land to the north of the River Crouch and also from the footpath to the north of St Andrews Church at Ashingdon. On this point please see the attached additional photomontages which demonstrate that there would be no views from the north of the River Crouch. From the footpath to the east only very limited views would be possible and would be at an obtuse angle to the direction of travel, which with the additional hedgerow planting and ability to provide green coloured fencing would be further mitigated. This leaves only the footpath from the Church down to Canewdon Road. This is a 245m stretch of footpath and as can be seen from the additional photomontages significantly reduces over distance and once at the road cannot be seen at all. Therefore it is considered that there is harm by means of inappropriateness and only very limited additional harm to a very limited section of those closest footpaths. Against this must be balanced the case for very special circumstances.</p> <p>As I understand it you have previously discussed back in December with the applicant (Ric Hallikeri) that the application, due to changes in the national funding set up, would be developed as two 5MW sites. With one 5MW site being set up into a Community Interest Company (CIC). Basically this would be a community company which would reinvest their profits from the solar farm back into the community. We have not pushed this side of the development any further with yourselves as you were clearly in support of the proposal and in any event in order for the proposal once approved to be built out this would be the only viable way. We have the support for this from the local Parish Council's and from community Energy England. The proposal will result in benefit to the local community through funding to up to £20,000 per annum. In addition the proposal will result in the injection of £25,000 each to Ashingdon and Canewdon Parish Council for investment into community facilities and social activities. We believe that this is a great benefit to the community and warrants significant weighting in favour for the balancing exercise in determination of the application.</p> <p>In addition we believe that the weighting afforded to the provision of</p>
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	<p>renewable energy is substantially under estimated in your considerations. The NPPF establishes that there are 12 core principles to planning for sustainable development. Core principle number 6 is support for the transition to a low carbon future by encouraging the use of renewable resources for example, by the development of renewable energy. Paragraph 93 of the NPPF goes on to establish the important role of planning in delivering renewable and low carbon energy. This is described as central to the economic, social and environmental dimensions of sustainable development. In order to increase the use and supply of renewable and low carbon energy, local planning authorities should have a positive strategy to promote energy generation from these uses (NPPF para. 97).</p> <p>When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy or low carbon energy and should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable (NPPF para. 98). Consequently, there is considerable support within national planning policy for the generation of renewable and low carbon energy. As noted above, paragraph 91 of the NPPF states that, in the case of renewable energy projects located in a Green Belt, the wider environmental benefits associated with the increased production of energy from renewable sources may comprise very special circumstances. It is therefore apparent that within the NPPF there is significant policy support for renewable energy and that in consideration of the planning balance great weight should be afforded to the benefits of renewable energy provision.</p> <p>In addition to these benefits the proposal will result in increased biodiversity at the site with the improvement of the hedgerows around the site and the provision of great field margins along with the use of the land beneath and around the solar panels for wildflower meadow. These benefits are widely recognised as being significant against the use of land for arable agriculture which results in a low level of biodiversity due to a mono - culture of crop and the regularity of ground disturbance. We consider this to be a material consideration to which appropriate weight should be attached.</p> <p>The proposal would result in the creation and implementation of an educational resource with local schools being able to bring real world learning to their students through educational packages prepared by educational experts in this field and through allowing visits to the site to experience the proposal first hand. We consider this to be a very significant benefit with the increased awareness for future generations of the need and opportunities for low carbon and</p>
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renewable energy. We consider this is a material consideration and again holds significant weight in the balancing of the assessment of the planning merits.

Finally we consider that the reversibility of the proposal and that the site would remain as undeveloped land at the end of the proposals life cycle are significant points which would ensure that the proposal protects the Green Belt long term serving one of the key purposes of Green Belt to maintain openness. We consider that this reversibility is a material consideration that again warrants significant weight in the balance of the case for Very Special Circumstances.

To summarise the additional photomontages demonstrate the low level of visual impact upon the character of the area and therefore would not in itself be sufficient to warrant refusal of the proposal. Case law provides that if the issue at hand is not sufficient to warrant refusal in itself it should not be attached in a 'tally' system to amount to additional hurdles for the case for very special circumstances to overcome. On this basis the proposal must overcome the harm by means of definition to the Green Belt. The case for very special circumstances is based upon, the substantial support for Renewable Energy in Planning Policy, that every community must do its part in increasing the provision of renewable energy and addressing climate change, That there is no available land within Rochford District outside of the Green Belt which can be accommodate the proposal at a viable rate, that there are significant community benefits through the Community Interest Company ownership of half of the proposal (We would be willing to provide a Unilateral Undertaking to ensure that the development must be implemented as such), that there are significant ecology benefits, educational benefits and the adverse impacts of inappropriateness in the Green Belt would be readily reversible at the end of the life cycle.

We therefore request that you reconsider your recommendation in light of the additional information.

**2. Officer comment:**

**Application details**

The details of the application (application plans) clearly show the proposed fencing as described in the officer report to the height of 3m including three strands of wire above mesh fencing. The reference by the applicant to an alternative design is an alternative raised after the officer recommendation has been prepared. The fence design is not a specific issue forming the reasons

	<p>recommended for refusal. If members are minded to grant permission but favouring the alternative fence design, the revised details for the fencing could be considered as part of submissions required by a condition to the grant of permission.</p> <p>The details of the application (paragraphs 3.3 to The accompanying Flood Risk Assessment) state that six substation buildings would be built from pre fabricated concrete. The reference by the applicant to an alternative design in green glass reinforced plastic is an alternative raised after the officer recommendation has been prepared. The substation building design is not a specific issue forming the reasons recommended for refusal. If members are minded to grant permission but favouring the alternative sub – station design, the revised details for the design could be considered as part of submissions required by a condition to the grant of permission.</p> <p>Paragraph 5.32 to the officer report clearly states that the applicant would seek to avoid construction deliveries to the site during peak periods. There is no conflict with officers in this matter but if members were minded to grant permission for the development, officers would recommend the submission of a construction management plan to be considered as a requirement of a condition to the grant of permission.</p> <p><b>Landscape impact</b></p> <p>The applicant has submitted photomontages from various public vantage points and on the impact of these officers and the applicants disagree. Whilst there is some common ground in relation to the footpaths 5 and 19 north of St. Andrews Church Ashingdon. Whereas the applicant focusses upon the lower land level, officers take the view that the impact of the proposal from the higher vantage point immediately on leaving the church grounds are more significant given the views on the surrounding landscape from this point.</p> <p><b>Community benefits</b></p> <p>The applicant refers to informal telephone discussions that took place around 16<sup>th</sup> December. Whilst the applicant may have made reference to the Community Interest Company (CIC) now proposed, officers recollect the conversation was more focussed upon the delay and affect on timing of implementation of the project and implications for grid connections. Members will note in the reply from the applicant “... <i>we have not pushed this side of the development with yourselves...</i>”</p> <p>Since the preparation of the officer report, the applicant has now</p>
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	<p>raised more prominently, that part of the project would be implemented as a Community Interest Company whereby the project would give income over its lifetime to The Canewdon and Ashingdon Parish Councils.</p> <p>Officers understand that the Companies Act (2006) and other legislation governing companies, allow for businesses to be established for community benefit whilst maintaining a company structure (limited by guarantee, public or private companies limited by shares). Good examples are charity shops, day care centres or social enterprises or recreational activities. Officers understand that surpluses generated by the company may be used to support its activities and maintain its assets.</p> <p>The applicant argues that the availability of the project to resource public projects undertaken by both Canewdon and Ashingdon parish Council's would be a significant public benefit. Officers disagree with the applicant that that benefit would be so great such as to outweigh the harm to the landscape which would be for some 25 years. Officers do not consider that the further information provided by the applicant leads to a different conclusion to be made.</p> <p>The <b>RECOMMENDATION</b> is therefore <b>REFUSAL</b> for the reasons set out in the report.</p>
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