
15/00190/FUL

LONDON SOUTHEND AIRPORT, ROCHFORD

INSTALLATION OF A PHOTOVOLTAIC SOLAR FARM AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, TRANSFORMER BUILDING AND CONNECTION TO THE AIRPORT'S ELECTRICITY RING MAIN FOR THE LIFE OF THE SOLAR FARM

APPLICANT: LONDON SOUTHEND AIRPORT CO. LTD.

ZONING: LONDON SOUTHEND AIRPORT AND ENVIRONS JAAP AREA AND FLOOD ZONES 1, 2 AND 3

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

1 PLANNING APPLICATION DETAILS

- 1.1 The proposal is for a photovoltaic solar farm and associated infrastructure, including photovoltaic panels, mounting frames, transformer building and connection to the airport's electricity ring main for the life of the solar farm.
- 1.2 The transformer container building would be located to the eastern section of the site close to existing buildings and fuel pumps and would be steel and coloured dark green. It would be 3m in height, 10m in length and 3m in width with a flat roof with the appearance of an industrial container.
- 1.3 The solar panels would be sited on steel frames with matt finish onto which the glass surface PV panels would be mounted. They would be located in 41 rows running along a west-east line and would rise to a height of approximately 3.1m above ground level. The installation would comprise approximately 11,000 panels. The rows would be set approximately 2.7m apart. The final levels of the panels will be confirmed at design stage to ensure that the panels are raised above the 1 in 100 plus climate change level. The grass will continue to be managed and mown. The panels would be pile driven into the ground to a depth of approximately 1.5m; no concrete foundations would be required.
- 1.4 A 2m wide access track constructed of granular material is proposed along the perimeter of the site to allow for maintenance activities. The panels would

be sited over a 2.1 hectare area with the panels and associated infrastructure covering 65% of this area.

- 1.5 The supporting statement advises the array would be fed into the airport's electricity mains, contributing approximately 20% of the airport's annual consumption. The array is intended to be a temporary medium term use of the site with all panels and equipment removed at the end of its operational life.

2 THE SITE

- 2.1 The site is an area of primarily managed airfield grassland within the boundaries of London Southend Airport. It is located within flood zones 1, 2 and 3 and is identified as being within the London Southend Airport and Environs JAAP area within the Allocations Plan Policies Map 2014.
- 2.2 The Eastwood Brook runs along the northern and western boundary of the site. The site is bounded to the north, south and east by airport operational developments including the airport fuel farm, hangar and workshops, the airport training ground and beyond that the Foxtrot taxiway.

3 PLANNING HISTORY FOR THE WIDER AIRPORT SITE (from 1990s)

- 3.1 95/00008/PD - Rationalisation of Terminal Building Including Part Demolition and General Refurbishment.
- 3.2 95/00209/PD - Rationalisation of Terminal Building Including Part Demolition and General Refurbishment.
- 3.3 97/00526/OUT - Erect Replacement Air Terminal With New Integrated Rail Station, Visitor Centre, Access Road and Associated Car Parking. APPROVED.
- 3.4 04/00639/REM - Replacement Air Terminal with Integrated Rail Station, Visitor Centre, Access Road and Associated Car Parking. (Reserved Matters Following Outline Approval 97/00526/OUT). APPROVED.
- 3.5 05/00324/FUL - Construction of a Multi Modal Transport Interchange Facility for Southend Airport Railway Station, Including Parkway, Car Park, Access to Southend Road and Associated Highway Works. APPLICATION WITHDRAWN.
- 3.6 06/00221/PD - Notification Under Schedule 2 Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 1995 - Construction of a 230 Space Car Park and Erection of 2.7m Security Fence Lighting and CCTV Columns on Land Adjacent to the Control Tower.
- 3.7 06/00546/PD - Request for a Screening Opinion Under Regulation 5 (1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Extension of 1473 square metres to existing

terminal to provide modern check in areas, security facilities and arrivals waiting area to facilitate 500,000 passenger movements per annum on Air Transport Movements. Re-configuration of existing internal access roads and car park areas (including additional areas) to provide 500 car parking spaces and drop-off/collection/taxi/coach/bus facilities. Erection of 1.8/2.2m high security fences along new airside/landside boundaries. Enclosure of baggage handling facility.

- 3.8 07/00993/PD - Notification Under Schedule 2 Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 1995 to Construct an Access Road Linking the Existing Aviation Way to a Hangar Currently Utilised by Casemasters Ltd.
- 3.9 07/01056/FUL - Application to Vary Condition 14 Attached to the Existing Planning Permission to Erect a Replacement Air Terminal with New Integrated Rail Station, Visitor Centre, Access Road and Associated Car Park (97/00526/OUT). This Application Seeks Approval for The Following Revised Condition: "Construction of the replacement terminal, new rail station, associated car parks and access roads shall be completed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The replacement terminal building shall not be brought into use before the new rail station, associated car parks and access roads have been completed; thereafter the replacement terminal building shall not be used independently from the rail station, without the prior written consent of the Local Planning Authority". APPROVED.
- 3.10 08/00222/FUL - Construct 2.85m High Mesh and Barbed Wire Topped Security Fence to Part of Airfield Perimeter Off and to the North of Aviation Way. APPROVED.
- 3.11 08/00238/PD - Construct 2.85m High Mesh and Barbed Wire Topped Security Fence to Part of Airfield Perimeter off Aviation Way and off Northern End of Short Runway.
- 3.12 09/00307/FUL - Retrospective Application to Form Temporary New Access off Southend Road. APPROVED.
- 3.13 09/00395/PD - Proposed Two Overhead Line Gentries to Rail Lines.
- 3.14 09/00570/PD - New Control Tower Building.
- 3.15 09/00599/FUL - Application to Vary Conditions No. 5 and No. 8 to the Existing Planning Permission to Erect a Replacement Air Terminal with Integrated Railway Station, Visitor Centre, Access Road and Associated Car Parking. (04/00639/REM). APPROVED.
- 3.16 10/00369/PD - New Steel and Wire Mesh Perimeter Security Fencing to Northern Boundary.

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- 3.17 10/00629/FUL - Siting of Two 40ft Metal Containers on Land Between Vulcan Aircraft and Railway Line For Use for the Storage of Aircraft Maintenance Equipment and Equipment Associated With Public Open Days of The Vulcan Restoration Trust. APPROVED.
- 3.18 10/00643/NMA - Application for a Non-Material Amendment Following Approval at 04/00639/REM. APPROVED.
- 3.19 10/00689/PD - Provide New Taxiway on South Eastern Side of Runway.
- 3.20 11/00074/FUL - Application For Variation Of Condition 1 Of Planning Consent 07/01056/FUL To Allow For Amendments To The Design Of The New Terminal Building. APPROVED.
- 3.21 11/00093/PD - Proposed Apron (Hardstanding) for Use for the Parking of Aircraft.
- 3.22 11/00551/PD - Airside Covered Passenger Walkways Between New Terminal And Aircraft Stands.
- 3.23 11/00680/PD - Construct Airside Ramp and Office Accommodation Building.
- 3.24 11/00711/PD - Construction of and use of land for passenger surface car park, including perimeter security fencing, lighting, alterations to access to the flight centre flying club and demolition/removal of existing buildings and hardstanding.
- 3.25 12/00102/FUL - Retention of the existing vehicular access off Southend Road for emergency access (access having previously been constructed pursuant to a temporary planning permission), Retention of vehicular access track and retrospective permission to retain re-profiling and grading of site. REFUSED.
- 3.26 12/00103/FUL - Extension Of Passenger Terminal Building; Configuration Of An Aircraft Parking Area For 5 Aircraft Stands; Passenger Walkways; And Associated Works. APPROVED.
- 3.27 12/00457/PD - Notification Under Schedule 2 Part 18 Class A of the Town and Country Planning (General Permitted Development) Order 1995 to Construct a Pollution Control Pond.
- 3.28 12/00751/FUL - Extension to the Passenger Terminal Building. APPROVED.
- 3.29 13/00241/PD - Improvement Works To Fire Training Ground And New Access From Aviation Way, Northside, London Southend Airport.
- 3.30 14/00779/FUL - Installation of a photovoltaic solar farm and associated infrastructure, including photovoltaic panels, mounting frames, transformer

building and connection to the airports electricity ring main for the life of the solar farm. REFUSED for the following reasons:-

- 1 *The proposal is considered to be contrary to policy ENV3 and paragraphs 100 and 101 of the NPPF which seek to direct development away from areas at risk of flooding by applying the sequential test and, where necessary, the exceptions test. A proposal for a solar farm at London Southend Airport, which has possible other land within its control which could support solar development such as this outside of flood zone 3b, could occur in an area with a lower risk of flooding than the application site. For this reasoning, the proposal is not considered to meet the sequential test and therefore it is not necessary to apply the exception test. To site the solar farm the subject of this application within flood zone 3b without meeting the sequential test is generating unnecessary flood risks and implications upon the functional flood plain.*
- 2 *The proposal is considered contrary to policy MRO2 of the London & Southend Airport & Environs Joint Area Action Plan (JAAP) (unadopted) which states that applications for airport related MRO developments (e.g. increased hangarage and aircraft maintenance facilities) will be supported in the MRO zone extension as shown on the Proposals Map. A proposal for a solar farm within the area allocated for MRO developments would be contrary to policy MRO2 which seeks to retain this land for other more important operational airport related purposes. The result of permitting a solar farm on this site is to limit available MRO development which would subsequently lead to the possibility of other airport land needing to be allocated for this purpose.*
- 3 *The ecological risk assessment report provided represents an overview of the likely risks that the development would need to address and identifies badger activity on the site and the potential for grass snakes to be present. The NPPF at paragraph 118 explains that when determining applications, local planning authorities should aim to conserve and enhance biodiversity. It goes on to explain that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats and where significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for. In order to reach a conclusion on whether to recommend approval or refusal for a development proposal when assessing ecological considerations, a Local Planning Authority (LPA) must be fully informed as to the ecological implications for a scheme. However, the inadequate information supplied has meant that the LPA are not in a position to confirm whether such harm to ecology, which the NPPF places great importance upon, would occur or not. Without more detailed surveys, the harm to which the NPPF seeks to prevent to sites of ecological significance, cannot be sufficiently assessed. Policy DM27 of the Development Management Development Plan Document (unadopted) advises that planning permission will only be granted for development*

provided it would not cause harm to priority species and habitats. The proposal is considered to be contrary to this policy due to the inadequate information supplied to reach an informed view.

4 CONSULTATIONS AND REPRESENTATIONS

Rochford Parish Council

4.1 No objections.

RDC Environmental Services

4.2 No adverse comments.

RDC Engineer

4.3 No objection/observations.

ECC Highways

FIRST RESPONSE:

4.4 No comments.

SECOND RESPONSE: (superseding their first response)

4.5 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following condition:-

1. Prior to commencement of the development, the developer shall prepare and implement a Construction Traffic Management Plan, to include details of construction vehicle access, areas for loading, unloading and storage of materials, and contractor vehicle parking. The approved Construction Traffic Management Plan shall be adhered to throughout the construction period. Details to be agreed with the Highway Authority.

ECC Conservation

- 4.6 The site is located on the northern edge of the airport complex, and faces towards Rochford Hall (listed grade I and a Scheduled Monument) and the Church of St. Andrew, Rochford (listed grade II*), located to the south of the settlement of Rochford itself. There are several other buildings, associated with the Hall and Church, in the near vicinity, which are listed grade II.
- 4.7 The site itself will not be visible from any of these heritage assets, and will certainly not add to the harm to the setting of these Listed Buildings beyond that which has already been caused by the existence of London Southend

Airport. As such I have no objections to this application from a conservation perspective.

ECC Archaeology

- 4.8 The Historic Environment Record (EHER) shows that the proposed development site is located to the east of the site of the former Westbarrow Hall Farm (EHER 48177), possibly dating from the medieval period. The proposed development also lies south-east of the site of multi-period settlement activity, dating from the Bronze Age through to the Roman period (EHER 17440). Geophysical survey has been carried out, which did not clearly identify magnetic variation indicative of archaeological remains. However, it is possible that further archaeological remains could still survive in this area, which would be destroyed by this development.
- 4.9 In view of this, the following recommendation is made in line with the National Planning Framework.
- 4.10 Recommendation: Full condition:
- 4.11 *'No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.*
- 4.12 The archaeological work will comprise evaluation trenches of the proposed development area, followed by excavation if archaeological features are found. All field work should be conducted by a professional recognised contractor in accordance with a brief issued by this office.

ECC Arborist

- 4.13 I was unable to enter the site directly, but did have clear views of fairly prominent oak trees. It appears the trees are to be retained within the proposed development. I would recommend the applicant submits an arboricultural impact assessment (AIA) in accordance with BS5837-2012.

Environment Agency

- 4.14 We have reviewed the information submitted and wish to raise a holding objection, as we require clarification as to the vulnerability classification of the proposed development. We were consulted on a previous application at this site, your reference 14/00779/FUL, and the site location plan is the same as previously submitted, therefore our comments remain the same. Please see our detailed comments below.

Fluvial Flood Risk

- 4.15 Our maps show the application site is located in Flood Zone 3b, the functional flood plain. Only development defined as 'water compatible' or 'essential infrastructure' in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance should be permitted in Flood Zone 3b, as set out in Table 3 of the Planning Practice Guidance, Flood Risk and Coastal Change.
- 4.16 If the proposed solar farm is considered to be 'less vulnerable' then it is an inappropriate development for Flood Zone 3b and should not be permitted. If, however, the development is considered to be 'essential infrastructure', then it is appropriate for it to be located within Flood Zone 3b. In this case, it will be required to pass the Sequential and Exception Tests and be supported by a site-specific Flood Risk Assessment (FRA).
- 4.17 We consider that the decision as to the vulnerability of this development lies with the local Council and falls outside our remit, however we will object in principle to any development in Flood Zone 3b which is not classified as 'essential infrastructure' or 'water compatible'. We require clarification from the local Council on how the proposed development will be considered before we can consider this application in detail.

Flood Defence Consent

- 4.18 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank of the Eastwood Brook, designated a 'main river'.
- 4.19 The erection of flow control structures or any culverting of an ordinary water course requires consent from the Lead Local Flood Authority. If there are any such works proposed as part of the application then it would be best for the applicant to discuss these at an early stage.

5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 In considering this proposal, the Council should refer to The Minister for Energy and Climate Change, Gregory Barker's, speech to the solar PV industry on 25 April 2013, written ministerial statement – solar energy: protecting the local and global environment (25 March 2015) and the Renewable and Low Carbon Energy Guidance which can be found on the Planning Practice Guidance section of the Planning Portal. These can be given weight to the consideration, along with local and national policy and guidance, in particular the National Planning Policy Framework. The Planning Practice Guidance states as follows:-
- 5.2 *Particular factors a local planning authority will need to consider include:-*

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- *encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
 - *where a proposal involves green field land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015.*
 - *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
 - *The proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
 - *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
 - *The need for, and impact of, security measures such as lights and fencing;*
 - *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
 - *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
 - *The energy generating potential, which can vary for a number of reasons including, latitude and aspect.*
- 5.3 *The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.*

- 5.4 The site is green field but within the control of the airport operating company. The company has undertaken a study to ensure glint and glare from reflection from the sun would not present a risk to the safety of airport operations, therefore it is not considered that the proposal will be considered to have a detrimental impact on airport operations or aircraft safety. The site is allocated within the JAAP to be incorporated into a north side extension of the Maintenance, Repair and Overhaul (MRO) land within the airport boundary and therefore is not Metropolitan Green Belt. The site is considered to be of environmental value, being mostly located within the functional flood plain and with the presence of badgers; however, such environmental value is not considered to be significant, especially considering its designation within the JAAP.
- 5.5 Since the previous application was determined, a written ministerial statement has been made making it clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. The site is classified as approximately 60% non-agricultural and 40% grade 1 agricultural land, of excellent quality. However, bearing in mind that the grade 1 land is within the grounds of the airport close to the taxi way, it is unlikely to be used in an agricultural manner anyway. For this reasoning and because the Grade 1 represents only approximately 40% of the site, it is not considered reasonable to refuse the proposal because part of the site is Grade 1 agricultural land.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

- 5.6 Screening is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. The Local Authority should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the Regulations.
- 5.7 The submission identifies that the proposed development falls within the description in Paragraph 3(a) of Schedule 2 being an industrial installation for the production of electricity on an area greater than 0.5 hectares; the site area would total some 3.2 hectares. Given this the Local Planning Authority must screen the proposal to determine whether significant effects are likely and hence whether an Environmental Assessment would be required.
- 5.8 When screening the LPA must take into account the selection criteria in Schedule 3 of the Regulations. These are as follows:-

Characteristics of Development

1. The characteristics of development must be considered having regard, in particular, to:-
 - (a) the size of the development;

- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of Development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to:-
- (a) the existing land use;
 - (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas:-
 - (i) wetlands;
 - (ii) coastal zones;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds(1) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(2);
 - (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded;
 - (vii) densely populated areas;
 - (viii) landscapes of historical, cultural or archaeological significance.

Characteristics of the Potential Impact

3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:-
 - (a) the extent of the impact (geographical area and size of the affected population);
 - (b) the trans frontier nature of the impact;
 - (c) the magnitude and complexity of the impact;
 - (d) the probability of the impact;
 - (e) the duration, frequency and reversibility of the impact.
- 5.9 National guidance advises that each case should be considered on its own merits in a balanced way and that the LPA should retain evidence to justify its decision. The guidance goes on to advise that only a very small proportion of Schedule 2 development will require an assessment. Further guidance is provided in the Annex to the national planning practice guidance, which provides indicative only thresholds, which are intended to help Local Authorities to determine whether significant effects are likely. The guidance goes on to note that when considering the thresholds, it is important for LPA's to also consider the location of the proposed development. In general; the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely.
- 5.10 In respect of part 3(a) industrial installations the annex guidance gives an indicative only threshold of thermal output of more than 50MW and advises that the key consideration is likely to be the level of emissions to air, arrangements for the transport of fuel and any visual impact. The annex advises that small stations using novel forms of generation should be considered carefully.

Consideration

- 5.11 The array would be located on land which falls within flood zones 2 and 3 including 3b (the functional flood plain).
- 5.12 The submission states that the proposed solar array would generate some 2.8MWp of electricity providing for about 20 per cent of the airport's electricity requirements. This maximum power output would be significantly lower than the indicative threshold of 50MW.

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- 5.13 The level of emissions to the air from the proposed development would also be minimal as solar (PV) converts sunlight to electricity without significant environmental emissions during operation and the development would not be likely to generate significant traffic movements.
- 5.14 The proposed solar array would occupy one site ground mounted at a height of approximately 3.1m above ground level with rows some 2.7 metres apart and angled facing south at between 15 and 20 degrees. There would also be a transformer container associated with the arrays. All cabling would be trenched and power fed from the transformer to the airport's electrical ring main.
- 5.15 The site on which the arrays would be erected is currently airfield grassland and is not sited in a 'sensitive area' as defined by the Regulations. Whilst the proposed development would have a visual impact, the context of the site in an operational airport must be considered. The topography of the surrounding land is also such that the proposed development would not be considered to have a significant adverse impact on visual amenity from surrounding land such as to generate a significant environmental impact and warrant qualification of the development as that needing Environmental Assessment.
- 5.16 The submission states that noise generation from the proposed development would be minimal and in the context of the airport use it is considered that this impact would not be significant.
- 5.17 The array to be provided would be in an area at risk of flooding being mostly located within flood zone 3b, the functional flood plain, as well as within flood zone 2; the transformer is located within flood zone 1. The submission states that the arrays would not impede flood water flows or change the nature of the run-off and that the ground under the panels would remain as permeable area.
- 5.18 Whilst the proposed development may be objectionable on flood risk grounds this would not automatically warrant the development being classed as having likely significant environmental effects such as to warrant EIA. The proposed transformer would be on land falling within flood zone 1 at lowest risk of flooding. With regard to planning practice guidance advice and the scale and nature of the proposed development it is considered that the likely flood risk impacts of the development would not be likely to be significant such as to warrant EIA.
- 5.19 The site is located within an area with archaeological interest and protected species are known and suspected to be present. However, the actual nature of the proposal is not considered to be complex, the extent of impact itself not being significant and reversible at the end of its lifetime. The developer would still have a separate requirement under different legislation to ensure that no protected species were harmed in the development process.

Conclusion

- 5.20 The proposed development would not be likely to lead to significant environmental impacts such as to warrant qualification as EIA development requiring an Environmental Assessment.

FLOODING

- 5.21 The site is located mostly within flood zone 3b with a small part in flood zone 2 and the transformer building in flood zone 1. Within flood zones 3b only water-compatible uses and the essential infrastructure listed in table 2 to the technical guidance of the National Planning Policy Framework (NPPF) should be permitted in this zone. Essential infrastructure is defined as follows:-
- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk;
 - Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood;
 - Wind turbines.
- 5.22 The proposal would not fall within the water-compatible developments listed in table 2. The Flood Risk Assessment submitted argues that the proposal can be classed as 'essential infrastructure'. Whilst the NPPF does not explicitly categorise solar farms under a particular vulnerability classification, it is considered reasonable to conclude that such developments should be considered as 'essential infrastructure', given their similarity to other uses placed under that designation, specifically, utility infrastructure including power stations, sub stations and wind turbines. A similar approach has been taken by other Councils and this view was also reached on the previously refused application reference 14/00779/FUL. However, within zone 3b the NPPF technical guidance states that 'only the water-compatible uses and essential infrastructure listed in table 2 that has to be there should be permitted in this zone.'
- 5.23 Within the previously refused application it was not clear that there were not other places within the airport's control outside of flood zone 3b that could be used to site the solar panels; this was partly due to a proposal for 'permitted development' solar panels within other areas of the site which were also being considered. The airport's preference for a site which lies within flood zone 3b for operational reasons was not considered enough to demonstrate that the panels had to be located in this area. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. It was not considered clear that there were no other sites within the control of the airport

outside of flood zone 3b that could be used. For this reasoning it was not considered that the sequential test had been met.

- 5.24 The current application provides further information to address this reason for refusal. Specifically, an Operational Restrictions Plan and an Indicative Development Plan for the airport, along with Zones of Engine Jet Blast, are supplied. Development within the areas of restriction shown on the Operational Restrictions Plan would interfere with the safe operations of the airport and would not be permissible under airport licensing requirements and the areas shown within the Zones of Engine Jet Blast would not be feasible for solar panels due to the damage that would be caused to the panels. The airport has also provided an Indicative Development Plan identifying likely long term land use proposals for further facilities at the airport. With this additional information supplied it is now considered that the sequential test has been passed with the proposal demonstrating that this essential infrastructure has to be in this location with no other available site of similar scale for the airport to use, which is not either already earmarked for future development by the airport or is land restricted from use for safety reasons.
- 5.25 The proposal must meet the Exception Test as well as the Sequential Test. In order for the Exception Test to be passed the proposal would need to:-
- 1) Demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - 2) Demonstrate via a site-specific flood risk assessment that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.26 The application is supported by a Flood Risk Assessment (FRA) produced by RPS. It is considered that the FRA and the proposal in general demonstrates that the development provides wider sustainability benefits to the community that outweigh flood risk by the development of a large-scale renewable energy project that would supply the airport with at least 20% of its energy needs. The FRA has demonstrated that the development will be safe for its lifetime as the scheme has been designed such that vulnerable buildings such as the transformer building would be located outside flood zone 3b, thereby minimising risk of it being flooded (which would otherwise disrupt generation) and displacing flood risk elsewhere. Flood mitigation measures have been suggested and can be controlled by planning condition:-
- 1) The finished floor level of the electrical infrastructure should be raised above the surrounding ground levels.
 - 2) The base of the solar panels should be raised above the 1 in 100 year plus climate change flood level, a minimum of 1m above ground level.

- 3) The transformer container should be raised between 100 – 300mm above the surrounding ground level.

LONDON AND SOUTHEND AIRPORT AND ENVIRONS JOINT AREA
ACTION PLAN (JAAP)

- 5.27 Since the previous application was considered, this document has now been adopted and can be given weight when considering this application. The area the subject of this application within the JAAP is identified as area iii (land adjacent to the airport boundary at the end of Aviation Way) and is described as a naturally defined site where potential expansion of the airport boundary might be appropriate. The JAAP allocates this land to be incorporated into a north side extension of the Maintenance, Repair and Overhaul (MRO) land within the airport boundary, as shown on the Proposals Map and set out in Policy MRO2.
- 5.28 Policy MRO2 states that applications for airport related MRO developments (e.g., increased hangarage and aircraft maintenance facilities) will be supported in the MRO zone extension, as shown on the Proposals Map. A proposal for a solar farm within the area allocated for MRO developments would be contrary to policy MRO2, which seeks to retain this land for other more important operational airport related purposes.
- 5.29 The lack of compliance with such policy resulted in the previous reason for refusal of this application as the result of permitting a solar farm on this site was to limit available MRO development which would subsequently lead to the possibility of other airport land needing to be allocated for this purpose.
- 5.30 The current application provides an Indicative Development Plan for the airport in an attempt to address the previous reason for refusal. This identifies three other sites within the Aviation Way area, which are planned for future hangar development, all of which are more readily developable and in better locations for such uses within the airport operation than the allocation site and would ensure that allowing the solar farm within MRO2 would not prejudice the long term requirements for hangar/MRO development at the airport. There is also a further site at the northern end of Foxtrot taxiway allocated for such use. All sites would lie outside of flood zone 3 and are therefore more suitable for such development.
- 5.31 Whilst the proposal would technically be contrary to policy MRO2 it is considered that there are exceptional circumstances that have been demonstrated to overcome the previous reason for refusal and to permit the solar farm within the area allocated for increased hangarage and aircraft maintenance facilities under policy MRO2.
- 5.32 This policy requires proposals for increased hangarage and aircraft maintenance facilities to make a financial contribution towards the upgrade of the junction at the southern end of Aviation Way and the improvement of

Aviation Way and towards the new public open space to the west of the site. However, as the proposal is not for this form of development it is not considered reasonable to require such a contribution.

VISUAL AMENITY

- 5.33 The site would be visible within the airport boundaries and to some extent from a footpath which is located to the western side of Eastwood Brook and units within Aviation Way, as well as open land close to the site. For flood reasoning the solar panels would be sited approximately 3.1m above ground level. However, being within the airport grounds separated from surrounding land by the Eastwood Brook and due to hedging and vegetation along the Eastwood Brook boundary, it would not appear too visible and it is not considered that it would have a detrimental impact on visual amenity.
- 5.34 Policy ENV6 of the Core Strategy explains that planning permission for large-scale renewable energy projects will be granted if the development is not within, or adjacent to, an area designated for its ecological or landscape value and there are no significant adverse visual impacts. The proposal is considered to adhere to these criteria.
- 5.35 The site faces towards Rochford Hall (listed grade I and a Scheduled Monument) and the Church of St. Andrew, Rochford (listed grade II*). There are several other buildings, associated with the Hall and Church, in the near vicinity, which are listed grade II. The ECC Conservation officer does not object to the proposal as the site itself will not be visible from any of these heritage assets, and will certainly not add to the harm to the setting of these Listed Buildings beyond that which has already caused by the existence of London Southend Airport.

TREES, ECOLOGY AND ARCHAEOLOGY

- 5.36 There are four trees of reasonable size located on the site, all of which are proposed to remain as part of the current application. None of these are subject to Tree Preservation Order, although they are considered to provide good amenity value to the site. The solar panels would be located close to the trees and pile driven into the ground to a depth of approximately 1.5m. The ECC Arborist previously advised that the proposal would not be detrimental to these trees, subject to suggested planning conditions which could be attached to an approval.
- 5.37 An ecological risk assessment report is provided with the application. The previous application was refused due to the lack of species specific ecological reports supplied. The ecological risk assessment shows potential for grass snakes and badgers to be present. A badger survey has been undertaken and submitted with the application. A reptile survey is in progress and is pending submission.

- 5.38 The badger survey shows that the badger sett is located outside of the application site. The 20m and 30m exclusion zones for the sett do enter into the site with some solar panels and part of the container located within the 30m exclusion zone. The conclusions confirm that there would be no direct impacts on the sett itself but that the use of heavy machinery up to 30m from the sett has the potential to disturb badgers within the sett. A licence may be required due to such potential disturbance which the applicant will need to investigate separately to the planning application with Natural England. It is not considered any planning conditions relating to the results of the badger survey should be imposed; none are suggested within the survey recommendations. The survey surrounding grass snakes is currently in progress by the airport. Initial comments from the ecologist producing the report confirm that to date 3 surveys for the presence of grass snakes have been undertaken. So far, no grass snakes have been recorded during the surveys. They are due to undertake a further 4 surveys (a total of 7) after which, if no grass snakes are recorded, the survey will be completed. If grass snakes are recorded at any time during the next 4 surveys, a further 3 (a total of 10) surveys will be undertaken, to provide information regarding likely population size. They anticipate that all works, with a final report, will be complete by the end of May. Even though this time frame would post date the Development Committee, if grass snakes are found mitigation would be possible and this could be controlled by planning condition.
- 5.39 Since the previously refused application was determined a Geophysical Survey has been undertaken at the site. This did not clearly identify magnetic variation indicative of archaeological remains. However, the ECC Archaeology team advises that it is still possible that further archaeological remains could survive in this area, which would be destroyed by this development. They advise that in line with the NPPF a planning condition should be imposed requiring the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation. This would comprise evaluation trenches of the proposed development area, followed by excavation, if archaeological features are found. A planning condition to this effect should be attached to an approval.

OTHER

- 5.40 ECC Highways has suggested a planning condition be imposed requiring a Construction Traffic Management Plan to be submitted to and agreed, which could be attached to an approval.

6 CONCLUSION

- 6.1 The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers.

7 RECOMMENDATION

7.1 It is proposed that the Committee **RESOLVES**

That planning permission be granted, subject to the following planning conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development or preliminary ground works of any kind shall take place until the implementation of a programme of archaeological work has been undertaken in accordance with a written scheme of investigation, which shall previously have been submitted to and agreed in writing by the Local Planning Authority.
- 3 Prior to commencement of the development, a Construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority to include details of construction vehicle access, areas for loading, unloading and storage of materials, and contractor vehicle parking. The agreed Construction Traffic Management Plan shall be implemented and adhered to throughout the construction period.
- 4 No development or any preliminary groundworks shall take place until:-
 - a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 'Trees in Relation to Construction', and;
 - b. Notices have been erected on the fencing stating 'Protected Area (no operations within fenced area)'.

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the Local Planning Authority.

- 5 Flood mitigation measures shall be undertaken in accordance with table 3 of the summary and conclusions at section 12 of the Flood Risk Assessment by RPS dated March 2015.
- 6 If any grass snakes are found to be present as a result of survey work still in progress then mitigation shall take place in accordance with details which shall previously have been submitted to and agreed in writing with the Local Planning Authority.

STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Shaun Scrutton



Director

Relevant Development Plan Policies and Proposals

Policies CP1, ENV3, ENV6 and ED2 of the Core Strategy 2011

Policies DM1, DM25 and DM27 of the Development Management Plan 2014
Policy MRO2 of the London & Southend Airport & Environs Joint Area Action Plan (JAAP) 2014

Policy NEL3 of the Allocations Plan 2014

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