

**21/00605/FUL**

**SOUTH FAMBRIDGE HALL, FAMBRIDGE ROAD, SOUTH  
FAMBRIDGE**

**CONSTRUCT A SOLAR FARM WITH ANCILLARY  
DEVELOPMENT TO INCLUDE BATTERY STORAGE**

APPLICANT:           **BSR ENERGY LTD**  
ZONING:               **MGB**  
PARISH:               **ASHINGDON PARISH COUNCIL**  
WARD:                 **HOCKLEY AND ASHINGDON**

**1 RECOMMENDATION**

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

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

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: 1596-0201-00 ISSUE 08; 1596-0201-20 REV B ISSUE 01; 1596-0201-21 ISSUE 02; 1596-0201-28 ISSUE 04; 1596-0204-00 ISSUE 02; 1596-0205-01 ISSUE 02; 1596-207-00 ISSUE 01; 1596-0207-27 ISSUE 01; 1596-0207-40 ISSUE 02; 1596-0207-41 ISSUE 02; 1596-0208-10 ISSUE 01; 1596-0208-80 ISSUE 01; 15960-0207-81 ISSUE 01; 1596-0201-26 ISSUE 01; 1596-0200-60 ISSUE 01

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

- (3) Prior to first use of the site, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall be submitted to and agreed in

writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- car parking layouts and other vehicular access and circulation areas;

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site and to guard views from the surrounding areas, in the interests of visual amenity.

- (4) No development or preliminary groundworks of any kind shall take place until the completion of a programme of archaeological investigation. Prior to the implementation of this programme, details of it in accordance with a written scheme of investigation, shall be submitted to and agreed in writing by the local planning authority. The programme of archaeological investigation shall be carried out in accordance with those details as may be agreed.

REASON: To ensure that the development preserves any potential archaeological features and deposits that may survive in this area.

- (5) No development shall commence until a full Arboricultural survey and report in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. The report shall include the following:
- a) a plan that shows the position, crown spread and root protection area in accordance with section 5.5 of BS5837:2012 of every retained tree on the site and on neighbouring or nearby ground to

the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.

- b) details of each surveyed tree in a separate schedule in accordance with section 4 of BS5837:2012
- c) a schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998:2010.
- d) details and positions of the ground protection in accordance with section 2 of BS5837:2012.
- e) details and positions of Tree Protection Barriers identified separately where required for different phases of construction work [e.g. demolition, construction, hard landscaping] in accordance with section 6.2 of BS5837:2012. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned or provided for that phase.
- f) details and positions of the Construction Exclusion Zones in accordance with section 6.2 of BS5837:2012.
- g) details and positions of the underground service runs in accordance with sections 4.2 and 7.7 of BS5837:2012.
- h) details of any changes in levels or the position of any proposed excavations, including those on neighbouring or nearby ground in accordance with paragraph. 5.4.2 of BS5837:2012.
- i) details of any special engineering required to accommodate the protection of retained trees [e.g. in connection with foundations, bridging, water features, surfacing] in accordance with section 7.5 of BS5837:2012.
- j) details of the methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
- k) details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc] on site.
- l) details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phototoxicity

- m) details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with section 6.2 of BS5837:2012.
- n) details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.
- o) the timing of the various phases of the works or development in the context of the tree protection measures.

REASON: To ensure no damage is indirectly caused to the trees and hedgerows during the construction phase.

- (6) No development shall commence (including any ground works or site clearance) until a Biodiversity Net Gain and Monitoring Management Plan for the development has been submitted to and approved in writing by the local planning authority and thereafter shall be implemented and maintained. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works including both onsite and offsite mitigation and compensation works including those submitted within the Preliminary Ecology Appraisal produced by ADAS dated August 2019:
    - Ten bird boxes placed on mature trees
    - Creation of a wildflower meadow
    - An increase of tall ruderal marginal vegetation
    - Six log piles placed evenly across the site
    - Eight bat boxes on mature trees
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans clearly showing the onsite and offsite management for each site;
  - d) timetable for implementation (a work schedule);
  - e) persons responsible for implementing and funding the works;
  - f) aftercare and long-term maintenance for a period of 30 years;
  - g) details of improvements to the biodiversity value of the pond along the western flank boundary;

Thereafter, a report shall be submitted every third year to the local planning authority to demonstrate the management of the site and how management is meeting the objectives or where appropriate changes in management has been advised.

REASON: To ensure the retention and continued maintenance/management of landscape features in accordance with Policy DM26, that the Bio-diversity Net Gain is met by the development and to protect on-site and off-site ecology, including the European designated site.

- (7) No development shall commence until the pond on the western boundary is surveyed for great crested newts. The results of which shall be submitted to and approved in writing by the local planning authority where required, along with evidence of a European Protected Species Mitigation Licence being obtained. The relevant mitigation agreed shall be implemented on the site.

REASON: To prevent any harm upon great crested newts as a result of the proposed development.

- (8) Prior to first use of the site, details of any external lighting proposed shall be submitted to and agreed in writing by the local planning authority. Thereafter, the lighting shall be maintained in accordance with those details agreed.

REASON: To ensure any external lighting is designed to avoid negatively impacting bats.

- (9) Where development would be within 20m of the badger sett, the badger sett must be closed by an ecologist prior to preliminary ground works.

REASON: To ensure that no badgers are present in the sett prior to any excavation/piling within the 20m buffer.

- (10) Prior to de-commissioning the approved development, details of the method and impact upon on-site and off-site considerations should be submitted to and agreed in writing by the local planning authority.

REASON: To enable the Local Planning Authority to retain adequate control over the site, in favour of the material considerations of the application.

- (11) The Construction Traffic Management Plan shall be implemented and adhered to throughout the construction period.

REASON: To ensure that there are appropriate traffic movements and to prevent the highway from being obstructed during the construction period in the interests of highway safety.

- (12) Heavy construction vehicles and loads shall use Southend Road and shall not use Hall Road, Greensward Lane or Rectory Road.

REASON: The route identified in the application details includes routes restricted for HGVs in terms of low bridges and weight restrictions.

- (13) Prior to first occupation of the development, the proposed access for the battery facility shall be provided as shown in principle in the site plan 1596-0201-20. The access shall be provided with a suitable vehicle crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety.

- (14) Prior to first occupation of the development, the proposed vehicle access shall be provided with a clear to ground visibility splay with dimensions at its centre line of 2.4 metres by 120 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- (15) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- (16) Prior to preliminary groundworks, a flood response plan for the construction phase of development shall be submitted to and agreed in writing by the local planning authority. The construction phase shall be carried out in complete accordance with those details agreed.

REASON: To ensure the safety of construction workers in times of flood risk.

- (17) Prior to first occupation of either of the dwellings hereby approved (whichever is occupied first) details shall have been submitted to and agreed in writing by the Local Planning Authority which demonstrate that the sustainable urban drainage system as set out in the submitted

Surface Water Drainage Strategy (strategy) including the attenuation tank has been installed in accordance with the submitted strategy.

REASON: To ensure appropriate sustainable urban drainage system is in place to accord with paragraph 169 of the NPPF.

## **2 PLANNING APPLICATION DETAILS**

- 2.1 Planning permission is sought for the construction of a solar panel farm. The works would include the installation of solar PV panels across 66.5 ha (164.34 acres) of the site and the installation of a 20MW battery to the south western aspect. A substation is proposed for installation in a field in the southern section of the site in which an underground cable route would be installed to the panels.
- 2.2 The solar panels would be arranged in rows running east-west and face south in order to gain the most benefit from the sun rays. Each solar panel would be sited on galvanised steel frames onto which the PV module panels would be mounted. The panels would be covered with an anti-reflective coating to avoid glint and glare. The panels would be dark grey/blue in colour.
- 2.3 The grid connection equipment would be housed in a 33kV private switchgear building near the centre of the site and a high-voltage compound, which includes for a District Network Operator compound and customer compound, at the south of the site. The battery storage area to the south west would provide flexibility on electrical output and allow for increased output into the local grid during peak periods of electricity demand. Invertors and transformer stations would be placed amongst the solar panels and are also required to allow the electricity to be distributed through the energy grid. A welfare unit and two spares containers would be located next to the switchgear building near the centre of the site.
- 2.4 A wildflower mix would be sown across the site.
- 2.5 Security fencing and CCTV would be erected to protect areas containing electrical equipment.
- 2.6 The site would be accessed from the existing access point which connects the site to Fambridge Road and through South Fambridge Hall Farm.

## **3 MATERIAL PLANNING CONSIDERATIONS**

### **Site and Context**

- 3.1 The application site is located to the east of South Fambridge. The site comprises of five separate fields, being predominantly arable crop land with small pockets of scrub, scatter trees and grassland. Hedgerows border a proportion of fields on the site. The site is adjoined by similar arable land in a west and east direction. The River Crouch lies to the north of the site and the settlement of Ashingdon to the south.

- 3.2 There are overhead power lines that pass to the south of the site, however, the Design and Access Statement outlines that the development would not impact the power lines.
- 3.3 In addition, there is an existing operational 10.9MW solar development located on land to the north of Ulverston Road and east of Fambridge Road which is to the south of the site (ref: 14/00649/FUL).
- 3.4 An Environmental Impact Assessment (EIA) Screening Request, to establish whether the proposed development required EIA, was submitted to the Council on 2<sup>nd</sup> June 2020. The Council issued a Screening Opinion on the 31<sup>st</sup> July 2020 confirming that the proposed development did not require an Environmental Impact Assessment.
- 3.5 The applicant has however submitted an Environmental Statement in relation to Regulation 15 of the EIA Regulations 2017 and this has been considered. The environmental statement submitted includes sections relating to ecology and biodiversity, landscape, hydrology and flood risk, built heritage and archaeology. Consideration has been given to the content of the environmental statement in relation to the impact of the proposed development upon these factors. The application was advertised as EIA development.

### **Planning History**

Application No. 14/00649/FUL – construct solar farm with ancillary development – Permitted (adjacent site).

### **Principle of Development**

- 3.6 The National Planning Policy Framework (the framework) is committed to achieving sustainable development. One of the overarching objectives is the environmental aspect which seeks to use natural resources, minimise waste and pollution, mitigate and adapt to climate change and move to a low carbon economy (Paragraph 8).
- 3.7 Paragraph 158 of the Framework outlines that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Additionally, Paragraph 158 states that local planning authorities should approve the application if its impacts are acceptable.
- 3.8 Additionally, Paragraph 013 of the Planning Practice Guidance details that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly



addressed within the landscape if planned sensitively. As such, the following should be considered by local planning authorities:

- Encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- Where a proposal involves greenfield land whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encouraged biodiversity improvements around arrays
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- The proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- The need for and impact of, security measures such as lights and fencing;
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The energy generating potential, which can vary for a number of reasons including, latitude and aspect.

3.9 Paragraph 5 of the Framework states that 'National policy statements form part of the overall framework of national planning policy and are a material consideration in decisions on planning applications.' As such the Overarching National Policy Statement for Energy (EN-1) is a material consideration which must be taken into account in the determination of this planning application.

3.10 Paragraph 2.2.23 EN1 supports the development by stating that the Government plans to improve energy efficiency and pursuing its objectives for renewables. Paragraph 3.3.11 summarises that an increase in renewable

electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive and The Renewable Energy, Energy Efficiency and Motor Fuel Emissions Regulations (draft) (2021).

- 3.11 The Prime Minister Boris Johnson has stated at a recent conference that all UK electricity is going to come from renewable energy sources by 2035. A further push to renewable energy is expected from the COP26 summit in November 2021. The proposed development is therefore required to complement the UK's shift to renewable energy and meet the Government's objectives of cutting out greenhouse gases.

### **Green Belt**

- 3.12 The site is located within the Green Belt, as identified in the Council's adopted Allocations Plan (2014), therefore the proposal needs to be assessed against local Green Belt policies and in relation to the Framework. There is a general presumption against inappropriate development within Green Belt and development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 3.13 Paragraph 149 of the framework states that the local planning authority should regard the construction of a new building as inappropriate in the green belt. There are exceptions to this as identified by paragraphs 149 and 150 of the framework. The proposal would not fall within any of the exceptions listed. Paragraph 148 of the framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 3.14 The presumption in favour of sustainable development is at the heart of the framework. Whilst on the one hand Green Belts are amongst other things to protect the countryside from the sprawl of urban areas, the framework identifies the part to be played in the planning system to meet the challenge of climate change by supporting the transition to a low carbon future by encouraging development for renewable energy.
- 3.15 Paragraph 151 of the framework stipulates that when located in the green belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 3.16 A letter dated 15<sup>th</sup> October 2021 has been submitted which outlines the very special circumstances which the applicant believes to outweigh the harm to the green belt. The applicant firstly gives weight to the reduction of 11,072 tonne of CO<sub>2</sub> per year as a result of the solar farm.

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- 3.17 A review was undertaken of the local area in order to compare potential locations for a development of this type. This review took into consideration factors such as grid connectivity, land area and sunlight. Following an assessment conducted by the applicant of alternative sites, it was considered that there are no alternative suitable grid connections within the area which could service the generation output of 49.99MW.
- 3.18 The applicant has also stated that the site required an open area of 70 ha. It is acknowledged by the Council that there is no brownfield land within the district which is at least 70ha in size and has the available grid capacity.
- 3.19 In addition, the agricultural land classification is not of Best or Most Versatile quality. The report will discuss this in more detail. The sequential test demonstrates that there is not a suitable area outside of the green belt location which could facilitate the proposed development.
- 3.20 Furthermore, the development is temporary and would be removed from the site after 45 years at which time it could be reinstated as for agricultural purposes. Therefore, the development would not result in any irreversible encroachment into the countryside.
- 3.21 The proposal would not compromise the four objectives of the Green Belt as set out in the Rochford District Council Core Strategy and NPPF. The very special circumstances include matters of national and local importance by including the provision of renewable energy. Finally, the design of the solar farm seeks to minimise any visual impact in the local and wider area by including a wildflower mix amongst the solar panels and hedging along the boundaries.
- 3.22 Overall, there would be limited harm in Green Belt terms set against significant benefits of the development in terms of supporting the growth in renewable energy and strong evidence that the development could not be located in a non-green belt location. The consequences of refusing the application while avoiding this very limited harm, would lose substantial benefits and in the planning balance this amounts to the very special circumstances required to outweigh the perceived inappropriate nature of the development in Green Belt terms. As such officers do not consider the proposal to conflict with National Policy for the Green Belt or Policy GB1 to the Council's adopted Core Strategy.

### **Landscape Character and Visual Impact**

- 3.23 The site lies within the landscape designation of the Essex Coast as described in the Landscape Character Assessment of the Essex Coast. Of particular importance, the site is within the Crouch and roach Farmland which is designated as a Special Landscape Character Area. The area is defined by the narrow estuaries which penetrate far inland, with associated mudflats, saltmarsh and reclaimed marshlands, sometimes including grazing marsh. The land between the estuaries and their immediate margins is gently or

strongly undulating arable farmland. Moderate to steep sided estuary valley sides are a distinctive backdrop either side of the Crouch. Typically, thick hedgerows dominated by scrub elm follow the rectilinear field boundaries. The settlement pattern is sparse along the edge of the estuaries, and mostly small settlements tend to hug the slightly higher drier land. Large parts of the area have a tranquil character.

- 3.24 The proposed layout has taken advantage of the layout of the land, including the sea wall that is located along the River Crouch to the north of the site which provides a strong level of screening from users on the river. The applicant has stated within the Design and Access Statement that the impact of the development upon the wider landscape would be minimised by the use of additional planting. However, no plan has been submitted to support this and as such officers recommend a condition be implemented requiring the submission of a landscaping plan.
- 3.25 The site would be viewed from the footpath along the River Crouch and the public right of way to the east. The topography of the area is gently undulating with a raised bund along the northern boundary. The maximum height of solar panels would measure 2.6m and 3.3m within the area of flood risk and the ancillary apparatus 6m. Given the relatively flat surroundings and the landscaping scheme proposed, the development is considered to have a relatively low visual impact on the surrounding area, subject to a condition requiring hedge planting.
- 3.26 There are elevated areas to the south and south-east of the site. Most notably, the solar farm would be viewed from the elevated ground north of St Andrews Church, Ashingdon. It would also be visible from the Public Right of Way on Canewdon Road. However, public views from elevated land would be relatively limited, as demonstrated by viewpoint 8 of the submitted photomontage dated 14<sup>th</sup> October 2021. The approved solar farm north of Ulverston Road would have a more prominent contribution to the landscape given the closer proximity to this PRow and elevation. Furthermore, the landscaping proposed would soften the appearance of the development when viewed from the surrounding areas.

### **Built Heritage**

- 3.27 Albeit there are no designated heritage assets within the site, there are seven listed buildings and nine non-designated heritage assets within 2km of the site. South Fambridge Hall is one of the non-designated heritage assets. In addition, there are two grade II\* churches, namely the churches of St Nicholas in Canewdon and St Andrew In Ashingdon, within some 2km of the site. Furthermore, the proposed development site is located in an area where there has been little archaeological research. The Historic Environment Record records the presence of roman, medieval and post medieval remains. As such, a Built Heritage Statement has been submitted with the application. This includes an assessment of the setting of the grade II\* listed buildings.

- 3.28 Paragraph 199 of the framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 3.29 Advice from the Historic Buildings and Conservation advisor has been sought pertaining to the application. The officer raises no objection to the application and considers that whilst there would be a fundamental impact to the wider setting and landscape of the heritage assets, it would not result in harm to the significance of the affected heritage assets.
- 3.30 The Environmental Assessment submitted with the application recognises that there is a potential for archaeological features and deposits to survive in this area. Subsequently, an Archaeology Desk Based Assessment was conducted in April 2021. This assessment found that there were remains of a floodlight and generator building on the land within the site. No surface structural remains were identified during the site visit, however, the construction of solar panels and underground cable trenches and the perimeter fence could potentially truncate or remove any surviving below ground foundations or artefacts. An area of salt production is recorded adjacent to the western site boundary. Groundworks are considered to potentially truncate or remove below ground remains associated with this industry.
- 3.31 In view of this, the County Council's Specialist Archaeological advisor has recommended that a programme of archaeological investigation be secured. It is considered that this can be dealt with by way of condition to the grant of permission. Subject to this, no objections are raised to the impact of the proposed development upon built heritage.

### **Agricultural Land**

- 3.32 The application site is presently an arable agricultural field. Albeit a development of this type on brownfield would be preferable, there were no brownfield sites considered to be suitable in this area or within the district in terms of size or to have an adequate grid connection point.
- 3.33 The framework recognises the benefits of the best and most versatile agricultural land (p.174). This is defined within the framework as land grades 1, 2 and 3a of the agricultural classification. The Planning Design and Access Statement acknowledges this and has stated that the site has been located in an area of lower-grade agricultural land as a result.
- 3.34 An agricultural land classification has been undertaken on the application site. The land grade has been mapped over the entire site as subgrade 3b. The land is formed on slowly permeable clayey soils. These soils are poorly draining and have a heavy texture topsoil. The principal limitation to the agricultural use of such land is soil wetness. Such land is best suited to

cereals and oilseeds, for which moderate average yields can be achieved, or grass. There is therefore a limitation of the geology to which it can be used for agricultural purposes.

- 3.35 The Planning Design and Access Statement also notes that the landowner of the site wishes to benefit from the sustainable source of financial income which would allow them to further improve their agricultural operations within the district. Drawing no. 1596-0200-60 Issue 01 demonstrates the extent of the landowners ownership. The development would therefore allow for the landowner to improve the agricultural operations of the surrounding fields. The applicant considers the development to be a form of economic diversification for the landowner.
- 3.36 Land of poor quality should be used in preference. It is considered that the application has identified an area of a poor agricultural grade which can connect to the national grid.

### **Biodiversity**

- 3.37 Policy DM26 of the Development Management Plan states that existing landscape features such as ponds, hedgerows and tree belts have a vital role to play both in supporting local biodiversity and contributing to the quality and appearance of the local environment. These local landscape features may not have protection offered by national and international nature conservation designations as set out in Policy ENV1 of the Core Strategy, but merit protection through the planning process.
- 3.38 Policy DM26 states that when considering proposals for development, it must be shown that consideration has been given to the landscape character of the area. The Council will protect the following landscape features when considering proposals, where they are of importance for fauna and flora, from loss or damage:
- (i) Hedgerows;
  - (ii) Semi-natural grasslands;
  - (iii) Marshes;
  - (iv) Watercourses;
  - (v) Reservoirs;
  - (vi) Lakes;
  - (vii) Ponds; and
  - (viii) Networks or patterns of other locally important habitats.

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- 3.39 Development which would adversely affect, directly or indirectly, the landscape features listed above will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided, which would reinstate the nature conservation value of the features.
- 3.40 Where a particular landscape feature is of ecological or landscape importance and should be retained, planning permission will be conditioned to ensure the retention and continued maintenance/management, where appropriate, of this landscape feature. On-site environmental enhancements including opportunities to create/enhance/restore habitats will also be sought. Conditions will be attached to planning permissions to encourage the proper management of these important landscape features, where appropriate.
- 3.41 The habitats identified within the Extended Phase 1 Habitat Survey include arable, ditch, scattered scrub, scattered trees, species poor hedgerows, standing water and tall ruderal.
- 3.42 Though the proposed solar farm would lead to the loss of some arable land, it would result in a gain of habitats that include species-rich meadow and woodland. It would also seek to retain existing habitats which include mixed scrub, tall ruderal, semi-improved grassland, arable margins, ditches and a pond.
- 3.43 Of the linear habitats some 10m of hedgerow would be removed to facilitate the site access to the battery storage facility. The EIA has identified that there would be a significant negative effect at local level as a result. The remaining linear habitats comprising tree lines and native hedgerows would be retained. However, the EIA has identified that there is potential for the construction period to damage roots of mature trees. Limited details have been provided with regard to the value of tree and hedgerow features. As such, if members are minded to approve the application, a condition requiring additional details relating to the construction phase is recommended in line with the EIA and comments received from the Council's Arboricultural officer.
- 3.44 The development includes 3.35km ( 2.08miles) of linear features including tree lines, native-species rich hedgerows associated with a ditch and native species rich hedgerows with trees associated with a ditch.
- 3.45 The proposed development would result in a 50.54% biodiversity net gain in area habitats and a 58.92% net biodiversity linear gain. This would be a result of the retention of existing habitat and introduction of grassland habitat of a higher ecological value, in the form of meadow grassland and linear habitat. The management of this can be enforced by way of a condition to the grant of consent.

### **Ecology**

On Site Considerations

- 3.46 A preliminary ecological appraisal has been submitted with the application. A phase 1 habitat survey was conducted in July 2019. This was extended to include notes on fauna and habitats which could potentially support protected species.
- 3.47 The pond at the western boundary was observed as a suitable habitat for great crested newts. The standing water and tall ruderal habitats would provide shelter and connectivity for the species. There was one record of a great crested newt within the last ten years within 2km of the site by the Essex Wildlife Trust (EWT) and two records of them within the last ten years by Essex Field Club (EFC). The survey recommends that the pond to the west of the site is surveyed for newts prior to any works. Appropriate mitigation can then be established. In addition, the survey recommends that the pond and area around the pond is improved for its biodiversity value. This should be incorporated into a site management plan. The EIA has identified that negative significant effects could result from the increase of surface water from vehicular traffic during the construction phase. This could lead to pollution of the water, detrimental to great crested newts. The EIA recommends that pollution prevention guidance is followed and geotextile matting is installed along the vehicle access areas across the site for vehicles to drive on, reducing the risk of water run-off. Natural England have supported this mitigation and advised that it should be secured as part of the permission. Additionally, the EIA recommends that the construction phase should be undertaken during the great crested newts hibernating season (15<sup>th</sup> October – 15<sup>th</sup> March) with a non-licenced method statement and ecological supervision for works. If works cannot be carried out within this timeframe, then a European Protected Species Mitigation Licence would be required.
- 3.48 The EFC provides one record of a badger within the site radius within the last ten years. The closest recording of the badger was 1.5km from the centre point of the site. However, no evidence was recorded during the Extended Phase 1 Habitat Survey of badgers within the site. Whilst the site would be suitable for badgers to commute through to access more favourable habitats, no mitigation has been proposed. The submitted EIA states that the proposed development would improve the site for badgers as there would be more grassland present. The EIA recommends that the solar panel installation avoids the active badger sett from its 20m buffer. If this cannot be achieved, then the badger sett must be closed by ecologists ensuring no badgers are present in the sett prior to any excavation/piling within the 20m buffer of the badger sett. This would require a licence from Natural England. Any excavations should be closed at night to prevent badgers from entering them or an access ramp provided to allow escape.
- 3.49 EWT recorded 20 records of bats within 2km of the site with four species observed. EFC provided over 50 records of bats over the site with the same species as EWT, the closest recording being within 1.5km from the centre point of the site. The site was considered suitable for supporting foraging and commuting bat species due to its hedgerows, trees and open nature. A mature oak at the west of the site contained a low potential roost feature, but



this is outside the current application site. As the development does not impact upon the foraging and commuting of bats, the Preliminary Ecological Appraisal does not recommend a survey. In addition, as there are records from EWT and EFC of bats in the area, the appraisal recommends that any external artificial lighting proposed should be designed to avoid lighting that would negatively impact bats. No lighting has been proposed at present and therefore details of any future lighting should be agreed prior to installation by the Council. To achieve a biodiversity net gain it has been recommended that eight bat boxes are installed on the mature trees along the site boundaries. This would be conditioned by way of the biodiversity management plan.

- 3.50 The appraisal details by EWT and EFC provide records of Wildlife and Countryside Act 1982 Schedule 1 species within 2km. The habitats on site have the potential to support common and widespread bird species. Ground nesting bird habitats were also present on the arable, tall ruderal and marginal vegetation habitats. The arable grass species that cover the majority of the site also has potential to support ground nesting bird species. The appraisal states that any works or disturbance to vegetation and arable land should take place outside of breeding bird season. Where this is not possible a nesting bird and ground nesting bird check should be carried out by an ecologist a maximum of 48 hours prior to the development. Ten bird boxes are recommended to be placed on mature trees and a wildflower meadow created and an increase of tall ruderal marginal vegetation has been recommended.
- 3.51 In addition, a wintering bird survey was carried out between October 2019 and March 2020. A total of 17 species were recorded. None of the species for which the Crouch and Roach estuary were designated were found to be present. The survey concludes that the development would be unlikely to have a negative impact on wintering birds associated with the Crouch and Roach estuary. In spite of this, Natural England advises that several of the birds seen are main component species making up features of the Special Protection Area (SPA). Natural England consider the application site would be used as functionally linked land to the SPA and have consequently recommended mitigation for habitat improvements and creation. A management plan to ensure suitable habitat enhancement and creation on the adjoining fields to the solar farm for use by birds associated with the SSSI, SPA and Ramsar sites is considered appropriate mitigation. Officers consider that this can be dealt with by way of condition if members are minded to approve the application.
- 3.52 There have been 3 records of reptiles (grass snake, adder and common lizard) provided by ETW within the last ten years. The EFC recorded ten records which included the same species as recorded by ETW in addition to slow worms. The closest recording of reptiles was a slow worm 0.7km from the centre point of the site. The tall ruderal vegetation and semi-improved grassland on the site is suitable habitat for reptiles. Mitigation would be required if tall ruderal habitats or semi-improved grassland is cleared. The appraisal recommends that to compensate for potential loss of habitat, six log

piles should be created and placed evenly across the site. This can be enforced by way of condition.

- 3.53 The drain located north of the northern site boundary has the potential to contain water vole populations. Whilst EWT and EFC hold no records of the species within the last ten years in a 2km radius of the site, this does not confirm their absence. As such, ADAS carried out a water vole survey of the field drain. In September 2019, no evidence of water voles were recorded. A further survey was conducted in April 2020 which concluded that the presence of water voles was unlikely. No mitigation is therefore required.
- 3.54 The EIA concludes that the mitigation and habitat planting proposed would be a significant positive effect on the ecological receptors. It is considered that where harm would arise, appropriate mitigation is possible.

#### Off Site Considerations

- 3.55 The application site is 350m from the Crouch and Roach Estuaries which are designated as a Site of Specific Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. It also forms part of the Essex Estuaries Special Area of Conservation and Blackwater, Crouch, Roach and Colne Estuaries Marine Coastal Zone.
- 3.56 An Ecological Impact Assessment published by ADAS dated April 2021 has accompanied the application. The report identifies the existing habitats at the site and beyond including arable farmland with hedgerows and ditches. The assessment identifies the main impact of the development would be in relation to great crested newts, badgers, reptiles and nesting birds. The submitted ecology report includes the results of a Phase 1 and Extended Phase 1 Habitat Survey. These results are discussed above.
- 3.57 The NPPF, policy ENV1 and policy DM27 require that effects on biodiversity are considered in the determination of planning applications. The NPPF requires that distinctions should be made between the hierarchy of international, national, and locally designated sites, so that protection is commensurate with status and that appropriate weight is attached to their importance and the contribution that they make to wider ecological networks.
- 3.58 In addition, The Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) requires the Local Planning Authority as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development).
- 3.59 The formal assessment is known as a 'Habitat Regulations Assessment (HRA)' which has several distinct phases. The first is a formal 'screening' for any likely significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to

ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured.

- 3.60 A Local Planning Authority may only agree to grant planning permission after having ascertained that the development will not adversely affect the integrity of the European site; this can include consideration of proposed mitigation secured. The Local Planning Authority is required by law to have regard to guidance provided by Natural England.
- 3.61 The closest European designated sites are found along the District's coast, which consist of the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3 (SPA) (Ramsar) (SSSI) and the Essex Estuaries special Areas of Conservation (SAC).
- 3.62 Local planning authorities have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI, according to criteria for consultation as set out by Natural England. The site is within a Zone of Influence where the scale/location of development is such that Natural England should be consulted.
- 3.63 In response to the consultation, Natural England has highlighted that it considers that the proposed development could generate significant impact on one or more European designated sites along the coast resulting from increased recreational activity.
- 3.64 It is the Council's responsibility to undertake an 'appropriate assessment', as required by the Habitat Regulations.
- 3.65 The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The RAMS Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20th October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.
- 3.66 The conclusion of the HRA is that the appropriate assessment is not required. Therefore, Natural England have been consulted on the application and have advised that subject to securing appropriate mitigation by way of a management plan for birds, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. Officers are satisfied that this can be dealt with by a condition if members were minded to approve the application.

### Flood Risk

- 3.67 Paragraph 152 of the framework outlines that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to support renewable and low carbon energy and associated infrastructure.

#### Sequential and Exceptions Test

- 3.68 Paragraph 161 of the framework outlines that all plans should apply a sequential approach. Taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source (para. 162). Development should not be permitted if there are reasonably available sites in areas with a lower risk of flooding. If this is not possible, the exception test may be applied (para. 163).
- 3.69 Table 2 of the Planning Policy Guidance (PPG) outlines that development for utility infrastructure which has to be located in a flood risk area for operational reasons is considered as essential infrastructure. Table 3 of the PPG illustrates that development for essential infrastructure within flood zone 3a is required to pass the exception test. The application site is partially located within flood zone 3a.
- 3.70 The Flood Risk Assessment ((FRA) accompanying the application outlines that given the requirement for the electrical equipment to be sited within close proximity to the associated Distribution Network Operator's (DNO) substation, there are no appropriate locations within flood zones 1 or 2 for suitable development. As stated within the Planning Design and Access Statement, a review of the local area was undertaken to compare potential locations for development. This has to consider grid connectivity, land area and sunlight. Following this assessment, it is considered that there are no alternative suitable grid connections which could serve the generation output of 49.99MW. It is considered that the applicant has been able to adequately justify that the development could not be located within an area which is wholly outside of flood zone 3.
- 3.71 The application is additionally required to pass the exceptions test. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) 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.

- 3.72 The FRA considers that the development would satisfy part (a) given that it would increase employment during the construction of the development and in respect of the provision of maintenance services to the application site of the benefit to the local economy. It is likely that this would be outsourced to a private company which would not necessarily be located within the district. It is therefore not agreed that the development would satisfy part (a) on this ground. However, the development would support the development of renewable energy within the district and would provide grid support to the local area through a sustainable source. The solar park would have an export capacity of up to 49.99MW for distribution to the national grid which is equivalent to the annual electrical needs of approximately 12,500 family homes per year. This would save approximately 11,072 tonnes CO<sub>2e</sub>, equivalent to removing 5841 cars from the road each year. The creation of renewable energy and the wider benefits that it would bring to the community, would outweigh the harm arising from the siting of the development partly in an area of flood risk.
- 3.73 The FRA also considers that the development would satisfy part (b) by being designed to remain operational during times of flooding or be able to be remotely shut down and re-started following such an event. The site has been designed to be operated on an unmanned basis and as such there would be no staff on-site and an emergency evacuation not required. The flood risk would not be increased elsewhere as the impermeable area would be negligible in size, as confirmed by the EIA. Furthermore, on-site drainage would be managed to ensure there is no increase in flood risk from increased surface water runoff from the site. On this basis, the proposal passes the exception test required.

#### Fluvial Flood Risk Mitigation

- 3.74 In line with paragraph 167 of the framework, as the application site is partially located within flood zone 3a, a site-specific flood risk assessment has been submitted with the application. The site is afforded protection from flooding by the embankments fronting the River Crouch to the north of the site. Should these defences operate as intended then the site would remain protected from flooding up to the 1 in 1000 year event. Overtopping of the defences may occur during the 1 in 20 year event when climate change is added. The flood level has been estimated to be 2.53m Above Ordnance Datum (AOD) and 4.01m AOD during the 1 in 200 year (including climate change) event on the site. The EA have been consulted on the application and raise no objection, subject to the Council's assessment of the development.
- 3.75 Paragraph 167 of the framework outlines that development should only be allowed in areas of flood risk where:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 3.76 With regard to part (a), the development is considered essential. No part of the scheme is considered to be classified as vulnerable, as per Table 2 of the PPG.
- 3.77 With regard to part (b), the FRA has calculated that the level of the sensitive electrical equipment would need to be above the 1 in 200 year climate change event. Some solar panels would be located within areas at risk of fluvial flooding. As such, the scheme has raised those solar panels within flood zone 3 as depicted by drawing no. 1596-0201-28 issue 04. Nonetheless, the solar panels which are waterproof are the only part of the scheme located within an area of flood risk and therefore the scheme is appropriately flood resilient and resistant. In the consultation response from the EA they have stated that the applicant may wish to provide a breach assessment for the development in relation to the sea wall. However, given the flood resilience of the scheme in the event of a flood, this is not considered necessary.
- 3.78 Part (c) will be addressed later in the report. The requirement of parts (d) and (e) are met by the proposed scheme as the site would be mostly unmanned. As the site is covered by EA Flood Warning systems, access to the site could be avoided during times of flood warnings. In the event of flooding, safe egress would still be available from the south of the site and away from the source of fluvial flooding. Whilst when in operation part (d) and (e) would be satisfied during the construction phase, a flood response plan would be required to ensure the safety of construction workers during this phase. This could be achieved by way of a condition to the grant of permission.

#### Surface Water Drainage

- 3.79 The EA's surface water flood map shows multiple surface water flow paths of low-high flood risk, typically following the on-site watercourses and field boundaries. The proposed development would not restrict these flow paths and would not exacerbate the issue on or off site. The EA surface water depth map illustrates the likely depths during the 100-year rainfall event to be a maximum of 900mm with most of the other areas less than 300mm in depth. It is considered by the FRA that these depths are unlikely to impact on the operation of the site. However, if unmitigated the development is likely to

generate significant quantities of on-site surface water runoff which needs to be controlled to prevent surface water flooding elsewhere.

- 3.80 Paragraph 169 of the framework outlines that major developments should incorporate sustainable drainage systems. In line with this, the FRA outlines that the scheme would incorporate a suitable surface water drainage system and would ensure that any runoff generated from the development would be controlled and managed in a suitable manner by way of installing soakaways for the transformer stations and switch rooms, in addition to providing and maintaining backfilled trenches/swale features for the solar panels. These features would intercept and attenuate runoff, promoting infiltration across the site. Further to this, the landscaping plan and bio-diversity net-gain report details the creation of 64.31ha of managed grassland. The Lead Local Flood Authority (LLFA) have been consulted on the application with regard to the sustainable drainage systems proposed. The LLFA raise no objection to the scheme.

### Highways

- 3.81 Access to the solar farm would be gained by the existing access to South Fambridge Hall. The track would travel to the west of South Fambridge Hall, to the north and then to the east to gain access to the solar panels. A new vehicle access would be constructed on Fambridge Road for the battery storage facility. The local Highway Authority have been consulted on the application and foresee no conflict with highway safety in relation to the proposed vehicle access subject to the layout and visibility splays being adhered to. As the main access track would use an existing private road, the Highway Authority raise no objection to this.
- 3.82 In addition, a construction management plan produced by RSK and dated April 2021 has been submitted with the application. The objectives of the plan are to reduce traffic congestion where possible by reducing the number of trips made during peak periods and to enhance highway safety through imposed vehicle and road user safety.
- 3.83 The construction of the solar farm would take approximately six months. It is approximated that the construction would result in 470 deliveries over a 16 week period. During the peak of deliveries this would average at 14 deliveries a day. However, in most weeks this would be expected to be considerably less. The site can provide ample space for large construction vehicles to turn on site. Therefore, ingress and egress vehicles can deliver and remove materials to and from the site in forward gear. There is also sufficient space for materials to be stored clear of the highway. A compound would be used during the construction period which would include office space, laydown areas, car parking for construction workers, parking and unloading areas for HGVs, waste storage facilities and welfare facilities. Adequate parking on-site would be provided and therefore no on-street parking would be required.

- 3.84 The management plan outlines that construction vehicles would only be permitted to enter the site at fixed times:

0900-1445 and 1545-1900 weekdays during term time

0800-1300 Saturdays

0700-1900 weekdays during school holidays

No construction vehicle access on Sundays or on Bank Holidays

- 3.85 In addition, the management plan states that prior to construction works commencing, a highway photographic survey will take place to assess the condition of the local highway. Should any of the highway be damaged at the end of the construction works, the developer will repair the damages or fund the damages to be repaired. The developer would need to discuss any details of repair with the County highway authority.
- 3.86 The construction management plan details the preferred vehicular access route for construction traffic. The route is illustrated within Appendix B to the plan and includes originating from the A127 eastbound, turning right onto the B1013 and left onto Cherry Orchard Way, turning right onto Hall Road and left onto Ashingdon Road until the traffic reaches Fambridge Road. However, before the junction of Hall Road and Ashingdon Road includes a restriction for HGVs as well as limited rail bridge height. The Highway Authority have recommended that an alternative route is identified and agreed with the LPA. Officers consider that this can be dealt with by a condition attached to the planning consent requiring the route for larger vehicles to use Southend Road from The Bell public house junction.

### **Residential amenity**

- 3.87 The nearest residential homes to the proposal are South Fambridge Hall and Hall Cottages which front Fambridge Road. The settlement of South Fambridge is located some 0.22km (0.13miles) from the application site.
- 3.88 Apart from the temporary construction activity, the solar farm would otherwise operate quietly. The impact upon residential amenity would therefore be visual. Ground floor rooms to homes would for the most part be screened by hedgerows and planting. The impact would therefore be limited to views from upper floor windows facing the site. Whilst there would no doubt be a change to the landscape surrounding the residential properties, impact would not be so great as to dominate the enjoyment of those rooms facing the application site. Furthermore, no neighbour comments have been received in relation to the development. It is therefore considered that overall, the development would not dominate or overshadow nearby dwellings to the detriment of residential amenity.



#### 4 CONSULTATIONS AND REPRESENTATIONS

##### Ashingdon Parish Council

4.1 No objection.

##### Anglian Water

4.2 The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

##### Essex County Council - Archaeology

4.3 The draft Environmental Assessment which accompanies this application contains a chapter on the Historic Environment. This recognises that there is the potential for archaeological features and deposits to survive in this area. No objection. Recommended conditions:

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

##### Essex County Council – Highway Authority

4.4 The proposal includes all construction traffic accessing the sites from Fambridge Road. A new vehicle access is included for the battery storage facility and the construction compound is on a private road, therefore:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - i. Notwithstanding the submitted details, suitable construction vehicle routes for all construction vehicles, to be agreed with the Highway Authority. \*
  - ii. the parking of vehicles of site operatives and visitors

- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

\*The applicant has submitted a Construction Traffic Management Plan, which contains details of proposed vehicle routing. The route identified in this plan includes restrictions for HGVs, the applicant should be advised that an alternative route shall be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

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

2. Prior to first occupation of the development the proposed access for the battery facility shall be provided as shown in principle in the site plan 1596-0201-20. The access shall be provided with a suitable vehicle crossing of the highway verge. Full layout details to be agreed with the Highway Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

#### **Essex County Council – Historic Buildings and Conservation Advice**

- 4.6 No objection.

#### **Environment Agency**

- 4.7 No objection. Officers should consider a flood response plan for during the construction period.

#### **Historic England**

- 4.8 No objection.

**Essex County Council Local Lead Flood Authority**

- 4.9 No objection.

**London Southend Airport**

- 4.10 No safeguarding objection.

**Natural England**

- 4.11 No objection, subject to a mitigation condition requiring a management plan.

**Rochford District Council Arboricultural Officer**

- 4.12 Generally, the proposed solar panels are internal to the field boundaries and no tree or hedgerow appears to require removal to facilitate construction. It is likely that indirect damage may be caused with access, delivery, plant movement, siting of welfare facilities etc. At present no details have been supplied to value the tree / hedgerow features and / or how they are to be retained and protected during the construction phase.

Suggested condition:

No works or development shall take place until a full Arboricultural survey and report in accordance with BS5837:2012 has been submitted to and approved in writing by RDC. The report shall include the following:

- a) a plan that shows the position, crown spread and root protection area in accordance with section 5.5 of BS5837:2012 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.
- b) details of each surveyed tree in a separate schedule in accordance with section 4 of BS5837:2012
- c) a schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998:2010.
- d) details and positions of the ground protection in accordance with section 2 of BS5837:2012.
- e) details and positions of Tree Protection Barriers identified separately where required for different phases of construction work [e.g. demolition, construction, hard landscaping] in accordance with section 6.2 of BS5837:2012. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- f) details and positions of the Construction Exclusion Zones in accordance with section 6.2 of BS5837:2012.
- g) details and positions of the underground service runs in accordance with sections 4.2 and 7.7 of BS5837:2012.
- h) details of any changes in levels or the position of any proposed excavations, including those on neighbouring or nearby ground in accordance with paragraph. 5.4.2 of BS5837:2012.
- i) details of any special engineering required to accommodate the protection of retained trees [e.g. in connection with foundations, bridging, water features, surfacing] in accordance with section 7.5 of BS5837:2012.
- j) details of the methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
- k) details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc] on site.
- l) details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phototoxicity
- m) details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with section 6.2 of BS5837:2012.
- n) details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.
- o) the timing of the various phases of the works or development in the context of the tree protection measures.

#### **Rochford District Council Building Control**

4.13 No comments to make.

### **5 EQUALITY AND DIVERSITY IMPLICATIONS**

5.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

### **6 CONCLUSION**

6.1 The proposal is considered to not cause undue demonstrable harm upon the material considerations considered above that cannot be outweighed by the

public benefit of the provision of renewable energy that the development would provide. The harm to the openness of the Green Belt would be greatly outweighed by the public benefit of securing further renewable energy. The site is one of few locations on less valuable agricultural land that has capacity to take the connection to the national grid. These circumstances weigh in favour of the granting of planning permission.



Marcus Hotten

Assistant Director, Place and Environment

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### **Relevant Development Plan Policies and Proposals**

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011) – policies CP1, GB1, ENV1

Development Management Plan (December 2014) – policies DM1, DM25, DM26, DM27, DM30

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

### **Background Papers:-**

None.

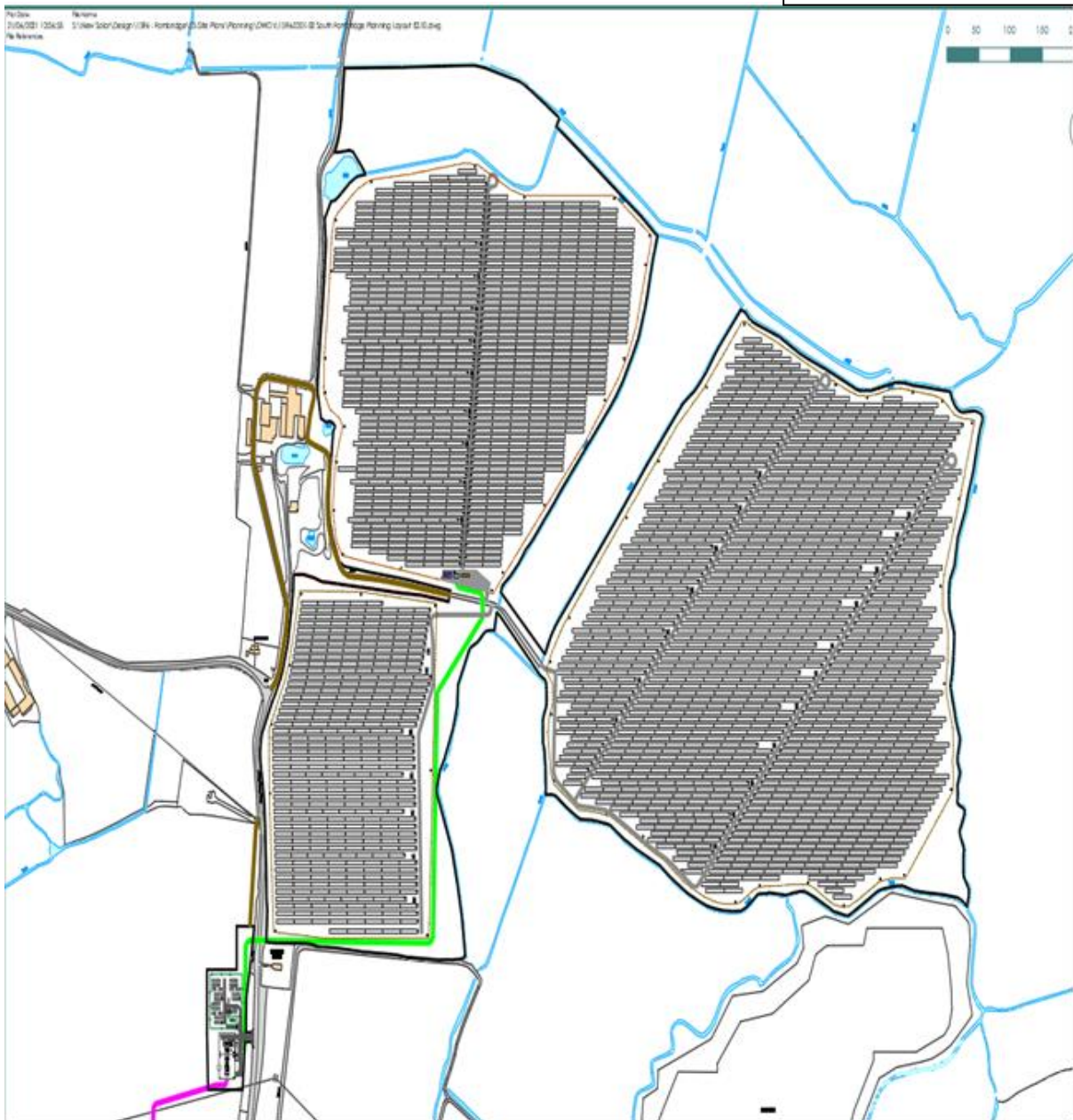
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NTS