

PLANNING STATEMENT

SOUTHLANDS SOLAR FARM AND BATTERY STORAGE LAND SOUTH OF RUNWELL ROAD (A132), RUNWELL, WICKFORD P19-PS MARCH 2023



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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Enso Green Holdings J Limited ("The Applicant") to accompany full planning applications to Chelmsford City Council (CCC) and Rochford District Council (RDC) for the proposed installation of a solar farm and battery storage facility with associated infrastructure ("the Proposed Development") on land south of Runwell Road (A132), Runwell, Wickford ("the Site") hereafter referred to as Southlands Solar Farm.
- 1.2 The Proposed Development will provide a reliable source of clean renewable energy which will be supplied to domestic and commercial consumers via the National Grid network. The battery storage facility would be utilised to reinforce the power generation of the solar farm.
- 1.3 The Proposed Development would supply the equivalent annual electrical needs of approximately 6,098 family homes in England. The anticipated CO₂ displacement is around 5,130 tonnes per annum, which represents an emission saving equivalent of a reduction in approximately 1,680 cars on the road every year.
- 1.4 A significant increase in renewable energy generation is supported by national and local planning policy and relevant material considerations, such as the UK Governments 2050 'net zero' target, which will require a rapid and expanded deployment of low-carbon electricity generation, including solar farms, if climate change is to be tackled within our lifetimes.
- 1.5 This report sets out the planning policy context relating to the benefits and acceptability in principle of the Proposed Development assessed against the applicable planning framework and details how environmental issues have been addressed and should be read in the context of the entire submission documentation to fully understand the Proposed Development, its potential impacts and planning merits.

The Applicant

- 1.6 Enso Green Holdings J Limited is a joint-venture partnership between Enso Energy and Cero Generation.
- 1.7 Enso Energy is one of the UK's leading developers of renewable energy projects. Cero Generation is a leading solar energy company, working across Europe to support the transition to a net-zero future, for this and every generation. Active throughout the project lifecycle, from development through to construction and operations, Cero's highly experienced team



collaborates with local partners to bring world-class industrial, commercial and technical expertise to its projects.

1.8 Cero's 8 GW solar development portfolio is one of the largest in Europe, covering both utilityscale and on-site generation projects, as well as integrated energy storage solutions. Dedicated to delivering high-quality, high-performing assets, and providing its corporate and industrial clients with the solutions to accelerate their pathway to a net-zero future. Cero Generation is a Green Investment Group portfolio company, operating on a stand-alone basis.

EIA Screening

- 1.9 An Environmental Impact Assessment (EIA) Screening Request in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for a proposed solar farm on the Site was submitted by the Applicant to Chelmsford City Council on 29th April 2022. This provided details of the baseline condition, the proposed approach to the assessment and the likely potential effects arising from the Proposed Development.
- 1.10 A Screening Opinion (reference: 21/01186/SCREEN) was received on 8th June 2022 confirming an Environmental Statement (ES) would not be required under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.
- 1.11 The Screening Opinion is attached at Appendix 1.



2. SITE AND SURROUNDINGS

Existing Site

- 2.1 The solar farm site comprises land totalling approximately 66.1 ha connected through an underground cable route to the point of connection at National Grid Rayleigh Substation.
- 2.2 The Site and surrounding area is a mix or rural character elements with localised man-made influences and features. These include the 132kV overhead transmission lines and pylons that cross the Site; the A130 and associated interchange with the A132; the railway line to the south-east of the Site; Wickford Sewage Works; agricultural buildings with access tracks; and residential dwellings. The Site is currently accessed via an existing access road from Runwell Road (A132).
- 2.3 The field network within the Site is characterised by irregularly shaped fields with wellestablished hedgerows and significant amounts of tree planting within and surrounding the Site. A public right of way (footpath 231-8) intersects the Site in an east-west orientation.
- 2.4 The site is in the Green Belt.
- 2.5 The topography rises from approximately 23m AOD near Runwell Road (A132) to approximately 3m AOD close to the River Crouch; a south-facing aspect. Land also slopes gently towards the central watercourse within and adjacent to the Site.

Surrounding Area

2.6 The Site is located approximately 200m to the north-east of Wickford. Battlesbridge is located approximately 500m to the east of the Site. The larger settlements of Basildon and Southendon-Sea are located to the south of the Site. The National Grid Rayleigh Substation is located approximately 3 km to the south.

Planning History

2.7 There are no relevant development control applications made at the Site, save for those which relate to uses associated with general agriculture at Southlands Farm.

Designations

- 2.8 The Site is not covered by any statutory or non-statutory designations or assets that relate to biodiversity, landscape and cultural heritage.
- 2.9 The Site is washed over by the Metropolitan Green Belt.



- 2.10 There are no designated landscapes, such as Areas of Outstanding Natural Beauty, within the study area that would be potentially affected by the Proposed Development. The Crouch and Roach Estuaries SPA, Ramsar and SSSI and the Essex Estuaries SAC are located approximately 1.5 km to the east of the Site. The Site is located within the Crouch and Roach Estuaries SSSI Impact Zone.
- 2.11 The nearest heritage assets to the Site include 'Bear Hall' (Grade II), The Old Rectory (Grade II), The Church of St Mary (Grade I) to the west and Shot Farmhouse (Grade II) with 'Barn at Shot Farm to South West' (Grade II) to the south.



3. PROPOSED DEVELOPMENT

- 3.1 The Proposed Development is for the construction, operation, maintenance and decommissioning of a ground mounted solar farm which will generate electricity for distribution to the National Grid. Provision is also provided for a battery storage facility which would be utilised to reinforce the power generation of the solar farm. All associated plant and equipment, together with associated development (such as CCTV and fencing) is included within the proposals. The Proposed Development would operate for a temporary time period of 40 years.
- 3.2 The connection to the grid will be made at the National Grid Rayleigh Substation, located approximately 3 km south of the Site. The cable would run below ground from the boundary of the Site directly to National Grid owned land at the substation.
- 3.3 While the Site extends to 66.1 ha only a small portion of this land will be "developed" and affected by the proposals. Both beneath and between the rows of PV solar panels remains vegetation, existing and further improved through the implementation of a Biodiversity Management Plan.



4. COMMUNITY ENGAGEMENT

- 4.1 The Applicant is committed to early engagement with the local community and other parties as it recognises that good quality, pro-active pre-application discussions should lead to better informed planning applications and improved outcomes for all involved.
- 4.2 A full and detailed account of the consultation process and engagement with the local community is provided in the Statement of Community Involvement.
- 4.3 The consultation centred around an in-person public exhibition which was held on 1st September 2022 at Runwell Village Hall. Prior to the public exhibition the applicant sent out a brochure in August 2022 to approximately 1,200 residential households and businesses locally inviting them to the public exhibition and seeking comments on the Proposed Development.
- 4.4 A website for the project was created (<u>https://ensoenergy.co.uk/enso-projects/southlands-solar-farm</u>). The website provided visitors with an overview of the proposals, a copy of the information presented at the public exhibition as well the opportunity to get in contact with the development team or leave feedback.
- 4.5 In response to issues raised during the public consultation process, the design of the scheme has been amended as follows:
 - Increased offset of the proposed development from Runwell, particularly in the north-west corner of the Site near to properties on the Old Runwell Road and Browns Avenue;
 - Increased offsets to PRoW within the site; and
 - Additional landscaping and a detailed scheme of ecological improvements responding to comments.



5. RENEWABLE ENERGY AND CLIMATE CHANGE

International Context

The Paris Agreement (2016)

- 5.1 The UK commitment to the reduction of greenhouse gas emissions through the ratification of the United Nations Framework Convention on Climate Change (UNFCCC) Paris Agreement in November 2016. The Paris Agreement committed its signatories to *"hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels"*. The agreement, that was adopted by nearly every nation, also made it clear that the global economy will need to be zero-carbon by the second half of the 21st Century.
- 5.2 Five years after the commitments made in the Paris Agreement several research studies have suggested that at current rates of action by Governments around the world the average global temperatures are still likely to increase above 2°C. Further action is rapidly required to reduce global temperature rises.

Climate Change 2021: The Physical Science Basis

- 5.3 The Intergovernmental Panel on Climate Change (IPCC) is working on the Sixth Assessment Report which consists of three Working Group contributions and a Synthesis Report. The Working Group 1 contribution was finalised in August 2021; the Working Group 2 contribution in February 2022; and the Working Group 3 contribution in May 2022. These reports asses the physical science basis of Climate Change; the Impacts, Adaptation and Vulnerability; and the Mitigation of Climate Change. Taken together, the multiple lines of scientific evidence confirm that the climate is changing due to human influence. The reports make, *inter alia*, the following points:
 - Global Green House Gas emissions are projected to peak between 2020 and at the latest before 2025 in global modelled pathways that limit warming to 1.5°C with no or limited overshoot and in those that limit warming to 2°C and assume immediate action... Without a strengthening of policies beyond those that are implemented at the end of 2020, Green House Gas emissions are projected to rise beyond 2025, leading to a median global warming of 3.2°C [2.2 to 3.5°C] by 2100.
 - The global energy system is the largest source of CO₂ emissions. Warming cannot be limited to well below 2°C without **rapid and deep reductions in energy system CO₂**



and Green House Gas emissions (our emphasis). Multiple energy supply options are available to reduce emissions over the next decade

- Human-induced climate change is already affecting many weather and climate extremes in every region across the globe; the increased frequency and intensity of hot extremes, marine heatwaves, heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic sea ice, snow cover and permafrost.
- Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in CO₂ and other greenhouse gas emissions occur in the coming decades. (our emphasis)
- Stringent emissions reductions at the level required for 1.5°C and 2°C are achieved through the 'increased electrification of buildings, transport, and industry, consequently all pathways entail increased electricity generation'. (our emphasis)
- All global modelled pathways that limit warming to 1.5°C with no or limited overshoot, and those that limit warming to 2°C involve rapid and deep and in most cases immediate GHG emission reductions in all sectors. Modelled mitigation strategies to achieve these reductions include, *inter alia*, *'transitioning from fossil fuels... to very low or zero-carbon energy sources, such as renewables'*. (our emphasis)
- It is unequivocal that human influence has warmed the atmosphere, ocean and land. The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years.
- A low-carbon energy transition will shift investment patters and create new economic opportunities. Some mitigation options can provide more immediate and cost-effective emissions reductions than others, but a comprehensive approach will be required over the next ten years to limit warming to well below 2°C. (our emphasis).
- 5.4 From a physical science perspective, the IPCC outline limiting human-induced global warming to a specific level requires limiting cumulative CO₂ emissions, **reaching at least net zero CO₂**



emissions, along with strong reductions in other greenhouse gas emissions. Strong, rapid and sustained reductions in nitrogen emissions would also limit the warming effect.

5.5 With a high level of confidence, the IPPC conclude the 'Emissions pathways that reach and sustain net zero Greenhouse Gas emissions defined by the 100-year global warming potential are projected to result in a decline in surface temperature after an earlier peak'. Achieving net zero emissions is therefore essential to limiting future Climate Change.

National Context

- 5.6 The objectives of the UK renewable energy policies are in accordance with the overall international policy objectives. These are focused on a number of key climate change challenges, which include:
 - The reduction of CO₂ emissions to tackle climate change;
 - The promotion of competitive energy markets in the UK;
 - Affordability to customers; and
 - Security of decentralised energy supplies.
- 5.7 This support is rooted in the Government's policy of growing the economy in a decarbonising way and achieving its legally binding target of net-zero greenhouse gas emissions by 2050¹ following a national climate emergency being declared by UK Parliament in May 2019 building upon the previous target to reduce greenhouse gas emissions by at least 80% relative to 1990 levels by 2050. To achieve this ambitious target many commentators note it will require a step change in the way in which the UK generates electricity and in many other ways of life (including food production, travel and business).
- 5.8 To help achieve this net-zero target the Government is rapidly seeking to transition from a traditionally fossil fuel dependent economy to increasing amounts of secure, resilient renewable and low carbon energy, including solar power. The fact that solar technology has advanced to the point where it no longer requires public subsidy to make it commercially viable lends it further support from Government compared to other innovative means of renewable energy generation which are still reliant on subsidy.

¹ Climate Change Act 2008 (2050 Target Amendment) Order 2019



- 5.9 Recent announcements by the Prime Minster and Government Ministers in 'The Ten Point Plan for a Green Industrial Revolution' (November 2020), the 'National Infrastructure Strategy' (November 2020), Energy White Paper (December 2020), Net Zero Strategy (October 2021), hosting of the international climate summit, COP26 in Glasgow (November 2021), and proposed changes in law to reduce carbon emissions by 78% by 2035 (bringing forward our current target by 15 years) and ambition to fully decarbonising our power system by 2035 is expected to further reinforce the requirement for change.
- 5.10 The following reports provide further context of the Governments direction to achieve its climate targets and following from the advice provided in the Energy Security Strategy (2012) and UK Solar PV Strategy (2014) which emphasised the need to increase the deployment of renewable energy across the UK, including solar PV. While not planning policy, these are material considerations to this planning application.

Net Zero – The UK's contribution to stopping global warming advice report (2019)

- 5.11 The UK's declared National Climate Emergency in May 2019 was informed by the publication of this report, prepared by the Committee on Climate Change, an independent advisor to Government on these matters. It recommended the new emissions target for the UK of net-zero greenhouse gases by 2050 (100% compared to 80% of 1990 levels). The accompanying Net Zero Technical Report suggested the potential for 29-96 of GW of onshore wind, 145-615 GW of solar power and 95-245 GW of offshore wind in the UK. A number of findings were made in these report that are relevant to the Proposed Development:
 - Scenarios for 2030 and 2050 see variable renewables providing 50-75% of overall electrical energy production;
 - Improvements in system flexibility can come from increased deployment of battery storage;
 - Significant new renewable generation capacity is needed to accommodate rapid uptake of electric vehicles and hybrid heat pumps. Over the period to 2035, up to 35 GW onshore wind, 45 GW offshore wind and 54 GW solar PV could be needed; and
 - The UK's onshore wind, offshore wind and solar PV resource are likely to be more than adequate to deliver an expanded and decarbonised electricity system to 2050.



5.12 These scenarios show the requirement for a significant increase in renewable generation, including solar, if the net-zero target is to be achieved. The Committee on Climate Change report sets out that low-carbon electricity must quadruple by 2050. While battery storage, of energy generated by renewables, will be vital to provide flexibility on the transmission and distribution networks as the demands on the electricity grid change in the next three decades.

National Infrastructure Strategy (November 2020)

- 5.13 This Strategy sets out the Government's plans to deliver on the net zero ambition and to transform the UKs infrastructure. It is the first of its kind: rooted in the expert advice of the National Infrastructure Commission (NIC) and responding to its ground-breaking 2018 assessment of the country's infrastructure needs.
- 5.14 This Strategy sets out how the Government will address these issues and do things differently: how it will build back "fairer, faster and greener". It describes how the Government will put the UK on the path to meeting its net zero emissions target by 2050 and that "bold action is needed to transform the UK's infrastructure to meet net zero and climate change commitments. The government will continue to decarbonise the UK's power, heat and transport networks – which together account for over two-thirds of UK emissions - and take steps to adapt to the risks posed by climate change".
- 5.15 The report goes onto state that to deliver net zero, the share of generation from renewables needs to dramatically increase. While the UK leads the world in the deployment of offshore wind, greater generation capacity will need to come from onshore wind and solar as well.

The Sixth Carbon Budget (December 2020)

- 5.16 This report provides the Climate Change Committee's recommendations for the UK's Sixth Carbon Budget which will run from 2033 to 2037 and describes the path to net zero.
- 5.17 The 'Balanced Net Zero Pathway' is the basis of the advice on the Sixth Carbon Budget and was built on multiple lines of evidence, taking into account what is feasible over time and what is necessary to get on track to net zero by 2050.
- 5.18 The recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, it brings forward the UK's previous 80% target by nearly 15 years. The pathway meets the Paris Agreement stipulation of 'highest possible ambition'. It is challenging but also hugely advantageous, creating new industrial opportunities and ensuring



wider gains for the nation's health and for nature. The scale of ambition is clear, but requires immediate action if the ambition is to be achieved.

- 5.19 The report is clear that the utmost focus is required from Government over the next ten years (up to 2030). If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge - the UK will <u>not</u> deliver net zero by 2050. The 2020s must be the decisive decade of progress and action (our emphasis).
- 5.20 The report demonstrates that the Balanced Net Zero Pathway very largely decarbonises electricity generation by 2030, and decarbonises it completely by 2035, with action thereafter focused on meeting rising energy demand with low-carbon generation. The key features of the scenario are an increasing demand for electricity, decreasing carbon intensity of generation, and a more flexible system, which includes:
 - Increasing variable renewables to 80% of generation by 2050. Under the Balanced Pathway variable renewables reach 60% of generation by 2030, 70% by 2035, and 80% by 2050. This generation allows new electricity demands, arising from changing behaviours (such as the uptake of electric cars), to be met with minimal emissions and at low cost.
 - Wind, particularly offshore, is the backbone of the system, providing 265
 TWh of generation in 2035 and 430 TWh in 2050. That requires deploying 3
 GW per year of new wind capacity, plus repowering of older sites as they reach the end of their (25-30 year) operating lives.
 - Solar generation increases from 10 TWh in 2019 to 60 TWh in 2035 and 85 TWh in 2050. On average, <u>3 GW per year</u> will need to be installed to reach this level of solar generation (our emphasis).
 - Achieving an average 3 GW increase in solar generation every year up to 2050 is a significant challenge and one which will require planning permission to be granted for many more solar farms within the next few years in order to make progress to achieving the 2035 target included in the Climate Change Committee's Balanced Pathway model.

Energy White Paper (December 2020)



- 5.21 This white paper puts net zero and the UK Governments effort to fight climate change at its core, following the Prime Minister's Ten Point Plan for a Green Industrial Revolution.
- 5.22 The report states that renewables now account for over one third of electricity generation, up from seven per cent in 2010. Yet, this green revolution has been delivered without disruption to the reliability of our electricity supply and the scale of deployment has contributed to a significant reduction in the cost of renewables. Increasingly, green power is the cheapest power.
- 5.23 Building on this foundation, with the exception of Sizewell B and Hinkley Point C, all of the existing nuclear power plants are due to have ceased generating by the end of 2030. The UK has already committed to ending coal in the electricity mix no later than 2025.
- 5.24 While retiring capacity will need to be replaced to keep pace with existing levels of demand, modelling suggests that overall demand could double to 2050. This is because of the electrification of cars and vans and the increased use of clean electricity replacing gas for heating. As a result, electricity could provide more than half of final energy demand in 2050, up from 17 per cent in 2019. This increase in demand must be matched in increased supply, produced by renewable sources, if net zero is to be achieved.
- 5.25 Whilst the report does not target a particular generation mix for 2050, the report goes on to state that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing or the sun does not shine. Such technologies include the storage and flexibility provided by batteries. This proposal is consistent with the vision set out in the Energy White paper.

Independent Assessment of UK Climate Risk (June 2021)

- 5.26 The Adaptation Committee's Independent Assessment of UK Climate Risk sets out the priority climate change risks and opportunities for the UK. The report draws on an extensive programme of analysis, consultation and consideration by the Committee involving over 450 people, 130 organisations and more than 1,500 pages of evidence and analysis.
- 5.27 This is the third independent assessment of the UK's climate risks under the Climate Change Act, coordinated by the Climate Change Committee. The advice draws on extensive new evidence gathered for the accompanying Climate Change Risk Assessment (CCRA3) Technical



Report. Sixty-one risks and opportunities have been identified, fundamental to every aspect of life in the UK: our natural environment, our health, our homes, the infrastructure on which we rely, the economy. Alarmingly, this new evidence shows that the gap between the level of risk we face and the level of adaptation underway has widened. Adaptation action has failed to keep pace with the worsening reality of climate risk. The UK has the capacity and the resources to respond effectively to these risks, yet it has not done so. Acting now will be cheaper than waiting to deal with the consequences. Government must lead that action.

2021 Progress Report to Parliament (June 2021)

- 5.28 The Committee for Climate Change have published a double report '*Progress in reducing emissions*' and '*Progress in adapting to climate change*' providing a comprehensive overview of the UK Government's progress to date on reducing emissions and adapting to climate change. Together, the assessment offers more than 200 policy recommendations covering every part of Government.
- 5.29 Progress in reducing emissions states that Government will need to address potential barriers to deploying and using low-carbon generation at scale (e.g. the planning and consenting regime for renewables and networks).
- 5.30 Progress in adapting to climate change report also makes it clear that there will be significant implications for energy infrastructure resilience and water abstraction as a result of the transition to a Net Zero economy. The UK will become heavily dependent on electricity as our dominant energy source as we reduce our greenhouse gas emissions to Net Zero. While electricity provides about 15-20% of our energy today, by 2050 it could account for 55-65%, used for light, heat, communications, transport, industry and delivery of other critical services such as water. This is alongside a potential increased reliance on renewables for electricity generation to 80% by 2050². This will necessitate the development of new energy infrastructure, energy supplies will need to become increasingly resilient to climate change and interdependencies will need to be better understood and managed.
- 5.31 The joint recommendation report highlights the following '2022 Priority Recommendation' in relation to renewable energy deployment:

² Under the CCC's Balanced Pathway to Net Zero from the Sixth Carbon Budget Report.



"Address potential barriers to deploying and using low-carbon generation at scale (e.g. the planning and consenting regime for renewables and networks, exposure to climate risks)".

Net Zero Strategy: Build Back Greener (October 2021)

- 5.32 The UK's new Net Zero Strategy sets out, for the first time, how the UK Government plans to deliver its emissions targets of Net Zero in 2050 and a 78% reduction from 1990 to 2035 (-63% relative to 2019). It puts forward an achievable and affordable vision that will bring net benefits to the UK.
- 5.33 Whilst there are a range of ways in which net zero could be achieved in the UK, the Strategy sets out a delivery pathway showing indicative emissions reductions across sectors to meet targets up to the sixth carbon budget (2033-2037).
- 5.34 The policies and proposals for power in the Net Zero Strategy state that:

"The net zero economy will be underpinned by cheap clean electricity, made in Britain. A clean, reliable power system is the foundation of a productive net zero economy as we electrify other sectors – **so we will fully decarbonise our power system by 2035**, subject to security of supply. Our power system will consist of abundant, **cheap British renewables**, cutting edge new nuclear power stations, and be underpinned by flexibility **including storage**, gas with CCS, hydrogen and ensure reliable power is always there at the flick of a switch. The transformation of the power sector will bring high skill, high wage job opportunities right across the UK" (our emphasis).

- 5.35 The key policies include "40GW of offshore wind by 2030, with more onshore, solar, and other renewables" and "Deployment of new flexibility measures including storage to help smooth out future price spikes".
- 5.36 Although the Energy White Paper published December 2020 envisaged achieving an overwhelmingly decarbonised power system during the 2030s, the Government have since increased their ambition further. *"By 2035, all our electricity will need to come from low carbon sources, subject to security of supply, bringing forward the government's commitment to a fully decarbonised power system by 15 years, whilst meeting a 40-60% increase in demand. However, the Energy White Paper's fundamental approach remains unchanged. A low-cost, net zero consistent electricity system is most likely to be composed predominantly of wind and solar generation, whether in 2035 or 2050" (our emphasis).*



5.37 The Strategy acknowledges that to achieve such targets will require a sustained increase to the deployment of land-based renewables such as solar in the 2020s and beyond.

Independent Assessment: The UK's Net Zero Strategy (October 2021)

- 5.38 The Committee for Climate Change (CCC) have published their response to the Net Zero Strategy, in this assessment they independently appraise the Government's ambitions, its proposed policies to deliver these (both across the economy and in the major emitting sectors), areas that will require further detail and clarification, and the next steps required to proceed to implementation.
- 5.39 The CCC's overall assessment is that it is an ambitious and comprehensive strategy that marks a significant step forward for UK climate policy, setting a globally leading benchmark for COP26. Further steps will however need to follow quickly to implement the policies and proposals mapped out in the Net Zero Strategy if it is to be a success, which include a Net Zero Test *"to ensure that all policy and planning decisions are consistent with the path to Net Zero"* (our emphasis).

Environment Act 2021 (November 2021)

- 5.40 Almost two years after the Environment Bill had its first reading, it has been passed into law becoming the Environment Act 2021.
- 5.41 The Act implements Government's ambitions for 'improving the natural environment', which were previously set out in publications including the 25 Year Environment Plan (2018), with the UK becoming the first country to set a legal target to halt species decline by 2030.
- 5.42 Through the Act, the Government will clean up the country's air, restore natural habitats, increase biodiversity, reduce waste and make better use of our resources. This includes the delivery of biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.

UK Climate Change Risk Assessment 2022 (January 2022)

5.43 As required by the Climate Change Act 2008, the UK government has undertaken the third five-year assessment of the risks of climate change on the UK. This is based on the Independent Assessment of UK Climate Risk, the statutory advice provided by the Climate Change Committee (CCC), commissioned by the UK government and devolved administrations.



5.44 The report is clear that "climate change is happening now. It is one of the biggest challenges of our generation and has already begun to cause irreversible damage to our planet and way of life. We have clear evidence demonstrating the pace of warming in recent decades and the impacts we will face should this continue. As we redouble our efforts to achieve net zero, we must also continue to raise ambitions on adaptation to ensure the UK is resilient to the challenges of a warming world" and that "To achieve net zero, we must integrate adaptation action into mitigation efforts. Successful mitigation will in turn ensure adaptation remains achievable. This includes the need to ensure our increasingly electrified power system, nature-based solutions and other low carbon infrastructure are resilient to future climate impacts".

Local Context

Climate Emergency

- 5.45 At a local level, in July 2019, Chelmsford City Council declared a climate and ecological emergency and pledged to take action to make the Council's activities net-zero carbon by 2030. In July 2020, Rochford District Council made a commitment to work towards becoming carbon neutral by 2030 for its own operations in their Carbon Neutral 2030 Council Strategy.
- 5.46 While Essex County Council has not declared a Climate Change Emergency it has set up the 'Essex Climate Action Commission' which in July 2021 published a 'Net Zero: Making Essex Carbon Neutral' report. This included a number of recommendations including that "*Essex to produce enough renewable energy within the county to meet its own needs by 2040.*" and a requirement for "*1.43 GW of large-scale solar panels to be built on available land without compromising current agricultural land by 2030.*". This later recommendation would equate to 5% of the low grade agricultural land outside of AONBs and National Parks being utilised for solar generation. Other 'energy' recommendations within the report include a wide remit of other related matters, such as: increasing EV charging networks, use of biomass, retrofitting of domestic and commercial heating with renewable energy systems and generation of green hydrogen.



6. PLANNING POLICY CONTEXT

National

Overarching National Policy Statement For Energy (EN-1)

- 6.1 Whilst directed at Nationally Significant Infrastructure Projects (NSIP) over 50MW, paragraph 1.2.1 confirms the National Policy Statements (NPSs) are material considerations to applications under the Town and Country Planning Act 1990 (as amended). EN-1 is the national policy on energy and establishes the need for energy related development, with the Government not requiring decision makers to consider need on individual applications because of this. The Proposed Development will help meet this need and, moreover, with the battery storage it will address intermittency and help to relegate the role of fossil fuels as a back-up.
- 6.2 Paragraph 1.7.2 states that energy National Policy Statements should speed up the transition to a low carbon economy and help to realise UK climate change commitments sooner than continuation under the current planning system. It is also acknowledged that the development of new energy infrastructure, at the scale and speed required to meet the current and future need, is likely to have some negative effects on biodiversity, landscape/visual amenity and cultural heritage, however in general it should be possible to mitigate satisfactorily the most significant potential negative effects.
- 6.3 The Government's policy on energy infrastructure development in Part 2 of EN-1 is critical to understanding the policies on need. Paragraph 2.1.1 states that there are three key goals, namely reducing carbon emissions, energy security and affordability. Large scale infrastructure plays a "vital role" in ensuring security of supply (paragraph 2.1.2).
- 6.4 The transition to a low carbon economy is dealt with at paragraphs 2.2.5 to 2.2.11. The UK needs to wean itself off a high carbon energy mix, to reduce GHG emissions, and to improve the security, availability and affordability of energy through diversification. Under some of the "illustrative" 2050 pathways electricity generation would need to become virtually emission-free.
- 6.5 Paragraph 2.2.23 states that "The UK must therefore reduce over time its dependence on fossil fuels, particularly unabated combustion. The Government plans to do this by improving energy efficiency and pursuing its objectives for renewables, nuclear power and carbon capture and storage".



- 6.6 Paragraph 3.3.10 also states that as part of the UK's need to diversify and decarbonise electricity generation, the Government is committed to dramatically increasing the amount of renewable energy capacity. With paragraph 3.3.11 going onto state that an increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive.
- 6.7 Paragraph 3.3.12 highlights that there are a number of other technologies which can be used to compensate for the intermittency of renewable generation, such as electricity storage. Although Government believes these technologies will play important roles in a low carbon electricity system, the development and deployment of these technologies at the necessary scale has yet to be achieved. The Proposed Development has provided provision to include battery storage within the design.
- 6.8 Overall, section 3.4 identifies that large scale deployment of renewables will help the UK to tackle climate change, reducing the UK's emissions of carbon dioxide by over 750 million tonnes by 2030. Paragraph 3.4.5 makes it clear that *"The need for new renewable electricity generation projects is therefore urgent"*.
- 6.9 In September 2021, the Government published the revised energy NPSs that support decisions on major energy infrastructure. These documents, when finalised, will guide decision-makers on the application of government policy when determining development consent for nationally significant energy infrastructure under the Planning Act 2008.
- 6.10 Both the existing and proposed energy NPSs state that they can also be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). As the Proposed Development is just under the 50MW threshold for NSIPs, the energy NPSs are clearly a material consideration when determining the Application.
- 6.11 Below is a summary of the material considerations set out within the newly published draft energy NPSs as they apply to the Proposed Development. Importantly, a significant planned change to the draft energy NPSs is the introduction of solar PV, technology unviable above 50MW when the original NPSs were designated in 2011.



The Draft Overarching National Policy Statement for Energy (EN-1)

- 6.12 Paragraph 2.3.2 is clear that the "objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050".
- 6.13 Electricity meets a significant proportion of our overall energy needs and our reliance on it will increase as we transition our energy system to deliver our net zero target. However to achieve this the sources of energy we use will also need to change. Paragraph 2.3.4 states that *"Today, our energy system is dominated by fossil fuels. Although representing a record low, fossil fuels still accounted for just over 79 per cent of energy supply in 2019. We will need to dramatically increase the volume of energy supplied from low carbon sources and reduce the amount provided by fossil fuels". Paragraph 3.3.20 also goes further to state that <i>"there is an urgent need for new electricity generating capacity to meet our energy objectives".*
- 6.14 Solar is identified in Paragraph 3.3.21 as being one of the lowest cost ways of generating electricity "helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar" with Paragraph 3.3.22 calling for sustained growth in the capacity of onshore wind and solar in the next decade.
- 6.15 In terms of good design for energy infrastructure, Draft EN-1 makes clear that good design goes beyond visual appearance and landscape fit. It states *"The functionality of an object be it a building or other type of infrastructure including fitness for purpose and sustainability, is equally important. Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area".*

The Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)

6.16 The Draft EN-3 is a material consideration in the determination of this application. It makes it clear that electricity generation from renewable sources of energy is an essential element of the transition to net zero, stating that *"Our analysis suggests that demand for electricity is*



likely to increase significantly over the coming years and could more than double by 2050. This could require a fourfold increase in low carbon electricity generation, with most of this likely to come from renewables".

- 6.17 Paragraph 2.47.1 is clear that "Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free and at little to no extra cost to the consumer. The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector" (our emphasis).
- 6.18 Draft EN-3 confirms that the connection of the proposed solar farm into the relevant electricity network will be an important consideration for applicants of solar (Paragraph 2.48.10) and that the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal (Paragraph 2.48.11).
- 6.19 Details on site selection, technical considerations, potential impacts, how they should be assessed, best practice in mitigation and the issues to be considered in decision making in relation to solar photovoltaic generation are set out in further detail in Draft EN-3.

National Planning Policy Framework

- 6.20 The National Planning Policy Framework (July 2021) (NPPF) sets out the Government's planning policies for England and how these should be applied. At its core is the need for the planning system to contribute to the achievement of sustainable development meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.21 Paragraph 8 of the NPPF explains that achieving sustainable development means the planning system has three overarching and interdependent objectives:
 - "an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;



- a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."
- 6.22 The environmental objective in particular is applicable to renewable energy developments.
- 6.23 Paragraph 11 of the NPPF stipulates when determining planning applications a presumption in favour of sustainable development should be applied and specifically:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 6.24 Paragraph 12 underlines that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The policies within the Local Development Framework are considered below.
- 6.25 Section 6 of the NPPF refers to the economy and paragraph 84 states that in supporting a prosperous rural economy planning decisions should enable the development and diversification of agricultural and other land based rural business.



- 6.26 Paragraph 100 states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 6.27 Paragraph 111 directs that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.28 Paragraph 120 (a) states that planning policies and decisions should "encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains such as developments that would enable new habitat creation or improve public access to the countryside."
- 6.29 Paragraph 137 outlines that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.30 Paragraph 138 sets out that

"Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."
- 6.31 Paragraph 147 of the NPPF states "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".
- 6.32 Paragraph 148 states "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 harm resulting from the proposal, is clearly outweighed by other considerations."



- 6.33 Paragraph 151 states "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".
- 6.34 Paragraph 152 sets out that the planning system should support the transition to a low carbon future in a changing climate and it should help minimise vulnerability and improved resilience. It states that it should shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, and support renewable and low carbon energy and associated infrastructure.
- 6.35 Paragraph 157 states that local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping.
- 6.36 Paragraph 158 sets out 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; and **approve the application if its impacts are (or can be made) acceptable**.
- 6.37 Paragraph 159 sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.38 Paragraph 167 directs that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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.

- 6.39 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing soils, minimising impacts on biodiversity and preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution.
- 6.40 Paragraph 180 sets out the principles that local planning authorities should apply with regard to habitats and biodiversity when determining planning applications including refusing applications where significant harm to biodiversity cannot be mitigated/compensated for; protecting SSSIs; refusing developments that result in the loss or deterioration of irreplaceable habitats unless there are wholly exceptional; and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 6.41 Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 6.42 Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require



developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 6.43 Paragraph 202 outlines that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.44 The Glossary of the NPPF defines renewable and low carbon energy, including energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment including from the sun. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Planning Practice Guidance

6.45 The key aim of the Planning Practice Guidance is to provide easily accessible and understandable guidance on the implementation of the policies within the NPPF. It contains specific guidance on planning policies for renewables energy developments and on how planning applications should be determined with regards to their impact on the natural and historic environment. Consideration of the fundamental aspects of this guidance in relation to the application are detailed below.

Renewable and Low Carbon Energy

- 6.46 The guidance provides further advice on renewable and low carbon energy projects to facilitate the delivery of the low carbon future. It states that the Government remains committed to increasing the amount of energy from renewable and low carbon technologies to ensure that the UK has a secure energy supply, to slow down climate change and to stimulate new jobs and businesses.
- 6.47 Paragraph 13 within the guidance specifically relates to large scale ground-mounted solar³. It states that:

"The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well

³ Paragraph: 013 Reference ID: 5-013-20150327, published 27 March 2015



planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- 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 encourages 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; and
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

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."

Climate Change

6.48 Addressing climate change is stated as being one of the core land use planning principles which the NPPF expects to underpin decision-taking on planning applications. The guidance seeks to ensure that the planning system helps to implement the objectives of the Climate Change Act 2008 by radically reducing greenhouse gas emissions and adapting to the forecast impacts of climate change. The guidance makes it clear that Councils need to take account of global climate change including, for example, providing opportunities for renewable and low carbon energy technologies.

Natural Environment

6.49 The guidance was updated in July 2019 to address how planning can take account of the quality of agricultural land and that an agricultural land classification assessing the quality of farmland can enable informed choices to be made about its future use within the planning system. Planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land. There are five grades of agricultural land, with Grade 3 subdivided in 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.

Green Belt

6.50 Guidance was published in July 2019 to address the of Green Belt in the planning system and in particular what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. It states that:

"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the



courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation⁴".
- 6.51 Consideration is given to NPPF policies within Section 7 of this Planning Statement.

<u>Local</u>

Development Plan

6.52 The site is located across two authority boundaries, within the jurisdiction of Chelmsford City Council and Rochford District Council as the Local Planning Authorities and determining authorities for this application. The Local Development Plans for the purposes of determining the application for the proposed development on this site is therefore;

Chelmsford City Council

• Chelmsford Local Plan 2013-2036, adopted May 2020

Rochford District Council

- Rochford District Core Strategy, adopted December 2011;
- Rochford District Allocations Plan, adopted February 2014; and
- Rochford District Development Management Plan, adopted December 2014
- 6.53 Rochford District Council is working with neighbouring authorities and Essex County Council as part of the South Essex Plan which intends to guide development with a strategic framework and provide high level policies on housing, employment and environmental protection. The Regulation 18 consultation of the South Essex Plan had been proposed for Q1

⁴ Paragraph: 001 Reference ID: 64-001-20190722, published 22 July 2019



2022 with adopted by Q3 2022 however no draft plan or policies have yet been published for consultation.

6.54 Essex County Council is the Minerals and Waste Planning Authority. The Essex Minerals Plan was adopted in 2014. The Replacement Waste Local Plan was adopted in July 2017 are not considered further.

Chelmsford City Council

- 6.55 The Chelmsford Local Plan outlines the strategic priorities and long-term vision for Chelmsford and identified locations for delivering housing and other strategic development needs.
- 6.56 Strategic Policy S1 'Spatial Principles' confirms the Councill will require all new development to accord, *inter alia*, with the following spatial principles were relevant:
 - Optimise the use of suitable previously developed land for development;
 - Locate development to avoid or manage flood risk;
 - Protect the Green Belt; and
 - Respect the character and appearance of landscapes and the build environment, and preserve or enhance the historic environment and biodiversity;
- 6.57 Strategic Policy S2 'Addressing climate change and flood risk' states:

The Council, through its planning policies and proposals that shape future development, will seek to mitigate and adapt to climate change. In addressing the move to a lower carbon future for Chelmsford, the Council will encourage new development that (inter alia):

- Reduced greenhouse gas emissions;
- Promotes the efficient use of natural resources such as water;
- Provides opportunities for renewable and low carbon energy technologies and schemes;
- Provides opportunities for decentralised energy and heating systems;
- Encourages design and construction techniques which contribute to climate change mitigation and adaptation;



- Minimises impact on flooding;
- Provides opportunities for green infrastructure including... new habitat creation.

The Council will require that all development is safe, taking into account the expected life span of the development, from all types of flooding and appropriate mitigation measures are identified, secured and implemented. New development should not worsen flood risk elsewhere.

- 6.58 Strategic Policy 4 'Conserving and Enhancing the Natural Environment' states the Council is committed to the conservation and enhancement of the natural environment through the protection of designated sites and species, whilst planning positively for biodiversity networks and minimising pollution. This includes, inter alia, the minimal loss of best and most versatile agricultural land (Grades 1, 2 and 3a) to major new development.
- 6.59 Strategic Policy 11 'The Role of the Countryside' confirms that all new development within the countryside will be considered within the context of the spatial strategy whilst ensuring that development does not have an adverse impact on the different roles and character of the countryside. The openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.
- 6.60 Policy DM6 'New Buildings in the Green Belt' confirms that inappropriate development will not be approved except in very special circumstances.
- 6.61 Policy DM13 'Designated Heritage Assets' sets out that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of harm, will be considered against any public benefit arising from the proposed development. In addition, the Council will preserve listed buildings and will permit development within the setting of a listed building where the development would not adversely affect the significance of the listed building, including views to and from the building, landscape and townscape character, and the historic significance would be preserved.
- 6.62 Policy DM16 'Ecology and Biodiversity' states that all new development should:
 - Conserve and enhance the network of habitats, species and sites (both statutory and non-statutory, including priority habitats and species) of international, national and



local importance commensurate with their status and give appropriate weight to their importance; and

- Avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts; and
- Deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats, and enhancing them for the benefit of species.
- 6.63 Policy DM18 'Flooding/SUDS' confirms that planning for all types of development will only be granted where is can be demonstrated that the site is safe from all types of flooding, either because of existing site conditions or through flood risk management from the development, now and for the lifetime of the development, and it does not worsen flood risk elsewhere. This will be incorporated through, *inter alia*, surface water management measures.
- 6.64 Policy DM19 'Renewable and Low Carbon Energy' states:

"Planning permission will be granted for renewable or low carbon energy developments provided that they:

- i. do not cause demonstrable harm to residential living environment; and
- ii. avoid or minimise impacts on the historic environment; and
- iii. can demonstrate no adverse effect on the natural environment including designated sites; and
- iv. do not have an unacceptable visual impact which would be harmful to the character of the area; and
- v. will not have a detrimental impact on highway safety.

Where located within the Green Belt, renewable or low carbon energy developments will also need to demonstrate very special circumstances in order to be approved".

6.65 In the Reasoned Justification for this Policy, it states "The Council wishes to reduce the consumption of fossil fuels and the subsequent generation of pollution and waste to help mitigate climate change. **Renewable and low carbon energy schemes have a key role to play** in promoting more sustainable forms of development and reducing the production of greenhouse gasses. The Council will **encourage the provision of such projects** and will balance



the immediate impact of renewable and low carbon energy proposals on the amenities of the local environment with their wider contribution to reducing the emission of greenhouse gasses" (our emphasis).

6.66 Policy DM29 'Protecting living and working environments' confirms planning permission will be granted for development provided the development, inter alia, safeguards the living environment of the occupiers of any nearby residential property.

Rochford District Council

- 6.67 While most of the proposed development lies within Chelmsford City Council, a section of underground cable and the Rayleigh National Gird Substation falls within Rochford District. The Development Plan, principally contained within the Rochford District Core Strategy and Rochford District Development Management Plan, are applicable to the Proposed Development. The cable route and connection is within the Green Belt.
- 6.68 Section 6 of the Rochford District Core Strategy (2011) considers matters of Green Belt. Policy GB1 'Green Belt Protection' is an important consideration identifying that "*The Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt"*.
- 6.69 Policy ENV6 'Large Scale Renewable Energy Projects' states:

"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, such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSI's), Ancient Woodlands, Local Nature Reserves (LNRs) or Local Wildlife Sites (LoWSs); or if it can be shown that the integrity of the sites would not be adversely affected;
- there are no significant adverse visual impacts."
- 6.70 The Site is not within an area designated for ecological or landscape value. The cable route is underground; as a result there would be no harm to the openness of the Green Belt, and there would be no significant adverse visual impacts.
- 6.71 Policies of relevance within the Rochford District Development Management Plan include:



- Policy DM25 Trees and Woodlands;
- Policy DM26 Other Important Landscape Features; and
- Policy DM31 Traffic Management.
- 6.72 These policies are assessed further within Section 7. The site is not allocated for development within the Rochford District Allocations Plan.

Neighbourhood Plan

6.73 There are no Neighbourhood Plans relevant to the Site.

Supplementary Guidance Documents

Chelmsford Local Plan – Solar Farm Development Supplementary Planning Document (November 2021)

- 6.74 The Solar Farm Development SPD is a material consideration in the determination of solar farm planning applications in the Council's area.
- 6.75 The SPD states that "Chelmsford City Council recognises that solar energy development can help meet targets for reducing carbon emissions, reduce reliance on fossil fuels and provide local energy security. They can also contribute to sustainable agriculture providing an income stream for farmers and landowners, provide benefits to local ecosystems and wildlife and support local employment opportunities. **CCC supports the principle of solar energy development** provided the environmental impacts can be appropriately managed through the planning application process" (our emphasis).
- 6.76 The SPD sets out the key planning considerations that should be considered by applicants when preparing, designing and submitting solar farm development proposals. This includes, *inter alia*, agricultural land quality, landscape impacts, and biodiversity and nature conservation.
- 6.77 There are no relevant SPDs within Rochford District Council.


7. PLANNING APPRAISAL

- 7.1 In determining an application for planning permission a decision maker is required by section 70(2) of the 1990 Act to have regard to the provisions of the development plan so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination *"must be in accordance with the plan unless material considerations indicate otherwise"*.
- 7.2 The Courts have determined that it is enough that a proposal accords with the Development Plan when considered as a whole. It is therefore not necessary to accord with each and every policy contained within the Development Plan. Indeed, it is not at all unusual for Development Plan policies to pull in different directions⁵.
- 7.3 The local development plan for the purposes of determining the application for the proposed development on this site is the Chelmsford Local Plan 2013-2036 and the Rochford District Core Strategy (2011), Allocations Plan (2014) and Development Management Plan (2014) insofar as they are consistent with the National Planning Policy Framework.
- 7.4 The NPPF is a key material consideration. It holds a presumption in favour of sustainable development which states that for decision making this means "approving development proposals that accord with an up to date development plan without delay" (paragraph 11c) and in paragraph 12 reminding decision makers that that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 7.5 This section contains a detailed analysis of the Proposed Development against the identified relevant national and local planning policies and any other material planning considerations. The key issues for the determination of this application are:
 - The principle of the development;
 - Landscape and visual impacts;
 - Impacts on biodiversity;
 - Heritage impacts;

⁵ Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001]; R. v Rochdale MBC ex parte Milne [2000] & City of Edinburgh Council v. Secretary of State for Scotland [1997]



- The use of agricultural land;
- Farm diversification;
- Impacts on amenity;
- Flood risk impacts;
- Traffic impacts and access; and
- Development within the Green Belt.

The Principle of The Development

- 7.6 The Proposed Development comprises a solar farm and battery storage facility, a renewable energy generating station supplying clean energy to the National Grid. The battery storage facility would be utilised to reinforce the power generation of the solar farm, maximising renewable energy production from the Site whilst providing security of supply.
- 7.7 The Glossary of the NPPF defines renewable energy as covering those energy flows that occur naturally and repeatedly in the environment including from the sun. The Proposed Development meets the definition therefore of renewable energy as defined in national planning policy.
- 7.8 National policy is strongly supportive of renewable energy as a means of meeting our increasing energy demands, tackling climate change and transitioning to a prosperous and low carbon sustainable economy. Privately funded, large scale solar developments such as the Proposed Development are recognised as being not just necessary but central to meeting an urgent need. Moreover, with the battery storage proposed, the Application goes further by helping to address the intermittency issues associated with renewables generally and will assist to relegate the role of fossil fuels to being one of a back-up.
- 7.9 Paragraph 158 of the NPPF is clear that there is no requirement to demonstrate the need for renewable energy development. The urgency of the need for substantially greater quantities of renewable energy (including large scale solar) is self-evident in light of the recent dramatic step change in Government energy policy driven by its declared Climate Emergency to achieve a 100% reduction in greenhouse gas emissions by 2050 (net zero). This is a legally binding target.



- 7.10 The 'Sixth Carbon Budget' and '2021 Progress Report to Parliament' prepared by the Committee on Climate Change makes it clear that the utmost focus is required from Government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge the UK will not deliver net zero by 2050. The 2020s must be the decisive decade of progress and action.
- 7.11 The Sixth Carbon Budget demonstrates that in the recommended 'Balanced Net Zero Pathway', solar generation increases from 10 TWh in 2019 to 60 TWh in 2035 and 85 TWh in 2050. On average, 3 GW per year will need to be installed to reach this level of solar generation. The Proposed Development would contribute significantly to meeting these targets.
- 7.12 CCC's Climate and Ecological Emergency declaration in July 2019 seeks to focus attention on reducing carbon and greenhouse gas emissions and to plan for a more sustainable future. Rochford District Council made a commitment to work towards becoming carbon neutral by 2030 (in their own operations). In addition, the 'Essex Climate Action Commission' has recommended that "1.43 GW of large-scale solar panels to be built on available land without compromising current agricultural land by 2030."
- 7.13 The NPPF (paragraph 11) contains a presumption in favour of sustainable development meeting the needs of the present without compromising the ability of future generations to meet their own needs (paragraph 7 of the NPPF).
- 7.14 NPPF paragraph 152 states that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. Paragraph 157 goes onto state that in determining planning applications, local planning authorities should expect new development to *"take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*. With paragraph 158 concluding 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"* and *"approve the application if its impacts are (or can be made) acceptable"*.
- 7.15 Rochford District Council through Policy ENV6 are generally supportive of renewable energy schemes where there are no adverse ecological or landscape impacts.



- 7.16 The Proposed Development would supply clean renewable electricity for distribution to the National Grid, contributing to the objective of sustainable development in accordance with NPPF paragraph 11, adopted Local Plan Policy and increasing renewable energy generation in accordance with NPPF paragraph 152. This quantity of additional renewable energy is a significant contribution to meeting both national and local renewable energy targets. It is a significant environmental benefit, displacing as it does 5,566 tonnes of CO₂ per annum, which represents an emission saving equivalent of a reduction in approximately 1,823 cars on the road every year.
- 7.17 Matters of Green Belt are assessed below. In applying the relevant national and local policy therefore regarding the principle of the development as renewable energy it is clear that the Proposed Development is entirely consistent with both nation and local objectives.
- 7.18 In February 2023, an Appeal was allowed and planning permission granted for a 49.9MW solar farm with battery storage at East Hanningfield, Chelmsford (APP/W1525/W/22/3300222 Appendix 3). This appeal site is in the Green Belt within Chelmsford City Council's administrative area. In allowing the appeal, the Inspector found that 40 years (the lifetime of the project) is not permanent and the impact on openness of the Green Belt would be reduced with the site ultimately reinstated to its former open character.
- 7.19 Consequently, both visually and spatially, the proposed development would result in moderate harm to the openness of the Green Belt. The retention and enhancement of field boundaries would have a "largely non-invasive impact" on landscape features.
- 7.20 The Draft NPSs (a material consideration to the application) recognise the need for significant large and small scale energy infrastructure to "dramatically increase the volume of energy supplied from low carbon sources".
- 7.21 The Inspector summarises, inter alia, that "the benefits of renewable energy raise substantial benefits in favour of the proposal. These benefits are recognised in the Council's local policies and guidance and national policy in accordance with the Climate Change Act of 2008. It is also clearly identified, in Section 14 of the Framework, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate...



... accordingly, the public benefits of the proposal are of a sufficient magnitude to outweigh the substantial harm found to the Green Belt and all other harm... These benefits identified attract **very substantial weight** in favour of the scheme. In the context, the harm to the Green Belt would be **clearly outweighed** by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, the proposal would satisfy the local and national Green Belt policies I have already outlined" (**our emphasis**).

7.22 When considering other applications for Solar Farms in the Green Belt, Chelmsford City Council have found that the benefits of renewable energy outweigh the temporary harm to the openness of the Green Belt (see Canon Barns: 21/00502/FUL; and Hill Farm 21/00555/FUL). Whilst each site must be considered on its own merits, these recent decisions provide a useful insight into the weight the Council has applied in the past to renewable energy projects in the Green Belt. Against this background, the principle of the proposed development is clearly established.

Landscape and Visual

- 7.23 The NPPF (paragraph 174) seeks to protect the countryside for its intrinsic character, its beauty and to encourage Development Proposals in rural areas to reflect the local character and characteristics of the area. Green Belt is not a landscape designation and is assessed separately below.
- 7.24 A comprehensive scheme of landscaping accompanies the application. This includes the retention, protection and enhancement of existing trees, hedgerows and woodland, with new native tree and hedgerow species (including infill planting where gaps are present in the existing field boundary hedgerows) to provide additional visual enclosure. The proposed development does not require the removal of existing hedgerow to accommodate the scheme. Approximately 1.8 km of additional hedgerow is proposed predominantly located adjacent to the PRoWs, with scattered tree planting along site boundaries, particularly in the north-western field margin. Woodland buffer strips are proposed which equate to over half an acre of new woodland.
- 7.25 The Landscape and Visual Appraisal (LVA) which accompanies the application, concludes that:

"From a landscape and visual perspective, any notable effects on landscape character or visual receptors as a result of the proposed development would be confined to surrounding local areas with visual effects reduced by the retention of the existing vegetation, the proposed



mitigation and the context of surrounding developments. Overall, and despite the extent of the proposed development, the total extent of the landscape and visual effects would be localised and limited in nature." (our emphasis)

- 7.26 The landscape proposals and its ongoing management are described in the Biodiversity Management Plan and within the Detailed Landscape Plan, would help to integrate the solar development into the surrounding landscape and reduce views to the Proposed Development on completion. The effectiveness of the mitigation would improve as the proposed vegetation matures.
- 7.27 The site layout and landscaping scheme has evolved in response to feedback received during the consultation held by the Applicant.
- 7.28 In view of the above findings, it is considered that the Proposed Development would therefore accord with the relevant provisions of the NPPF.

Biodiversity

- 7.29 National policy places great importance on the protection and enhancement of biodiversity, including achieving a Biodiversity Net Gain when mitigating impacts of new development. Nationally and locally important nature conservation sites should be protected, along with protected species.
- 7.30 The likely effects of the Proposed Development on nature conservation and biodiversity have been fully assessed in the Ecological Assessment Report (EAR), Breeding Bird Survey, Great Crested Newt eDNA Survey, Biodiversity Management Plan and Biodiversity Net Gain (BNG) calculator accompanying the application. The baseline for the EAR has been established through a combination of desk study and field surveys. The baseline biodiversity score for the Site, detailed in the DEFRA BNG Matrix calculator, has been determined using information provided.
- 7.31 There are no statutory or non-statutory nature conservation sites within the Site. There are four nationally designated statutory sites within a 5km radius of the Site, consisting of two Sites of Special Scientific Interest (SSSI) and two Local Nature Reserves (LNR). There were six internationally designated sites consisting of three Special Protection Areas (SPA), two Ramsar sites and one Special area of Conservation (SAC) within a 10km radius of the Site. The closest of these sites are the Essex Estuaries SAC and the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3) SPA and Ramsar Site, which are all approximately 1.51 km east.



- 7.32 There are four Local Wildlife Sites (LoWS) situated within 2 km of the Site, the closest being the Rettendon Shaw LOWS approximately 890m north of the Site. Shotgate Thickets is managed by Essex Wildlife Trust and located to the south of the Site.
- 7.33 The vast majority of the Site comprises arable use and its characteristics are reasonably common in both a local and national context. Those habitats with the greatest ecological value (i.e. hedgerows) are to be retained within the development.
- 7.34 While full commentary is provided in the accompanying reports, the EAR assess the following:
 - Statutory and non-statutory designated sites for nature conservation;
 - Habitats and Flora;
 - Birds and Bats;
 - Badger;
 - Otter and Water Vole;
 - Hazel Dormouse;
 - Amphibians and Reptiles;
 - Other species (see EAR); and
 - Invasive Non-Native Species.
- 7.35 The landscape proposals and their ongoing management are described in the Biodiversity Management Plan report, these will provide significant ecological and biodiversity benefits in addition to landscape screening.
- 7.36 The proposals would lead to significant enhancement of the biodiversity on the Site. It is demonstrated by the Biodiversity Net Gain Calculator that a 137.96 % net gain in habitat units and 85.10 % net gain in hedgerow units is achievable through the implementation of the detailed landscape design and ongoing management of the Site.
- 7.37 The provisions of the Biodiversity Management Plan report and the proposals included on the detailed landscaping plan can be secured through Condition. The Proposed Development accords with the relevant national policies in this respect.



<u>Heritage</u>

- 7.38 A Heritage Statement has been submitted in support the application. A geophysical survey was completed in October 2022. The geophysical survey did not detect any anomalies that could be interpreted as being of prehistoric origin, Roman origin, Anglo-Saxon or medieval origin. Post-medieval and modern anomalies were detected, and assessed to be of low local significance.
- 7.39 It is unlikely that any archaeological remains on the Site would be equivalent to the significance of a scheduled monument and therefore would be of lesser significance and would not require changes to the layout of the proposals. Therefore, it is considered that any further archaeological works beyond the geophysical survey could be undertaken post-consent and secured via a suitably worded planning condition if necessary.
- 7.40 Following initial assessment, relevant heritage assets within 3km of the Site boundary were scoped in and out of further assessment due to topography, existing build form, and intervening vegetation which screen these heritage assets from the Site. In addition, no historical or functional connections were identified between the area of the Proposed Development and these assets.
- 7.41 Three heritage assets were taken forward for further assessment (The Church of St Mary; All Saints Church; and the Granary Immediately South-west of Rettendon Place. The assessment concluded that the proposals would result in a small change to a small part of the extended rural setting of these listed buildings but that overall, the Proposed Development would only have a low to negligible impact on this extended rural setting, no impact on their immediate setting, and cause no harm to the significance of the listed buildings.
- 7.42 Accordingly, the proposal accords with the relevant policies of the NPPF paragraph.

Agricultural Land

- 7.43 Both the NPPF and local planning policy seek to resist the loss of Best and Most Versatile (BMV) land, meaning grades 1, 2 and 3a as defined in the Ministry of Agriculture, Fisheries and Food (MAFF) 1988 guidance for grading the quality of agricultural land. Guidance requires the proposed use of any agricultural land to be necessary and for poorer quality land to be used in preference to higher quality agricultural land.
- 7.44 The likely agricultural land impacts of the Proposed Development have been fully assessed in the Agricultural Land Classification (ALC) Report submitted to accompany the planning



application. The ALC has determined that the quality of agricultural land across the site is a mix of Grade 3a and Grade 3b.

- 7.45 The principle physical factors influencing agricultural production are climate, site and soil and the interactions between them which together form the basis for classifying land. While the ALC Report found no one factor limits the grade of the land, the interaction between climate, site and soil result in a wetness assessment that limits the land of the Site to Grade 3a and Grade 3b.
- 7.46 Strategic Policy 4 seeks to minimise the loss of best and most versatile agricultural land (Grades 1, 2 and 3a) to major new development. It does not say that the temporary use of best and most versatile land is unacceptable, or that renewable energy proposals cannot be located on Grade 1, 2 or 3a land on a temporary basis.
- 7.47 In the supporting text to Policy S7 'The Spatial Strategy' it is noted that "the majority of agricultural land in Chelmsford is either Grade 2 or Grade 3" and that "most agricultural land lot as a result of new development will be Grade 3". Not only has Grade 2 land been avoided but it is important to emphasise that planning permission is sought for a temporary period; not land is "lost" because of the Proposed Development. Agricultural practices can continue for the project's lifetime.
- 7.48 Accordingly, the Site is suitable for development as a solar farm and this is in line with the relevant national guidance for avoiding the loss of BMV land. This would also be consistent with the 5% of land used for solar, without compromising current agricultural land by 2030, detailed in the Essex Climate Action Commission 'Net Zero: Making Essex Carbon Neutral' report (July 2021).

Farm Diversification

- 7.49 There is support in national policy (NPPF paragraph 84 (b)) for farm diversification projects that meet sustainable development objectives and help sustain agricultural enterprise, subject to not adversely affecting the countryside and residential amenity.
- 7.50 Due to the relatively low income from farming, many farmers have had to diversify to secure an economically sustainable profit. Farm diversification is broadly defined as *"the entrepreneurial use of farm resources for a non-agricultural purpose for commercial gain"*. Hence, diversification reflects the reduced dependence of farmers on agriculture as a source of income. Diversification also implies entrepreneurial activity on behalf of the landowner.



- 7.51 Farming businesses play a vital role in the rural economy, particularly supporting the agricultural supply chain to include feed merchants, machinery sales, maintenance and repair businesses, local builders, delivery drivers and professional services, to name but a few. The Proposed Development would help to support the local agricultural supply chain by providing an additional income to the farming business.
- 7.52 Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero.
- 7.53 The deployment of solar farms on agricultural land, occasionally referred to as "agrivoltaics", is the process of integrating solar photovoltaics with an ongoing agricultural operation or use. Solar farms are just one of many land-based renewable resource available to agricultural enterprises for self-supply and / or export to others; other examples include wind turbines or anaerobic digestion (AD) plants. The scale of these renewable projects can vary in scale.
- 7.54 In March 2015, the NFU Chief Adviser for Renewable Energy and Climate Change stated in a NFU Briefing that *"The NFU believes that its members are well-placed to capture renewable natural energy flows, while maintaining our traditional role in food production as well as the delivery of other environmental and land management services. It is the NFU's aspiration that every farmer and grower should have the opportunity to become a net exporter of low-carbon energy".*
- 7.55 The proposed development delivers a multi-purpose land use; the generation of renewable energy; continuing agricultural activity through grazing; environmental stewardship through the creation of wildlife habitats for pollinating insects and other fauna; and planting of new hedgerows and approximately 138 trees allowing for additional carbon sequestration on site. This multi-purpose land use aligns with Section 11 of the NPPF, which seeks to ensure *"planning policies and decisions promote an effective use of land... while safeguarding and improving the environment and ensuring safe and healthy living conditions"* (paragraph 119).
- 7.56 Farm diversification is key to the long-term survival of farms such as the one on which the Proposed Development is sited and accords with national policies (NPPF paragraph 84 (b)).

Amenity



Noise

- 7.57 A Noise Assessment has been prepared to accompany the application. The assessment identifies that the Proposed Development will give rise to sound levels that are below the measured background sound levels in the area, thus giving rise to a Low Impact.
- 7.58 Assessing the noise levels against relevant standards and guidance concluded that the operation of the plant would result in noise levels below that which represents the 'No Observed Adverse Effects Level'.
- 7.59 The Proposed Development therefore accords with the relevant guidance and would not give rise to unacceptable impacts. It is concluded the amenity of the closest residential receptors therefore would not be adversely affected by noise arising from the Proposed Development.

Glint and Glare

- 7.60 A Glint and Glare Assessment accompanies the application having assessed the potential impacts arising on nearby receptors. A 1 km study area around the Site is considered adequate for the assessment of ground-based receptors (residential, road and rail), whilst a 30 km study area is chosen for aviation receptors. Within 1 km of the Site, there are 12 residential areas, 55 road receptors and 14 rail receptors which were considered. 12 aerodromes are located within 30 km. A number of these receptors are dismissed given glint and glare would be geometrically impossible.
- 7.61 Geometric analysis was conducted at 99 individual residential receptors, including 11 residential areas, 36 road receptors and nine rail receptors, as well as two runway approach paths. The Southend Airport air traffic control tower (ATCT) is also assessed.
- 7.62 The assessment concludes that:
 - Solar reflections are possible at none of the 99 residential receptors assessed within the 1 km study area. The initial bald-earth scenario identified potential impacts as None at all receptors.
 - Solar reflections are possible at none of the 36 road receptors assessed within the 1 km study area. The initial assessments identified potential impacts as None at all receptors.
 - Solar reflections are possible at none of the nine rail receptors assessed within the 1 km study area.



- No glare is predicted to impact the runway approach paths or air traffic control tower at Southend Airport. Therefore, the impact on aviation assets is None.
- 7.63 Taking into account the mitigation and landscaping scheme the effects of glint and glare and their impact on local receptors has been analysed in detail and the impact on all receptors is predicted to none, and therefore no effect.
- 7.64 The Proposed Development is acceptable in amenity terms and meets the requirements of the NPPF (paragraph 174).

Flood Risk

- 7.65 Most of the Proposed Development is located within Flood Zone 1. A small part of the western area forms Flood Zone 2 and 3, associated with the unnamed watercourse tributary of the River Crouch.
- 7.66 Proposed Development is classified as 'Essential Infrastructure' according to the NPPF Annex3, which is considered acceptable in Flood Zone 2 and permitted in Flood Zone 3 if the twoparts of the exception test is passed. Paragraph 164 of the NPPF states:

"The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. 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."
- 7.67 Paragraph 165 of the NPPF states:

"Both elements of the exception test should be satisfied for development to be allocated or permitted."

7.68 The broader sustainability benefits to the community required for the first part of the exception test, predominantly being the generation of renewable energy and biodiversity benefits associated with the proposal, are detailed throughout this Planning Statement. The



accompanying FRA demonstrates that the development will be safe for its lifetime, without increasing flood risk elsewhere in accordance with the second part of the exception test.

- 7.69 In accordance with Paragraph 165 there are considerable wider sustainability benefits to the community that outweigh the flood risk, therefore satisfying both parts of the exception test for the small part of the Site within Flood Zone 3.
- 7.70 The Proposed Development is therefore acceptable in planning policy in terms of its location in accordance with the NPPF having passed the sequential and exception test as 'Essential Infrastructure'.
- 7.71 Additionally, an outline drainage scheme is proposed which would ensure the Proposed Development will not increase flood risk away from the Application Site. The Proposed Development meets the requirements of the NPPF and Policy DM18.

Traffic and Access

- 7.72 A Construction Traffic Management Plan has been prepared and accompanies the Application, which assesses all traffic and transport matters providing detailed access designs to be used for construction and operational vehicle access to the Site from Runwell Road (A132). The access is considered suitable with the relevant visibility splays achieved.
- 7.73 The proposed construction vehicle route requires all construction vehicles to arrive from the east via the A130, which connects to the A12 to the north and A127 to the south. Both the A12 and A127 connect to the M25. A scheme of traffic management signage will be developed.
- 7.74 During the construction period, which is approximately 6 months, it is anticipated that there will be approximately 1,081 HGV deliveries (including a 10% buffer) to the site for all equipment and materials forming the Solar Farm and 105 forming the battery storage facility. This equates to 9 deliveries a day.
- 7.75 Once operational, maintenance vehicle visits (typically transit van or similar) will be limited in number and visiting the Site approximately 10-20 visits per year. These will therefore have a negligible impact on the local highway network.
- 7.76 PRoWs within the Site will remain open and available at all times during construction, operation and decommissioning. Where necessary during construction, banksmen will be



employed to ensure users of the PRoW network can continue to use the definitive route without being impeded by the ongoing works. There will be no impact on offsite PRoWs.

7.77 Overall, the Proposed Development is acceptable in traffic and access terms and meets the requirements of the NPPF and DM31.



8. GREEN BELT

8.1 In regard to assessing the Proposed Development in the Green Belt, the starting point is as set out by the National Planning Policy Framework (NPPF):

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence" (paragraph 137).

8.2 Paragraph 138 goes on to state that:

"Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

- 8.3 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.
- 8.4 Paragraph 148 states "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 harm⁶ resulting from the proposal, is clearly outweighed by other considerations."
- 8.5 Very Special Circumstances is thereby the outcome of the balancing exercise and that the harms must be clearly outweighed by the benefits. As discussed in Section 7 of this report, Chelmsford City Council have found the significant benefits of renewable energy generation outweigh the temporary harms to Green Belt openness and landscape and visual harms. This conclusion has also been reached by inspectors when tested at appeal (see **Appendix 3**).

⁶ The phrase "any other harm" means any harm, not only Green Belt harm (see Redhill Aerodrome [2014] EWCA Civ 1386).



- 8.6 The policies in the NPPF set out those types of development that are appropriate (i.e. not inappropriate) in the Green Belt (paragraphs 149 and 150). The Proposed Development is inappropriate development in the Green Belt and very special circumstances needs to be demonstrated.
- 8.7 In this regard paragraph 151 is relevant. It shows the Government contemplates development of the nature now proposed in the Green Belt. Paragraph 151 states:

"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 <u>the</u> wider environmental benefits associated with increased production of energy from renewable <u>sources</u>" (our emphasis).

8.8 The test of very special circumstances is a planning balancing exercise (which is a matter of planning judgement) to establish whether the harm to the Green Belt and any other harm is clearly outweighed by the scheme benefits. This is also consistent with the approach identified in DM6 and GB1. The balancing exercise is carried out below.

Openness

- 8.9 The concept of *"openness"* in paragraph 137 of the NPPF is naturally read as referring back to the underlying aim of Green Belt policy that is *"to prevent urban sprawl by keeping land permanently open…"*. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. It is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept⁷. Nor does it imply freedom from any form of development; some forms of development are appropriate and as such are compatible with the concept of openness⁸.
- 8.10 The Proposed Development is inappropriate development, thereby it is acknowledged that there would be harm to the openness of the Green Belt through the imposition of built form, albeit this impact would be fully reversible owing to the temporary planning consent being sought.

⁸ R (Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] UKSC 3 at [22]



⁷ CCC Strategic Policy S11 'Reasoned Justification' confirms 'Although much of the Green Belt forms attractive landscapes, it is not designated for its character or beauty'.

- 8.11 The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents⁹. It is clear from 'Samuel Smith' that visual impact is a factor that may be material to the assessment of openness and it will be for the decision maker to determine whether or not it is to be taken into account in any individual case.
- 8.12 One factor which can affect the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects¹⁰. The application is proposed for a lifetime of 40 operational years. It is, therefore, of limited duration. It is also completely reversible. It will not permanently affect the Green Belt. It will not harm, the Green Belt by a failure to keep land permanently open which is the underlying aim of the Green Belt.
- 8.13 The National Planning Policy Guidance provides further guidance to the decision maker under the heading of:

'What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?'¹¹:

"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment.

These include, but are not limited to:

- openness is capable of having both spatial and visual aspects in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

¹¹ Ref. ID: 64-001-20190722 published 22 July 2019



 ⁹ per Sales LJ Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466 at [14]
 ¹⁰ Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government [2013] EWHC 2643 (Admin) at [67]; (upheld at [2014] EWCA Civ 825)

- the degree of activity likely to be generated, such as traffic generation."
- 8.14 Paragraph 13 of the PPG also provides specific guidance on solar farms stating 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."
- 8.15 In so far as visual impacts are considered relevant to the assessment of the impact on openness, it is necessary to draw upon the Landscape and Visual Appraisal. As set out above, this identifies the limited visibility of the Site. This will only be further contained through the long-term future management identified in the Landscape Proposals. It assesses the visual impacts as being limited in scale and extent and would reduce over time as the proposed mitigation planting matures. The effects would be reversible with the removal of the Proposed Development.
- 8.16 A comprehensive assessment of the Site in relation to the purposes prescribed under paragraph 138 of the NPPF is provided below:

Purpose 1: To check the unrestricted sprawl of large built-up areas

- 8.17 The Site does not lie adjacent to any large built-up areas. Wickford is located to the south west of the Site. The Proposed Development would not round off the edge of an existing settlement.
- 8.18 The visual connectivity of the Site is limited owing to intervening vegetation along Runwell Road (A132), the A130, the River Crouch, the Railway line and boundary planting on field boundaries. This planting precludes distant views out of, and views in to, the Site. The Site is very well contained by existing field boundary vegetation which comprises a mixture of native shrub and tree species.
- 8.19 Existing field boundaries would be reinforced with new planting as illustrated in the Detailed Planting Design. Relaxation of the management regime of existing hedgerows, thus allowing them to 'grow out' would further limit potential visibility of the Development.
- 8.20 Reference should be made to the LVIA in relation to the visibility of the Site and the Development, particularly Figure 11 which illustrates the Screened Zone of Theoretical Visibility (SZTV). It is important to note the screening effect provided by smaller blocks of woodland and hedgerows/hedgerow trees, particularly those surrounding the site, have not



been taken into account in the SZTV, and consequently the actual extent of the area from which the proposed development is visible is likely to be much smaller.

- 8.21 Appendix 3 of the LVIA provides photomontages of the Development from selected viewpoint locations.
- 8.22 The Proposed Development will be temporary and subject to a restoration condition. It will not establish any precedent for other development of the Site.
- 8.23 In conclusion, the Site plays a limited role in this purpose of the Green Belt. No harm to this purpose would occur because of the temporary development and the strategic function of the remaining Green Belt would remain intact.

Purpose 2: To prevent neighbouring towns merging into one another

- 8.24 The small settlement of Runwell is the closest settlement to the Site. The nearest "town" is Wickford, located to the south of the Site. The next nearest "town" is Rayleigh, approximately 3km distant, also to the south of the Site. The Development would not result in the reduction of the physical gap between existing large settlements.
- 8.25 The Site is surrounded by agricultural fields and woodland planting or hedgerows with trees within them. Given the above distances to settlements, and the character of the area and extensive field boundary planting, there would be no perceptible effect of distances between settlements being reduced and certainly none between large towns. Additional hedgerow and tree planting within the field margins, and the relaxing of hedgerow management across the Site would further reduce visibility of the Development and perception of reduced distances.
- 8.26 Given the Proposed Development is a different type of development to the village of Runwell and a different type of built form (low lying and reversible in nature) to nearby towns, it is considered these settlements would retain their distinct identities, entirely separate to that of the Proposed Development.
- 8.27 In conclusion, the Site plays no role in this purpose of the Green Belt. No harm to this purpose would occur because of the Proposed Development and the strategic function of the remaining Green Belt would remain intact.

Purpose 3: To assist in safeguarding the countryside from encroachment



- 8.28 The Site is currently undeveloped farmland. The temporary development into a Solar Farm for 40 years will encroach upon the countryside. However, as the Landscape and Visual Impact Assessment demonstrates, the effects on the surrounding countryside will be temporary, limited and will disappear following the removal of the Proposed Development at the end of its operating life, as required by the anticipated planning condition.
- 8.29 In conclusion, the Site does contribute to this purpose of the Green Belt and the development of the Site would result in harm to this purpose. However, this harm would be slight owing to the limited intervisibility of the Site. The surrounding landscape would retain its agricultural characteristics, therefore the strategic function of the Green Belt for this purpose would remain intact.

Purpose 4: To preserve the setting and special character of historic towns

- 8.30 Paragraph 138 of the NPPF relates to the preservation of 'setting and special character of historic towns', not individual heritage assets such as listed buildings and scheduled monuments. The Heritage Statement confirms that site doesn't fall within the setting of a historic town.
- 8.31 The strategic function of the remaining Green Belt for this purpose would remain intact.

Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

8.32 This purpose is not assessed here, as this purpose of Green Belt is delivered by a combination of factors and policies beyond that of landscape.

Green Belt Purposes Conclusion

8.33 The assessment concludes the Site does contribute to purpose 3 of the Green Belt and development of this site would harm this purpose. However, this harm would be slight owing to the limited visibility of the Site and Proposed Development. The surrounding landscape would retain its agricultural characteristics, whilst the strategic function of the remaining Green Belt for this purpose would remain intact. Notwithstanding the operational duration of the proposed Development, it would be entirely reversible and would be decommissioned after 40 years. In addition, as a farm diversification scheme, a solar farm is not a form of development that is unusual in the countryside or cannot be accommodated within a rural context.



8.34 It is acknowledged that substantial weight is to be applied to the openness of the Green Belt, however the reversibility of the Proposed Development and limited impact on the purposes of the Green Belt are a key consideration in the planning balance.

Other Harm

- 8.35 Consideration has been given to 'other harm' regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk, traffic and access. Landscape and visual impacts have also been assessed in relation to landscape character and visual receptors, we include it below but it should not be double counted if taken into account in considering openness.
- 8.36 The supporting assessments are clearly set out below in Table 1, indicating mitigating measures taken to reduce harm as part of the Development:

Assessment	Mitigation Measures	Harm
Landscape and	Input into design to ensure suitable location of	Limited
Visual	key infrastructure such as the onsite substation	Temporary Harm
	and battery storage facility with appropriate	(40 years)
	mitigation planting.	
	Enhancement measures incorporated within the	
	Detailed Landscape Design.	
Biodiversity	Suitable avoidance measures applied for	Significant
	sensitive features. Enhancement measures	Enhancement
	incorporated within the BMP.	
	Biodiversity Net Gain of 137.96 % in habitat units	
	and 85.10 % in hedgerow units.	
Heritage	Low to negligible impact on extended rural	Limited Negligible
	setting. No impact on immediate setting and no	Temporary Harm
	harm to significance of the listed buildings.	(40 years)
	Public benefits outweigh the harm.	
Use of	No mitigation measures applied.	Enhancement
Agricultural Land	Benefits demonstrated to soil health due to	
	change in management of the land.	



Assessment	Mitigation Measures	Harm
Farm Diversification	No mitigation measures applied.	Benefit
	The site would support the rural economy by	
	providing farm diversification for the landowner.	
	Agricultural grazing can continue.	
Amenity	Location of noise generating equipment has	No Harm
	been moved as far practicable from residential	
	dwellings.	
	Existing and proposed planting will obstruct	
	views in relation to glint and glare.	
Flood Risk	Siting of sensitive equipment in Flood Zone 1 and	No Harm
	proposed sustainable drainage methods.	
Traffic and Access	CTMP details mitigation measures to be	Construction –
	employed, including use of banksman and traffic	Limited Harm (6
	signage.	months)
		Operation – No
		Harm

Table 1: Mitigation Measures taken to reduce harm

8.37 It is concluded from the accompanying assessments that limited weight should be applied to 'other harm' when undertaking the planning balance in accordance with paragraph 148 of the NPPF and local policies S1, DM6 and GB1.

Very Special Circumstances

- 8.38 It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the Green Belt.
- 8.39 It is incorrect to suggest that every circumstance in itself has to be 'very special'. Some factors which are quite ordinary in themselves could, cumulatively, become very special circumstances¹². Thus, the correct approach is to consider whether the very special circumstances relied upon by an applicant (and any other identified by the decision maker),

¹² R. (on the application of Basildon DC) v First Secretary of State [2004] EWHC 2759



when considered as a whole, are sufficient to outweigh any harm to the Green Belt and any other harm arising from the Proposed Development.

8.40 The following are considered to be benefits of the Proposed Development:

Increasing Renewable Energy Generation

- 8.41 The Proposed Development would supply clean renewable energy to the National Grid, providing the equivalent annual electrical needs of approximately 6,098 family homes in England. The anticipated CO₂ displacement is around 5,130 tonnes per annum, which represents an emission saving equivalent of a reduction in approximately 1,680 cars on the road every year.
- 8.42 As demonstrated extensively in Section 5, the UK is at a time of climate emergency and there is an urgent requirement for renewable energy infrastructure, particularly when considered in the context of the June 2019 ambitious target to reduce greenhouse gas emissions to net zero by 2050 in accordance with the Climate Change Act 2008. The Essex Climate Action Commission have identified a need for 1.43 GW of large scale solar by 2030.
- 8.43 Whilst there is no requirement for an applicant to demonstrate the need for renewable energy in planning policy, national energy policy makes clear that renewable and low carbon energy is vital to our economic prosperity and social well-being and that it is important to ensure that the UK:
 - Transitions to a low carbon economy and reduces greenhouse gas emissions to address the predominant challenge of our time, climate change;
 - supports an increased supply from renewables and energy storage;
 - continues to have secure, diverse and resilient supplies of electricity as the UK transitions to low carbon energy sources, supported by flexible energy storage, to replace closing electricity generating capacity;
 - increases electricity capacity within the system to stay ahead of growing demand at all times whilst seeking to reduce demand wherever possible; and
 - delivers new low carbon and renewable energy infrastructure as soon as possible.
 The need for these types of project is urgent.



- 8.44 The 'Sixth Carbon Budget' report prepared by the Committee on Climate Change in December 2020 and 'Progress Report to Parliament' (June 2021), make it clear that the utmost focus is required from Government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge the UK will not deliver Net Zero by 2050. The 2020s must be the decisive decade of progress and action.
- 8.45 When located in the Green Belt, paragraph 151 is clear in stating that "Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources".
- 8.46 The NPS EN-1 and NPPF state that renewable energy and associated infrastructure should be supported in the planning system, as part of working towards a radical reduction of greenhouse gases to tackle climate change. Paragraph 155 encourages local panning authorities to maximise the potential for renewable energy and to approve such applications where their impacts are acceptable.
- 8.47 This is afforded significant weight in the planning balance.

Climate Emergency

- 8.48 At a local level, Chelmsford City Council declared a Climate and Ecological Emergency in July 2019 and is planning for a more sustainable future. In July 2020, Rochford District Council made a commitment to work towards becoming carbon neutral by 2030 for its own operations in their Carbon Neutral 2030 Council Strategy.
- 8.49 While Essex County Council has not declared a Climate Change Emergency it has set up the 'Essex Climate Action Commission' which in July 2021 published a 'Net Zero: Making Essex Carbon Neutral' report. This included a number of recommendations including that "*Essex to produce enough renewable energy within the county to meet its own needs by 2040.*" and a requirement for "*1.43 GW of large-scale solar panels to be built on available land without compromising current agricultural land by 2030*". This later recommendation would equate to 5% of the low grade agricultural land outside of AONBs and National Parks being utilised for solar generation. Other 'energy' recommendations within the report include a wide remit of other related matters, such as: increasing EV charging networks, use of biomass, retrofitting of domestic and commercial heating with renewable energy systems and generation of green hydrogen.



8.50 The Proposed Development would make a significant and valuable contribution to achieving emission targets on a national and local level. This is afforded substantial weight in the planning balance.

Energy Security

- 8.51 The Proposed Development supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions.
- 8.52 The battery storage element of the Proposed Development will increase the UK's energy security by providing a flexible supply of energy at times of peak energy demand.
- 8.53 This is afforded substantial weight in the planning balance.

Best Available Technology

- 8.54 The use of best available and state of the art technology on the Site aims to maximise the use and productivity of the land for the generation of renewable energy. The Proposed Development proposes utilising high-efficiency bifacial panels that track the sun as it moves through the sky. This maximises the renewable energy generated and significantly increases the efficiency of the solar arrays. Bifacial panels absorb light on both sides of the panel, both directly on the top-side, and reflected light is also absorbed on the rear-side.
- 8.55 The battery storage facility would be utilised to reinforce the power generation of the solar farm, maximising renewable energy production from the Site whilst providing security of supply.
- 8.56 This maximises renewable energy production from the Site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil fuel generation as back up, thereby avoiding the adverse environmental and climate effects.
- 8.57 This is afforded significant weight in the planning balance.

Good Design

8.58 In addition to using best available technology, through undertaking an iterative design process and pre-application engagement, as outlined in the Design and Access Statement and



Statement of Community Involvement, the design of the Proposed Development has been a key consideration in the layout of the site to minimise harm and provide significant benefits to the development as a whole.

8.59 This is afforded moderate weight in the planning balance.

Alternatives

- 8.60 An Alternative Site Assessment has been prepared and is enclosed as **Appendix 2**. Overall, it is concluded that within the defined Study Area, there are no alternative sites which are suitable and available for the Proposed Development.
- 8.61 This is afforded substantial weight in the planning balance.

Temporary and Reversible Impacts

- 8.62 The Application is proposed for a lifetime of 40 operational years. After the 40 year period the Proposed Development would be decommissioned. All electricity generating equipment and built structures associated with the Proposed Development would be removed from the Site and it would continue in agricultural use. It is therefore considered that the Proposed Development is considered a temporary development.
- 8.63 This also aligns with paragraph 13 of the Planning Practice Guidance which states 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 use¹³.
- 8.64 Construction traffic associated with the Proposed Development will be limited to the construction period of approximately 6 months and will not have a material effect on the safety or operation of the local highway network.
- 8.65 This is afforded substantial weight in the planning balance.

Biodiversity Net Gain

8.66 The Proposed Development proposes a significant number of biodiversity benefits within the accompanying BMP. This will primarily be achieved through:

¹³ Paragraph: 013 Reference ID: 5-013-20150327, published 27 March 2015



- Retention, protection and enhancement of existing trees, hedgerows and woodland within the site and on its boundaries. Existing gaps within the boundary vegetation will be infilled. Wherever possible the design has sought to minimise the removal of existing landscaping features by making use of existing gaps in hedgerows and field accesses. New internal access track has been minimised while seeking to remain separate from PRoW;
- Provision of new native tree belts and 'structural planting' woodland blocks to provide visual enclosure. In total 0.24 hectares of new woodland planting is proposed, within the site setback from the fields;
- Provision of new lengths of native hedgerows, some with native trees, surrounding the proposed development. This includes new hedgerow along PRoW to provide visual enclosure. In total over 1.8 km (linear) of new hedgerow is proposed;
- Enhancement of site boundary margins, through proposed species rich grassland in line with ecological enhancement aims;
- Enhancement of areas underneath solar panels with a species rich grassland suitable for grazing livestock;
- Existing and proposed native hedgerows managed to a height of 3 m or over to enhance visual enclosure. New trees and woodland groups will be allowed to grow to their natural height; and
- Ongoing landscape management of planting during the lifetime of the proposed development.
- 8.67 The significant enhancement of the biodiversity of the Site is demonstrated by the Net Biodiversity Gain Calculator, which concludes that there will be biodiversity would be significantly improved with a 137.96 % habitat biodiversity net gain and 85.10 % hedgerow net gain through the implementation of the Proposed Development.
- 8.68 This is afforded substantial weight in the planning balance.

Soil Regeneration



- 8.69 Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government's 'Safeguarding our soils: A strategy for England'¹⁴. The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006), sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.
- 8.70 The greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more.
- 8.71 Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM.
- 8.72 This is afforded moderate weight in the planning balance.

Green Infrastructure

8.73 The enhanced landscape structure, delivered through the landscaping proposals, will greatly improve Green Infrastructure corridors and connectivity across and within the Site and is therefore afforded substantial weight in the planning balance.

Farm Diversification

- 8.74 As demonstrated above, the additional income generated by the Proposed Development will help to secure the farming business.
- 8.75 The proposed development delivers a multi-purpose land use; the generation of renewable energy; continuing agricultural activity through grazing; environmental stewardship through the creation of wildlife habitats for pollinating insects and other fauna; and planting of new hedgerows and trees allowing for additional carbon sequestration on site. This multi-purpose land use aligns with Section 11 of the NPPF, which seeks to ensure "planning policies and decisions promote an effective use of land... while safeguarding and improving the environment and ensuring safe and healthy living conditions" (paragraph 119).

¹⁴ Department for Environment, Food and Rural Affairs (2009). Safeguarding our soils: A strategy for England



8.76 This is afforded moderate weight in the planning balance.

Transmission Vs Distribution Connection

- 8.77 The approach to site selection is detailed within the Alternative Site Assessment in Appendix2. The scheme proposes to connect to the National Grid (Transmission Network) rather than the Distribution Network.
- 8.78 The advantages of this process when compared against the distribution network connections is that once a connection is identified, then a search can begin to identify the most suitable solar development land. This avoids considerable delays in securing both the connection with the Distribution Network Operator (DNO), land and ultimately the delivery of renewable energy to meet the UKs net zero target.
- 8.79 This is afforded moderate weight in the planning balance.

Green Belt Conclusion

- 8.80 In accordance with paragraph 148 of the NPPF, in addition to the harm by reason of inappropriateness, weight must be attributed to the harm to the openness of the Green Belt and other harm presented. As recognised above the Proposed Development is inappropriate development, thereby it is acknowledged that substantial weight is to be applied to the openness of the Green Belt through the imposition of built form, however the reversibility of the Proposed Development and limited impact on the purposes of the Green Belt are a key consideration in the planning balance.
- 8.81 Accompanying assessments have been undertaken to assess 'other harm' regarding heritage, biodiversity, agricultural land, farm diversification, amenity, flood risk, traffic and access. Landscape and visual impacts have also been assessed in relation to landscape character and visual receptors. It is concluded from these assessments that limited weight should be applied to 'other harm' when undertaking the planning balance.
- 8.82 Paragraph 148 is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It is a key planning policy requirement that very special circumstances need to exist for inappropriate development to be approved in the Green Belt.



- 8.83 The above section demonstrates the benefits of the scheme, taking into account the urgent need for renewable energy generation, climate emergency and other key considerations of the Proposed Development such as achieving a biodiversity net gain for habitats of 137.96 % and hedgerow of 85.10 %, all of which are key material considerations in accordance with the policy tests identified in paragraphs 148 and 151 of the NPPF.
- 8.84 On balance, it is considered that the benefits of the Proposed Development outweigh the temporary and reversible harm by reason of inappropriateness and any other harm identified.
 As such very special circumstances exist to justify the Proposed Development in the Green Belt.



9. CONCLUSION

- 9.1 For the reasons outlined in this Planning Statement, it is considered that the Proposed Development is in accordance with the relevant planning policies and guidance at both the national and local levels.
- 9.2 The Site is located within the Green Belt, and therefore in line with policy tests in paragraph 148 of the NPPF harm resulting from the Proposed Development must be clearly outweighed by other considerations.
- 9.3 In accordance with paragraph 137 it is acknowledged that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.4 One factor which can affect the preservation of openness and conflict with Green Belt purposes, is the duration of development and the reversibility of its effects. The application is proposed for a lifetime of 40 operational years. It will not therefore permanently affect the Green Belt.
- 9.5 A comprehensive assessment of the Site in relation to the purposes prescribed under paragraph 138 of the NPPF is provided which concludes only slight harm to one of two "essential characteristics", openness, and one of five "Purposes" of Green Belts, that of assisting safeguarding countryside from encroachment. No other Green Belt harms would be done. The remaining strategic performance and function of the remaining Green Belt would remain effective.
- 9.6 The Proposed Development would not significantly affect landscape, heritage assets, biodiversity, amenity, flood risk or traffic/access and cumulative impacts are also considered acceptable. It therefore concluded that from the accompanying assessment that limited weight should be applied to other harm when undertaking the planning balance in accordance with paragraph 148 of the NPPF.
- 9.7 The Proposed Development represents a clear form of sustainable development, generating clean renewable energy and helping reduce carbon emissions which are required to meet the Climate Act 2050 net zero target. Paragraph 151 goes further to state that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.



- 9.8 The Proposed Development would supply clean renewable energy to the National Grid, providing the equivalent annual electrical needs of approximately 6,098 family homes. The anticipated CO₂ displacement is around 5,130 tonnes per annum, which represents an emission saving equivalent of a reduction in 1,680 cars on the road. This is afforded substantial weight.
- 9.9 The Proposed Development will also provide significant biodiversity enhancements (137.96 % net gain for habitats and 85.10 % net gain for hedgerow), allow for soil regeneration, greatly improve Green Infrastructure corridors and connectivity and represent an important farm diversification project, with indirect socio-economic benefits, at a time when the agricultural land is becoming more challenging to farm due to climate change factors.
- 9.10 The Proposed Development has therefore demonstrated that very special circumstances exist through the benefits presented in Section 7 and in accordance with paragraph 148 and 151 and that the benefits considerably outweigh the slight identified harm to the openness of the Green Belt. This is slight harm only to one of two "essential characteristics", openness, and one of five "Purposes" of Green Belts, that of assisting safeguarding countryside from encroachment. No other Green Belt harms would be caused. This conclusion is reached based on a full and robust assessment of the Proposed Development.
- 9.11 It is concluded having made the assessment(s) above that the public benefits that result from the development would outweigh the identified harms.
- 9.12 Overall, there is an urgent requirement for the Proposed Development; it is entirely suitable to the Site and its surroundings; it accords with national and local planning policy and all relevant material planning considerations; and will deliver significant environmental benefits.
- 9.13 In summary, based on the Proposed Development and assessments undertaken, the Site is deemed suitable for a development of this nature in terms of planning policy and guidance and planning permission should be granted. It is considered that in line with paragraphs 11 and 47 of the NPPF (2021) and Section 38(6) of the Planning and Compulsory Purchase Act 2004, when undertaking the planning balance, the Proposed Development would accord with the local development plan and that there are no material considerations which indicate otherwise.



APPENDIX 1: EIA SCREENING OPINION





The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Applicant:

Richard Moore Enso Energy Limited The Priory Long Street Dursley Gloucestershire GL11 4HR

SCREENING OPINION

LOCATION: Land South Of Southlands Cottages Runwell Road Runwell Wickford Essex

The Council has given consideration to the request for a screening opinion in relation to the above proposed development.

The Council considers that taking into account the criteria in schedule 3 to the Regulations, the proposed development would not be likely to have significant effects on the environment by virtue of factors such as size, scale or location.

Accordingly I can inform you that the development sought by the above application is not EIA development.

The proposal is for the construction of solar farm with export capacity of up to 49.9 megawatts.

The development proposed is considered to fall within section 3 (a) Energy Industry of Schedule 2 of The Infrastructure Planning (Environmental Impact Assessment) (England) Regulations 2017 (The Regulations).

Having considered The Regulations and the EIA Practice Guidance, the proposal would not likely have significant effects on the environment by factors such as its nature, size or location for the following reasons:

The development may have some limited effects on the Metropolitan Green Belt and the Crouch and Roach Estuaries (Phase 3) SPA and Ramsar; Crouch and Roach Estuaries SSSI; Essex Estuaries SAC such that a Habitats Regulations Assessment will be required.

However, the impact can be fully and satisfactory assessed as part of the planning application process and mitigated if and where appropriate.

The development would have some impacts on the local landscape (built and natural), but these impacts would be of local importance and can be fully considered as part of the planning application process.

The proposal would not lead to an identified risk to human health in respect of air pollution or contamination. There would be no requirement for the transportation of fuel to the site.

The traffic impacts can be fully assessed as part of the planning application process.

The development is not one that is particularly complex or with potentially hazardous effects.

Impact upon residential amenity/quality of life can be fully and satisfactory assessed as part of the planning application process and mitigated if and where appropriate.

There do not appear to be any other factors in the case that would necessitate EIA.

Accordingly, the proposal is not EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment)(England)Regulations 2017.

Date: 10 June 2022

Signed:

David Green

DAVID GREEN

Director of Sustainable Communities

WEB PBCS090 22/00918/EIASO NDEIAZ

APPENDIX 2: ALTERNATIVE SITES ASSESSMENT




ALTERNATIVE SITE ASSESSMENT

SOUTHLANDS SOLAR FARM AND BATTERY STORAGE LAND SOUTH OF RUNWELL ROAD (A132), RUNWELL, WICKFORD P19-PS-ASA OCTOBER 2022



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1. INTRODUCTION

1.1 This Alternative Site Assessment has been prepared by Enso Energy on behalf of Enso Green Holdings J Limited ("the Applicant") to accompany a full planning application to Chelmsford City Council ("CCC") and Rochford District Council ("RDC") for the proposed installation of a solar farm and battery storage facility with associated infrastructure ("the Proposed Development") on land south of Runwell Road (A132), Runwell, Wickford ("the Site") hereafter referred to as Southlands Solar Farm.

Overview of Alternative Site Assessment

- 1.2 This Alternative Site Assessment report provides an explanation of the methodology used to identify potential alternative sites, as well as an up-to-date comparative analysis of potential sites that could accommodate the development proposed within a defined search area¹.
- 1.3 There is no explicit sequential test for the location of solar farms in the CCC or RDC development plan, the National Planning Policy Framework (NPPF) or Planning Practice Guidance. There is no national or local planning application validation requirement to prepare this assessment and as such it is submitted on a without prejudice basis.
- 1.4 There is no planning policy which explicitly precludes solar farm development in open countryside or on agricultural land.
- 1.5 Paragraph 158 of the NPPF states that 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 contribution to cutting greenhouse gas emissions.
- 1.6 In determining an application for planning permission, a decision maker is required by Section 70(2) of the Town and Country Planning Act 1990 to have regard to the provisions of the development plan so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination "must be made in accordance with the plan unless material considerations indicate otherwise".
- 1.7 In this case the development plan is the Chelmsford Local Plan 2013-2036 (adopted May 2020) and the Rochford District Core Strategy (adopted December 2011), the Rochford District

¹ Defined by the proximity to the Point of Connection to the electricity grid which has capacity to accommodate the development.



Allocations Plan (adopted February 2014) and the Rochford District Development Management Plan (adopted December 2014). The policies within the adopted development plans do not establish any outright prevention of solar farm developments in the Green Belt or upon greenfield land. Furthermore, the development plan does not identify (i.e. through site allocations) areas that are deemed suitable for renewable energy development.

- 1.8 NPS EN-1 is a material consideration for planning applications under the Town and Country Planning Act 1990. The principles set out at paragraph 4.4.3 of EN-1 provide useful guidance:
 - The consideration of alternatives should be carried out in a proportionate manner;
 - Alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant; and
 - Alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant.
- 1.9 The objective of the Alternative Site Assessment is therefore to assist the decision maker in understanding the Applicant's approach that led to its selection of the Site as its preferred location for the Proposed Development. It explains the factors that determine what constitutes an appropriate solar fam site; it identifies the land options considered by the Applicant as potential solar development sites; and considers the range of relevant planning factors that led the Applicant to conclude that the Site performed better than any of the potential alternatives.

Why consider alternatives?

- 1.10 Both national and local policy attaches great importance to protecting Green Belts. The fundamental aim of Green Belt policy as set out in the NPPF is to "prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence" (para 137).
- 1.11 In light of the above the Applicant considered very carefully the availability of suitable alternative potential development sites on land not within the Green Belt. Its primary starting point was to first and foremost avoid any site located in the Green Belt.



1.12 When, following that initial site identification exercise, suitable development sites were found to exist only on land within the Green Belt, the Applicant then identified its preferred site following the consideration of a range of planning factors to ensure its chosen site was the least sensitive when having regards to development within the Green Belt.

The Alternative Site Assessment process

- 1.13 There is no prescribed process for conducting an alternative site assessment.
- 1.14 The method used in this assessment process is comparable to that used by local planning authorities in their preparation of development plan documents:
 - presenting the study area;
 - identifying all potential opportunities for development in the study area;
 - narrowing the choice through the application of criteria such as availability; and
 - concluding with the preferred location(s) for development.
- 1.15 The Alternative Site Assessment followed a logical and straightforward method that was split into five distinct phases:
 - Phase 1 identify the grid connection opportunity and Study Area;
 - Phase 2 apply exclusionary criteria to identify land that is potentially appropriate for the development of a solar farm;
 - Phase 3 establish if land assembly was possible with suitable land and in a technically acceptable configuration which would be commercially viable;
 - Phase 4 undertake a more detailed assessment of the identified potentially appropriate land; and,
 - Phase 5 review the benefits and constraints of the potential land areas to consider their relative merits.



2. PHASE 1 – GRID CONNECTION AND IDENTIFICATION OF STUDY AREA

Grid Connection

- 2.1 The first step for the identification of suitable solar development is to be close to a secured grid connection point which has spare capacity to enable a 49.9MW connection. As short a cable run as possible is required to allow the Proposed Development to be economically viable as well as to minimise energy losses in the cabling which will be wasted for sites located further away from the grid connection point.
- 2.2 In 2020 the Applicant engaged with National Grid to identify substations within England and Wales which had spare capacity. Rayleigh substation was one of those identified by National Grid and the Applicant signed a Bilateral Connection Agreement and Construction Agreement with National Grid allowing connection for a future intended solar project to the point of connection in Rayleigh Substation.
- 2.3 The Applicant is targeting transmission rather than distribution connected projects due to National Grid clearly identifying where capacity is present at their substations and how much capacity is available. As such, potential sites are required to be proximate to those National Grid substations with spare capacity. The advantages of this process when compared against the distribution connections is that once a connection is identified, a search can begin to identify the most suitable land for solar development.
- 2.4 In comparison, the distribution connections through Distribution Network Operator (DNO) requires land to be identified first, followed by a request for a connection at the site with no guarantee that one is actually available on the DNO network. The lack of clarity and availability of this network can therefore lead to considerable delays in securing both the connection and land and, ultimately, the delivery of renewable energy to meet the UKs net zero target.

Study Area

- 2.5 There is no Government guidance on what a reasonable search area is and as such each application should be considered on its own facts, taking planning and environmental constraints into account. On securing the connection at the National Grid substation, a 5km radius is mapped from the Point of Connection (POC). There are commercial and practical reasons for this:
 - A longer cable route results in more disturbance, both environmentally and locally:



- Longer cable routes result in increased inefficiency in the scheme i.e. increased electrical transmission losses;
- The further away from the POC the more that must be spent on the cable, which has a significant impact on the viability of a project.
- 2.6 Within this search area the Applicant considers environmental and planning constraints, such as landscape designations, sensitive habitats, archaeological and heritage issues. Attention is given to geographical and topographical considerations such as slope and aspect, access, etc.
- 2.7 The NPPG states that in considering ground-mounted solar farms, the focus should be on the effective use of previously developed and non-agricultural land. Commercial rooftop spaces are not explicitly considered. For the Proposed Development, commercial rooftops are not considered for two primary reasons; there are no rooftops of sufficient size in the Study Area; and assessing the potential for a proposal spread across multiple rooftops is not comparable either commercially, or economically, to a single ground-mounted solar farm.
- 2.8 When potentially suitable locations have been identified, the Applicant engages with the landowners in the area, to ascertain their interest in being involved with a potential solar scheme. These conversations involve:
 - Landowners having the ability and desire to lease their land for a temporary period; and,
 - Having sufficient areas of land to host a viable development either on its own, or in combination with other nearby landowners.
- 2.9 If this exercise is successful, the Applicant can then agree to fundamental terms and engage solicitors to prepare contracts.





Figure 1: 5km Study Area – Rayleigh Substation POC (Source: DEFRA Magic Map)



3. PHASE 2 – APPLY EXCLUSIONARY CRITERIA

- 3.1 The second step in the process required the identification of potentially appropriate sites or locations for a solar farm within the 5km Study Area.
- 3.2 The process began with an initial desk-based site sieving exercise using agreed exclusionary criteria. This stage was undertaken to exclude land that failed one or more of these fundamental criteria which would essentially prevent its development as a solar farm. The criteria are set out in Table 1 below.

Sieve	Criterion	Summary of application
1	Area of land	Sufficient land available for 'Single Axis Tracker' (SAT) system or a 'fixed' system if there were identified constraints.
2	Existing Development	Land already developed and in active use was discounted.
3	Deliverability	Land which is allocated / safeguarded for specific land uses (i.e. housing, commercial) within the Development Plan were discounted.
4	Topography	Land with gradients greater than 18° (degrees) were discounted.
5	Radiance Levels	Focus on areas of higher importance due to the scale (driven by the connection cost) and requiring good irradiance to drive the yield.
6	European and National Nature Conservation Designations	Land containing a designated Natura 2000 or RAMSAR site or Site of Special Scientific Interest were discounted.
7	Scheduled Ancient Monuments (SAM)	Land containing a SAM were discounted.
8	Protected Landscape Designations	Land located within a National Park or Area of Outstanding Natural Beauty (AONB) were discounted.

Table 1: The Exclusionary Criteria

3.3 To ensure an accurate understanding of exclusion criteria and other constraints, online mapping data were reviewed in the context of the 5km Study Area. The constraints identified are provided in Figures 2 and 3 below.





Figure 2: 5km Study Area – Rayleigh Substation POC with 5km Study Area and Green Belt Overlay (Source: DEFRA Magic)

- Green Belt

3.4 Figure 2 shows that the Rayleigh Substation POC and 5km Study Area falls almost entirely within the London Green Belt. Land not washed over by the Green Belt within the 5km Study Area is either urban land ('brownfield'), parks, open spaces, or allocated for development.





Figure 3: 5km Study Area – Rayleigh Substation POC and 5km Study Area with Constraints and Exclusion Criteria (Source: DEFRA Magic)

- Nature Reserves
- Sites of Special Scientific Interest
- Scheduled Monuments
- Registered Parks and Gardens
- 🔀 I 📕 II 본 II* Listed Buildings (England)
- Registered Common Land
- Special Areas of Conservation



4. PHASE 3 – LAND ASSEMBLY AND TECHNOLOGY CHOICE

- 4.1 The third step, after the exclusionary criteria had been applied, was to consider the land remaining in the Study Area to investigate whether it could be assembled and configured into a commercially viable solar layout.
- 4.2 In the first instance, the Brownfield Register for Chelmsford City Council (2022 update), Basildon Council (2021 update) and Rochford District Council (2020 update) were consulted, published as part of the LPA local plan monitoring². After reviewing these registers, there are no previously developed (brownfield) sites available that could accommodate the proposal within the search area, as defined by a 5km radius from Rayleigh Substation.
- 4.3 Once the Brownfield Register review was completed and sited discounted, the next step was to search for land outside the Green Belt. However, as identified above, the 5km Search Area is washed over by the London Green Belt. If land was not available following responses from landowners, then it is assumed that the nearest connection to the substation within the Green Belt would be the next logical step due to its proximity to the POC.
- 4.4 The Applicant approached landowners within the 5km Study Area, within the Green Belt, closest to the POC (based on the criteria set out at paragraphs 2.5-2.9) to see if they were interested in leasing their land for solar development. Letters to all known landowners were issued in June to August 2020.
- 4.5 If landowners declined to engage or advised they were not interested, the land was deemed to be unavailable and not pursued further. Some areas of land were also identified as being unregistered, so the landowner of these areas could not be contacted directly.
- 4.6 Further approaches were made to landowners who neighbour the POC, with the possibility of linking several sites closer to the POC, however there was no interest in being part of the proposal, so the land was deemed to be unavailable.
- 4.7 Following engagement with landowners within the 5km Study Area, the area of land to which this application relates was identified as being available with landowners who were interested in solar development.

² <u>https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-local-plan/brownfield-register/; https://www.basildon.gov.uk/article/6342/Brownfield-Land-Register-BLR and https://www.rochford.gov.uk/planning-and-building/planning-policy/brownfield-register</u>



4.8 Given the relatively modest topographical variations within the 5km Study Area, both SAT and fixed solar panel systems were considered appropriate. The choice of technology would be made once the site selection exercise had been completed.



5. PHASE 4 – DETAILED SITE ASSESSMENT

- 5.1 To give greater clarity around the potential suitability of the available land to the Applicant, in conjunction with Enso Energy, the Applicant undertook a detailed assessment (including site visits and baseline data gathering).
- 5.2 The matters addressed in the detailed site assessment have been drawn from the NPPF, the Development Plan(s) and online mapping resources such as DEFRA Magic maps and are summarised in Table 2.

	Grouping	Matter Addressed				
А	Site area and configuration	Commercially Viable				
		Available				
В	Grid connection	Connection route to substation				
С	Local Planning Policy	Green Belt				
		Development plan allocations				
		Minerals and Waste Local Plan allocations				
D	Landscape and Historical	• Intervisibility with AONB, National Park or				
	Designation and Public Rights of	Heritage Coast				
		Landscape Character Area				
	vvay	Archaeological or historic features				
		Public footpaths or rights of way				
E	Nature Conservation	Protected Species and / or habitats				
		Ancient Woodland				
F	Sensitive receptors	Proximity				
G	Transport and Access	Access to the site				
		Traffic routing				
Н	Existing use	Greenfield or Brownfield land				
		Agricultural land value				
I	Water Resources and Flood Risk	Flood Zone grade and risk				
		Surface water flood risk				
J	Deliverability	Location within Study Area				
		Previous uses				

Table 2: Site Assessment Considerations

5.3 Following the identification of the available land shown below, the site was assessed against the criteria presented in Table 3. The results of the detailed site assessment are presented in Table 4.



Negative context (low score)			Positive context (high score)				
Size not adequate	1	2	3	3	4	5	Size adequate
Unsuitable Topography	1	2	3	3	4	5	Suitable Topography
Green Belt	1	2	3	3	4	5	Non-Green Belt
BMV land	1	2	3	3	4	5	Non-BMV land
Ecology – European and	1	2	3	3	4	5	Ecology – European and
National Nature							National Nature
Conservation Designations							Conservation
present							Designations not
							present
Highway Access more	1	2	3	3	4	5	Highway Access less
challenging							challenging
Flooding constraint (Flood	1	2	3	3	4	5	Flooding not a
Plain / FZ3)							constraint (FZ1)
Sensitive Areas present	1	2	3	3	4	5	Sensitive Areas not
(SAMS, AONB, Landscape							present
Designations)							
Longer distance to POC	1	2	3	3	4	5	Shorter distance to POC
Land Availability		No		Yes			Land Availability

Table 3: Scoring Matrix



Site:	Land South of Runwell Road (A13	2), Runwell, Wickford					
Red	Runwell						
1	Location	South of the A132 and north of Southlands Farm					
2	Area	70.3 Hectares (excluding cable route)					
3	Brief Description	Agricultural land, arable					
4	Surrounding Land Use	Agricultural, Pastoral, Residential, Commercial, Infrastructure					
Site A	ssessment						
Site A	rea and Configuration:						
5	Commercially viable	Yes					
6	Available	Yes					
Grid C	Connection:						
7	Connection Route to substation	Highway / Highway verges to National Grid Rayleigh 132kV Substation					
Local	Planning Policy:						
8	Green Belt	Yes					
9	Development Plan Allocation	No allocations identified					
10	Minerals and Waste Local Plan allocations	Essex – Minerals Safeguarding area – Sand and Gravel. Not allocated within the Minerals Plan.					
Lands	cape and Historical Designation an	d Public Rights of Way:					
11	Intervisibility with AONB	The Cotswolds AONB is approx. 24.7km South					
12	Landscape Character Area	National Character Area (NCA) 111 'Northern Thames Basin' (NE466)					
13	Archaeological or Historic Features	There are no designated heritage assets recorded within the site					
14	Public Footpaths or Rights of Way	the site. One Public Right of Way (231_8) providing links between Runwell and Battlesbridge. Part of a wider network of PRoW north and east of the Site					
Natur	e Conservation:						
15	Protected Species and / or	No statutory or non-statutory nature conservation sites					
	Habitats	with the Site.					



16	Anc	ient V	Voodla	nd			No Ancient Woodland on Site.					
Sensi	itive re	cepto	rs:									
17	Proximity						Properties along Old Runwell Road and Browns Avenue (>100m North and West) St Mary's Church, Runwell (700m West) All Saints Church, Rettendon (900m North)					
Trans	sport a	ind Ac	cess:									
18	Acc	ess to	the Sit	te			A132					
19	Suit	able	Road	Net	work	for	Yes –	suitat	ole link o	ptions t	o A130, A12, A127, M25	
	Con	struct	ion Tra	affic R	outing	?						
20	Res	identi	alor	Other	Sensi	tive	No					
	Rec	eptor	on Acc	cess Ro	oute?							
Exist	ing Use	e:										
21	Bro	wnfiel	d Lanc	1			No					
22	Agri	icultur	al Lan	d Valu	ie		Grade	e 3 (Pr	ovisiona	l Mappi	ng)	
Wate	er Resc	ources	and Fl	lood R	isk:							
23	Floo	od Zon	ie Grad	de and	l Risk		1, 2, 3	3				
24	Surf	face W	/ater F	lood F	Risk		Yes, ł	nighly	localised			
Deliv	erabili	ty:										
25	Plar Dev	nning l elopm	History nent Pr	//Altei roposa	rnative als	2	No co	onflicts	5			
26	Oth	er Issı	ues tha	it may	affect	:	N/A					
	deli	verab	ility									
27	Loca	ation	within	Study	Area		2.8kn	n from	the PO	C (direct	route)	
Scori	ng Ma	trix:										
When reviewing the available site against the assessment criteria of the Proposed Development, it is determined that there are allocations when viewed against the Chelmsford City Council Poli The Site is concluded to be an appropriate site at which to locate site that is deliverable in both commercial and planning terms							teria and are no Policy N cate the s.	d due to the temporary nature conflicting Development Plan laps. Proposed Development and a				
Scop	е							•	<u> </u>			
Site Size	Topography	Green Belt	BMV Land	Ecology	Highway Access	Flood Risk	Sensitive Areas	Distance to Substation	Land Availability	Total	Notes	
4	4		3	4	5	4	5	3	Yes	33	Site is approx. 70.3 ha of agricultural land. Mixed field sizes. Topography provides no obvious constraints to development. Existing farm access points and connectivity between fields good. Majority Flood	

Table 4: Site Assessment - Land South of Runwell Road (A132)



6. PHASE 5 – CONCLUSION AND IDENTIFICATION OF PREFERRED SITE

- 6.1 The purpose of this report is to assess the Applicant's choice of site for the Proposed Development, with reference to potential alternative locations. CCC has declared a 'Climate and Ecological Emergency' and to drastically reduce carbon emissions to hit Net-Zero, Local Authorities need to work proactively to deliver proposals such as this. The Proposed Development aligns with National objectives which places a responsibility on all communities to increase the use and supply of renewable energy.
- 6.2 With regards to the potential for alternative sites to accommodate the Proposed Development, following the application of exclusion criteria and assessment of the limited land available outside of the Green Belt, it was deemed that land could be available for the Proposed Development. However, upon engaging with landowners it was deemed that this land was unavailable for development and was not considered further.
- 6.3 Following engagement with landowners within the 5km Study Area, the area of land identified as being available was assessed using the criteria set out within this report.
- 6.4 Overall, it is concluded that within the Study Area, given the technical and land availability constraints in choosing a suitable site adjacent to the Point of Connection to the Rayleigh Substation, there are no alternative sites which are available and suitable for the Proposed Development.
- 6.5 It is considered in accordance with Paragraph 151 of the NPPF that very special circumstances exist for the Proposed Development on land south of Runwel Road (A132).



APPENDIX 3: APPEAL DECISION APP/W1525/W/22/3300222





Appeal Decision

Hearing held on 6 December 2022

Site visit made on 5 December 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/W1525/W/22/3300222 Land east & west of A130 and north & south Of Canon Barns Road, East Hanningfield, Chelmsford, Essex CM3 8BD Easting:575325, Northing:198892

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Low Carbon Solar Park 5 Limited against the decision of Chelmsford City Council.
- The application Ref 21/00394/FUL, dated 22 February 2021, was refused by notice dated 9 December 2021.
- The development proposed is the construction and operation of a solar farm and battery storage system together with all associated works, equipment and necessary infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for the Installation of a solar photovoltaic (PV) park generating up to 49.9 MW of electricity spread over three sites (sited either side of the A130/Canon Barns Road), comprising of ground-mounted photovoltaic solar arrays, battery-based electricity storage containers, together with inverters/transformer stations, Distribution Network Operator (DNO) Substation, customer substation/switchgear and meter kiosk, batteries, internal buried cabling and grid connection cables, internal access tracks, security fencing and gates and CCTV cameras, other ancillary infrastructure, landscaping and biodiversity enhancements at Land east & west of A130 and north & south Of Canon Barns Road, Chelmsford CM3 8BD, in accordance with the terms of the application, Ref 21/00394/FUL, dated 22 February 2021, and the plans submitted with it, subject to the schedule of attached conditions.

Preliminary Matters

2. Since the Council's refusal of the proposal, two nearby solar farms have received planning permission. The 'Canon Barns site'¹ is southeast of the appeal site, would generate 8 MW of electricity, and is within the Green Belt. The 'Hill Farm site'² is northeast of the appeal site. This will generate 36.7 MW of electricity and is adjacent to the Green Belt. These decisions are material considerations that I will take into account within this decision.

¹ Planning Application Reference: 21/00502/FUL

² Planning Application Reference: 21/00555/FUL

- 3. A site visit was undertaken the day before the Hearing. During my visit I walked the site and its surroundings with a representative from the Council and the Appellant using a walking route agreed between main parties (Doc B). I therefore have a good awareness of the site and its surroundings.
- 4. A screening opinion, undertaken by the Council in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concluded that the proposal was not deemed to be EIA development. I see no reason, within the evidence, to disagree with this view.
- 5. At the Hearing I was handed three letters of objection from the Parish Councils of West Hanningfield and East Hanningfield and from Mr Malcolm Thomas, a local resident (Docs D, E and F). These raised a range of points, the majority of which were already matters discussed in previously submitted objections. Nevertheless, I decided to accept these and am satisfied that no party would be prejudiced by my taking these into consideration as part of the appeal evidence.
- 6. The description of development, found on both the Council's Decision Notice and the appeal form, includes a more detailed description to that on the application form. The Appellant explains, at Section E of the appeal form, that the description was changed. As this has been agreed between main parties, and more accurately describes the scheme, I shall use the revised version in the permission.
- 7. Furthermore, since the refusal of the scheme the Appellant has continued discussions with UK Power Networks. As a result, the proposed 35 metre One Point of Connection Mast is no longer necessary. I understand that instead the development would be connected into the network at the point of an existing pylon. This has resulted in the submission of an amended plan, removing the mast. This alteration was discussed at the Hearing and has reduced the overall visual effect of the proposal, albeit to a small extent. Consequently, I have taken the revised plan into account without causing prejudice to any party.

Background and Main Issues

- 8. The proposed development is located within the metropolitan Green Belt. Section 13 of the National Planning Policy Framework (the Framework) establishes the national policy objective to protect the Green Belt. Paragraphs 149 and 150 define different types of development that would not be inappropriate development in the Green Belt. It is uncontested by main parties that the proposed solar farm would not comply with any such provisions. I see no reason, within the evidence or in matters discussed at the Hearing, to disagree with this assertion. The proposal would therefore be deemed to be inappropriate development in the Green Belt.
- 9. Paragraph 147 and 148 of the Framework state that inappropriate development in the Green Belt is, by definition, harmful and carries substantial weight. Such development should not be approved except in very special circumstances. It continues that very special circumstances will only exist if the harm to the Green Belt by its inappropriateness, and any other harm, would be clearly outweighed by other considerations.
- 10. Turning to a separate matter, during the course of the planning application consideration, the Council undertook an Appropriate Assessment to consider

the effect of the proposed development on the Crouch and Roach Estuaries (Mid Essex Coast Phase 3) Special Protection Area (SPA). Following consultation with Natural England, the Council was content the impacts could be suitably addressed with mitigation secured by condition. Nevertheless, it is incumbent upon me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. It is therefore still necessary to consider this matter as a main issue.

- 11. Accordingly, in consideration of the evidence, the main issues are:
 - The effect of the proposal on the openness of, and purposes of including land within, the Green Belt;
 - The effects of the development on the settings of the Grade II* listed building Church of St Mary and St Edward, and the Grade II listed building Church House and other non-designated heritage assets;
 - The effects of the proposed development on the landscape character and appearance of the area;
 - The effect of the proposal on agricultural land;
 - The effect of the development on the integrity of the SPA; and
 - Whether the harm caused by the proposal, by virtue of being inappropriate development in the Green Belt, and any other identified harm, would be clearly outweighed by other considerations to result in 'Very Special Circumstances'

Reasons

Green Belt - openness and purposes

- 12. The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open³. Openness has both visual and spatial qualities. The site consists of six fields. These are enclosed by tree and hedge boundaries, including some woodland areas, especially to the south of the main site. In terms of topography, the site is within gently undulating land with higher land to the south, north and centre of the site. The landform, and extent of field boundary screening, would reduce the overall visual effect of the proposal from wider views.
- 13. The site is currently farmland. From a spatial perspective, the proposed solar arrays would introduce substantial development into the area in terms of ground cover due to the quantity of arrays within the scheme. Furthermore, the associated access track, substation, inverter stations, fencing and CCTV facilities would result in additional built form that would further diminish the openness of the Green Belt spatially.
- 14. Nevertheless, the proposed solar arrays would be relatively modest in mass and footprint and would be spaced out at regular intervals reducing the overall scale of the development. Furthermore, the scheme would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be reduced with the site ultimately reinstated to its

³ Paragraph 137 of the National Planning Policy Framework

former open character. Consequently, both visually and spatially, the proposed development would result in moderate harm to the openness of the Green Belt.

- 15. Paragraph 138 of the Framework defines the five key purposes of the Green Belt. These are to check unrestricted sprawl of large built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting of historic towns and assist in urban regeneration (by encouraging the reuse of urban land). It was agreed between main parties at the Hearing that historic towns would be unaffected. Furthermore, despite the comments of the Council I am unconvinced that the proposal would contribute towards urban sprawl or towns merging as the site is not close to a built-up area. Nevertheless, the proposal could result in encroachment and would not contribute to the reuse of urban land.
- 16. In terms of encroachment, the proposed scheme would place a large number of solar arrays across six fields. Their operation would be supported by consumer units and a main compound. Although maintaining some space between them, the arrays and associated equipment would fundamentally alter the appearance of the fields. These would alter from a sequence of open green spaces to accommodating solar equipment that would be interspersed with retained field boundaries. Such an effect would result in encroachment, in contradiction of a Green Belt purpose.
- 17. A further purpose of the Green Belt is to deflect new development towards previously developed land (PDL) to assist in urban regeneration. At the Hearing the Appellants stated that it would not be cost effective to locate such a use on PDL due to land values and rates of return. Accepting this I am also unconvinced that the reuse of PDL for such a scheme would secure the most efficient or optimum reuse of such land for a temporary period of time. Accordingly, the proposal would not be in conflict with this purpose of the Green Belt.
- 18. The proposal, as inappropriate development, would by definition harm the Green Belt. It would result in encroachment and moderate harm to the openness of the Green Belt in both visual and spatial terms. Accordingly, the proposed development would conflict with policies DM6 and DM10 of the Chelmsford Local Plan (LP) and the Framework. These seek to resist inappropriate development and only allow engineering operations that would preserve openness and not conflict with the purposes of including land within the Green Belt. All harm to the Green Belt carries substantial weight.

Heritage Assets

- 19. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses. The Framework defines the setting of a heritage asset as the surroundings in which the asset is experienced.
- 20. The proposal has the capability to affect a range of designated and nondesignated heritage assets found around the site. These are identified within

the Appellant's Heritage Assessment⁴ as including eight listed buildings and forty non-designated Heritage Assets (NDHAs). Four of these are identified as having an adverse effect on their settings. The setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Guidance from Historic England explains that the extent and importance of setting is often expressed in visual terms but may also include other matters including our understanding of the historic relationship between places⁵.

- 21. The Church of St Mary and St Edward, a Grade II* listed building, is on the north side of Church Road set away from the highway, within West Hanningfield. It originates from the 12th century with 14th century additions including a timber frame belfry. It was also extended in the 18th and 19th centuries. The church consists of various facing materials providing an interesting if slightly eclectic appearance. Its significance derives from its intact historic fabric and the architectural interest of its unusual medieval belfry, and its spatial relationship with the surrounding village. It's setting includes the surrounding agricultural land to the north and south and include it's approach from Church Road.
- 22. However, due to the recessed nature of the building from Church Road and the site's relationship with surrounding built form, intervisibility between the listed building and its grounds and site would be highly restricted. Furthermore, whilst having a social and functional relationship with the surrounding countryside, there is nothing before me to indicate that the appeal site makes a specific or important contribution to its setting. As a result, the proposal would preserve the setting of this listed building and would not harm its significance.
- 23. Church House, a Grade II listed building, is a timber framed, plastered house that originates from the 18th century. It is a large two-storey dwelling with white rendered walls, clay roof tiles and brick stacks. It significance appears to derive from its relationship with the adjacent church, its use of traditional materials located within a rural setting. Views from the front of the dwelling, over Church Road, take in fields and parts of the appeal site. Field boundaries and rising topography screen most of the site. Therefore, the site makes a limited contribution to the setting of the listed building. The proposal would also be largely screened from this vantage offering only distant views of the eastern part of the solar farm and boundary related features. The surrounding farmland contributes to its setting, but I am unconvinced that the appeal site itself makes a significant contribution to this. Due to the substantial separation distance, field boundary screening and topographical features, I am unconvinced that the proposal would result in any harm to the setting of Church House, which would accordingly preserve its significance.
- 24. The proposal would preserve the significance of the two identified listed buildings and would therefore accord with S66 of the Act. It would therefore comply with LP policy DM13, which requires proposed development within the setting of a listed building to not adversely affect its significance, including views to and from the building.
- 25. Cobb Cottage, a NDHA, was initially constructed as a pair of cottages in the C19 and has since been combined into one dwelling. It's significance appears to derive from its former use as a pair of agricultural worker's dwellings and being

⁴ Historic Environment Desk-Based Assessment, by AECOM, dated February 2021

⁵ Historic England – The Setting of Heritage Assets 2015

of a traditional agrarian style of farmstead. Its surrounding fields make a contribution to its setting as its rear elevation overlooks the surrounding open countryside. Views from this dwelling would be similar to those from Church House affording distant views of a small part of the proposal. Although nearer to the appeal site, than Church House, its significance is reduced. Accordingly, the setting of Cobb Cottage would only experience limited change, that would not affect the significance of this NDHA.

- 26. Hophedges, a NDHA, is a cottage adjacent to the north boundary of the site. It appears on the village map in 1840. It is a white render cottage with weatherboarding, decorative dormers and a central brick stack. Its significance appears to derive from its historic interest and traditional agrarian character within a countryside setting. The rear elevation of the dwelling is adjacent to a field with the appeal site including the adjacent field beyond. An access track is proposed beyond the boundary hedge, with solar arrays proposed in the far corner of this adjacent field, around 750 metres from the NDHA. The closest part of the appeal site therefore makes a small contribution to the setting of the NDHA being within its local context. Furthermore, occupiers of this dwelling would be likely to experience some views of the proposal from first floor windows, albeit over a significant distance. Due to the close proximity of the scheme to the NDHA, and its intervisibility, the proposal would result in harm to its setting during the construction and operation of the proposal, albeit limited. Accordingly, this change to the setting of the building would amount to harm at the lower end of such harm.
- 27. The Framework states that when considering harm to NDHAs a balanced judgement will be required having regard to the scale of any harm and the significance of the asset. The impact of the proposal would cause limited harm to the significance of a non-designated asset, being an asset of lower importance. The negligible harm conveyed to the NDHA would be offset by the separation distance to the track and operational site beyond, existing screening and the merits conveyed through the generation of renewable energy. Accordingly, the proposal would also comply with LP policy DM14, where harm to the significance of a non-designated heritage asset, must be justified following a balanced judgement.

Landscape and Visual Impact

28. Both main parties acknowledge that the proposal would result in harm to the character and appearance of the area. However, there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

Landscape character

29. The appeal site consists of six fields, the site and surrounding fields are used for a range of arable and pastoral purposes. The fields within the site are arranged in a cluster around the A130 and Canon Barns Road. Purely for convenience I shall refer to the various fields using the numbering convention found in the Appellant's Zoning Layout Plan⁶ that refers to Development Zones (DZs).

⁶ drawing number LCS039-DZ-01 revision 10

- 30. The site includes one field to the east of the A130 (DZs 4 and 6) with the remainder of the site being to the west of this highway, in two similar sized parcels. These are to the north (DZs 1, 2, 3, and 5) and south (DZ 7) of Canon Barns Road. The site is bound partly along its western boundary by a row of electricity pylons, that generally follow a ridge line, and the Essex and Suffolk Waters Hanningfield Water Treatment Works. Also, the A130 follows a shallow valley floor alongside and through the site. Consequently, the site's undulating landform includes a number of relatively substantial man-made interventions.
- 31. The site is within Natural England's National Character Area 111: Northern Thames Basin, including woodlands, mixed farming and arable land. The site is also within the South Essex Farmlands area E1, within the County Council's character assessment. This is defined as consisting of small to medium sized arable and pastoral fields where tall thick boundary hedges contribute to an enclosed character. It is notable that this also recognises that overhead pylons and major roads visually interrupt the landscape.
- 32. At a district level, the site is within the South Hanningfield Wooded Farmland: F11⁷ in the Council's Landscape Character Assessment. This area is described as consisting of undulating farmland of medium to large arable fields that include hedged field boundaries and wooded horizons. The site is also adjacent to the East Hanningfield Woodland Farmland character area: F12. This is defined as having large arable fields, pockets of pony and pasture paddocks and mature treed field boundaries. The appeal site appears to generally align with these character assessments, especially F11, and therefore makes a positive contribution towards the landscape character.
- 33. The pattern and arrangement of character area F11 form low-lying land with elevated ridges. This area is largely to the north and east of the site on gradually climbing land. The A130 passes through the landscape along embankments and cuttings, with the adjacent reservoir and its associated buildings and pylons adding to the features evident within the area. The proposed development would locate solar arrays within the existing field pattern. It would retain and enhance field boundaries, leaving most wooded areas. It would retain the structure of field boundaries and keep field patterns intact. As such, the proposal would have a largely non-invasive impact on the landscape features defined as important to the character areas.
- 34. The appeal site, whilst relatively extensive, represents only a small proportion of the national and county character areas. At a district level, the impact on the landscape would be greater, but as the existing natural features of the site would be largely retained and enhanced, the overall landscape effect would be limited. Furthermore, the solar arrays would be low-lying, open sided features that would be temporary in nature, limiting the overall effect on the wider landscape. However, the proposed development would alter the landscape with the introduction of industrial development and equipment across a relatively broad area. Therefore, this would result in some localised landscape harm. As a consequence, the scheme would result in a moderate adverse impact on the area's landscape character.

⁷ Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment

Visual Impact

- 35. Visual amenity relates to the direct visual impacts on receptors (people) rather than on the landscape. The Appellant's visual assessment was undertaken in December when leaves from deciduous trees would have fallen, offering a 'worst case scenario' of views through the site, when the site would be at its most exposed. Equally, my visit was undertaken at a similar time of the year enabling a similar useful assessment of the visual effects of the proposal to be most appreciated. The Appellant's Landscape and Visual Impact Assessment⁸ (LVIA) and it's Addendum⁹ identify 33 viewpoints which assess the effect of the scheme on Visual Receptors (VRs). The viewpoints have been accepted by the council as being the most significant in understanding the visual effects of the proposal. These selected viewpoints provide only a snapshot of the site and would not necessarily reflect the experience of receptors walking through or around the site.
- 36. Figure 4 of the LVIA, shows the theoretical visibility of the scheme demonstrating that the majority of views outside the site would be from an arc from the northwest through to the east. In a southern arc around the site, from the west to the southeast, woodland and topography obscure most views. The LVIA considers the visual effects of the proposal both at year one and at year ten, the second assessment taking into account the growth of proposed landscape screening as it approaches maturity.
- 37. The general topography of the site, and its surroundings, provide screening from many wider views forming a degree of enclosure. Furthermore, manmade features also obscure some views of the site, such as by the embankments of Canon Barns Road and Church Road. The combination of these features would disaggregate and limit some views of the site.
- 38. The local roads and the A130 provide visual receptors from motorists that have a low sensitivity to change. Road users would primarily be paying due care and attention to other road users and hazards, taking in only limited glimpses of the site, resulting in only negligible adverse visual effect. Motorists of Southend Road (VR6a), Pan Lane (VR5) and Church Road (VR19 and VR21) would be travelling closer to the site and would have the opportunity to take in more of the area affected by development. Nevertheless, such views would result in only a 'minor adverse' effect in the first year, leading to 'negligible adverse' effects (for VR6a, VR19 and VR21) and 'neutral' effects (VR5) at year ten. The view of the scheme from motorists would be largely fleeting and offer only partially glimpsed views of constrained sections of the arrays and equipment. As such, the visual impact on motorists would be of low magnitude, resulting in only 'minor adverse' and 'neutral' effects.
- 39. Views of the proposal, from the northwest of the site and West Hanningfield, would be limited. Viewpoint VR18, for users of the Public Right of Way (PRoW) 236_26 and for residents of West Hanningfield (VR18a), southeast views take in fields and hedgerow planting and a ridgeline to the east. These features would limit most views of the solar arrays and their associated equipment. These viewpoints would experience only a small portion of the solar arrays, the fencing and CCTV columns that would enclose, and be within, area DZ2. Once

⁸ Landscape and Visual Impact Assessment, by AECOM, February 2021

⁹ Landscape and Visual Impact Assessment, by AECOM, September 2021

the proposed hedgerow screening has developed, after 10 years, the effect of such views would move from 'minor adverse' to 'negligible adverse'.

- 40. Views from VR26, on PRoW 236_36 looking southeast towards the site, would be similar to VR18 and VR18a, albeit closer to the site. These would also provide views of the edge of the solar array farm, only seeing those elements within area DZ2. This viewpoint would initially result in a 'moderate adverse' effect but would lessen over time. I am unconvinced that after 10 years this effect would remain 'moderate adverse'. The substation would be discreet beyond the ridgeline, with only boundary fencing and CCTV columns being evident in the distance behind the established landscape screening. Consequently, the visual effect after this period would be 'minor adverse' only after 10 years.
- 41. VR20a considers the rear view for occupiers of Hophedges. The SoCG identified that this VR point was in dispute, but the Council withdrew its dispute at the Hearing, but raised concerns due to the visual effect of the use of the access track. Vehicles using the access track would be infrequent based on the use of the site and as such the overall effect of the development on occupiers would be negligible. Accordingly, given the proximity and scale of existing tree and hedgerow screening views of the proposal from this vantage would be neutral.
- 42. Views from VR23 and VR24 look south towards the northern edge of the site, towards area DZ1. These take in viewpoints from walkers using PRoW 236_47. The addendum shows that these views would remain largely unchanged. The visual effect from these views would change from 'minor adverse' initially to 'minor adverse' and 'negligible adverse' effects respectively after 10 years.
- 43. The views from VR3 and VR3a, by users of PRoW 218_7 and occupiers of Hill Farm and Dunnock Cottage, are elevated and look down towards the site to the southwest. These take in the eastern and northern parts of the site in a wide context with the fields of Hill Farm and the A130 forming the fore ground and middle views respectively. Much of the development zones would be screened by field boundary landscaping and the bridge and road embankments of Church Road and Cano Barns Road where these cross the A130. The effect on the view to VRs would initially be 'minor adverse'. With landscaping developing over future years this effect would reduce to 'negligible adverse' after ten years. Even if parts of the solar farm remained visible these would be likely to be seen as small parcels of development, interspersed by field boundaries and the established new landscaping, within distant views. The impact on these would therefore be 'negligible' after 10 years.
- 44. Walkers, cyclists and horse riders, among other slow moving road users, using local roads would be highly sensitive to change. However, such views would only experience small pockets of the proposal and would not provide a broad perception of most of the scheme. These views would also be partially obscured by topography and natural screening that would limit the overall visual effect of the scheme from 'minor adverse' in year one to 'negligible' in year ten.
- 45. The site is crossed by a number of public rights of way (PRoW). PRoW 218_12 runs through the north and south parcels of the site either side of Canon Barns Road. The PRoW of 236_36 comes into the site from the northwest and runs between DZ2. Also, PRoW 218_15 connects to 236_36 and runs through the middle and side of the north parcels (DZs 1, 3 and 5). The PRoWs that cross the site cut through several fields and follow the perimeter of others within the

site. Users of these routes through the site currently enjoy an open aspect over the countryside. However, PRoW 218_12 exits the site to the west runs alongside the waterworks between tall hedges. This is within a relatively narrow walkway in an enclosed route.

- 46. VR27, on PRoW 218_15, assesses the typical effect of the proposed development on walkers from inside the site. These would be highly sensitive to visual change. Views of the scheme, from the routes that cross through the site, would fundamentally change from the current outlook over open arable land. The effect on users would be 'major adverse' in the first year. However, the sense of enclosure would partially replicate the effect of other sections of this route. Therefore, whilst views from the PRoWs through the site would become more enclosed, the visual impact on users of the PRoWs would be reduced to 'moderately adverse' by year ten.
- 47. A fence up to 5 metres high alongside the A130, has been offered by the Appellant to remove the Council's concerns with respect to glint and glare. In some viewpoints this would result in initial visual effects being diminished. The fence would screen the arrays, especially from views VR6 and VR7 from Southend Road. Accordingly, the proposed fence if deemed necessary, would moderate visual benefits of the proposal in screening some views.
- 48. Taking the above visual affects into account, most views of the proposal would be 'minor' or 'negligible' by year 10. Whilst the visual impacts of the proposal would be 'major adverse' from the PRoW from Visual Receptors through the site, these effects would be diminished to 'minor adverse' once the landscape screening has become established. Consequently, due to the arrangement of local topography the most adverse visual effects would be largely confined to localised effects only. Accordingly, taking all of the above impacts into consideration the visual impact of the proposal would result in moderate harm.

Cumulative visual and landscape effects

- 49. The proposal would be close to the two recently approved solar farms at Canon Barns Road and Hill Farm. Table 4-A, of the addendum LVIA, considers the cumulative visual effects from these viewpoints. The addendum shows how the visual effect from two viewpoints, VR9 and VR29, would change in cumulative terms. Viewpoint VR9, from Canon Barns Road, shows the eastern part of the scheme with the Hill Farm and Canon Barns sites having a 'moderate adverse' visual effect on this view. Viewpoint VR29, from Pans Lane, shows parts of the Hill Farm and Canon Barns sites but also illustrates that the proposed scheme itself would not be visible.
- 50. Accordingly, the LVIA demonstrates that the cumulative visual effects of all three sites would increase the visual effects of most views from 'negligible' impact to 'minor adverse'. Consequently, in most wider views, the proposal would not materially contribute to a cumulative visual effect of these sites. Accordingly, the overall visual effects of all three sites would be limited and would not substantially increase the visual effect of the scheme from moderately harmful.
- 51. As has been found above, the proposal itself would only result in localised and a 'moderate adverse' effect on the landscape, for the 40-year duration of the proposed development. The cumulative effect of the development on the landscape, in combination with the two approved schemes, would be greater.

Nevertheless, the combined effect, would only have a further limited adverse impact on the landscape character. Accordingly, the overall effect on the landscape character would remain as a 'moderate adverse' effect in this geographic context.

52. Consequently, despite its overall scale, the proposal would result in a 'moderate adverse' effect on the landscape character and moderate harm to the visual appearance of the area. In identifying harm, the proposal would conflict with LP policies DM6, DM10 and DM19, the Council's Solar Farm SPD and the Framework. These seek, among other matters, for development to not result in an unacceptable visual impact which would be harmful to the character of the area and to protect valued landscapes, to which I attribute moderate weight in the planning balance.

Effect on arable land

- 53. Paragraph 174(b), of the Framework, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework's Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a. Most of the site would not qualify as BMV by this categorisation. Nevertheless, it is recognised that the site provides arable value. It would no longer be capable of providing such a function. Also, I recognise that the Appellant suggests that the site could be used for sheep grazing, but such an activity would be unlikely to fully offset the sites current capability for agricultural use.
- 54. The Appellant's Agricultural Land Assessment has considered the range of crops that can be grown, the type and consistency of yield and the cost of producing the crop. This has found that the appeal site mainly consists of grade 3b agricultural land. Only a small parcel (of two hectares) was identified as being 3a agricultural land. The methodology and findings of the Assessment has not been disputed by the Council.
- 55. The PPG¹⁰ requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals. The Council's Solar Farm SPD also advises that such development should first favour the use of previously developed land and arable land graded as 3b, 4 or 5. Nevertheless, as the significant majority of the site does not meet a BMV classification, the loss of the small parcel of 3a graded arable land is attributed minor harm in the planning balance.

Integrity of the SPA

- 56. Natural England identifies that the proposal could have potential significant effects on Crouch and Roach Estuaries (Mid Essex Phase 3) Special Protection Area (SPA) and Ramsar, Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) and Hanningfield Reservoir SSSI.
- 57. The site is around 4.7km from the SPA. This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations) and is a wetland of international importance. The Habitats Regulations impose a duty on me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA, either alone or in combination with other

 $^{^{\}rm 10}$ Guide to assessing development proposals on agricultural land, 2021

plans and projects. In 2018, the Court of Justice of the European Union held that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA), rather than at the screening stage¹¹.

- 58. Evidence shows that the SPA is used by a large number of skylark and corn bunting birds. Wintering dark-bellied brent geese, black-tailed godwit, shelduck and shoveler birds also regularly visit the SPA in nationally important numbers. In addition, the mud along the Crouch and Roach is used by redshank and dunlin for feeding and as a roosting site for lapwing and golden plover.
- 59. The site is also around 250 metres from the Hanningfield Reservoir SSSI. Its main scientific interest derives from its breeding and wintering wildfowl including Gadwall, Pochard, Shoveler, Teal, Tufted Duck and Shelduck.
- 60. The Appellant's Ornithological Survey¹² Report demonstrates that 46 species of wintering birds and 51 species of breeding birds visit the site. This includes small numbers of little egret, skylark and black-headed gull which are waterbird species found within the SPA. The Ornithological Report has concluded that the distance between the SPA and the Site, the absence of wetland habitat on site and the abundance of similar farmland habitat between the sites indicates that the site is not especially important to the populations of these birds occurring within the SPA. These seem to be reasonable conclusions and although the proposal would affect the integrity of the SPA, this effect would be limited.
- 61. The Appellant's Skylark Mitigation Strategy¹³ seeks to deliver long term habitats for the territories of skylark found on site, both during breeding and non-breeding seasons. These would include tightly mown plots, unmanaged grassland areas and cover-crops within the mitigation areas. This approach would ensure that the site would maintain a succession of occupation and productivity of the population of skylark as identified on site. The proposal would therefore minimise any direct impact on skylarks.
- 62. In assessment of the Council's AA, Natural England has concluded that the integrity of the SPA¹⁴ would not be adversely affected subject to the proposed mitigation within the Ornithological survey and Skylark Mitigation Strategy. I see no reason to disagree with this conclusion. Therefore, I am satisfied, based on the specific evidence before me, that a condition requiring the mitigation measures detailed in the surveys would prevent an adverse effect on the integrity of the SPA.
- 63. I therefore conclude through my AA that, with the provided mitigation, the proposal would not harm the integrity of the SPA and accord with the Habitat Regulations. I am also satisfied that the mitigation offered to address the adverse effects on the SPA and Ramsar site would mitigate the effects of development on the identified SSSIs.

¹¹ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

¹² AECOM Ornithological Survey Report, June 2021

¹³ Skylark Mitigation - Technical note, by AECOM, date 20 October 2021

¹⁴ Natural England letter dated 7 October 2021

Other matters

Flooding

- 64. The Appellant's Flood Risk Assessment¹⁵ identifies that most of the site is within flood zone 1. A small section is in flood zone 3a, alongside Sandon Brook, although no work is proposed within it. The Assessment finds that rainfall falling on solar panels would runoff at an angle and result in a small increase in post development run-off rates. To account for the extra volume a sustainable drainage system (SUDs) would be installed. The proposed drainage system would reduce current run-off rates from the site resulting in betterment over the existing drainage arrangements.
- 65. The County's SUDs team raised no objection to the proposal subject to the provision of a sustainable urban drainage strategy. As such, despite the concerns raised by interested parties that the development would increase off-site flooding especially onto Church Road, I see no compelling evidence that any off-site flooding would be exacerbated by the proposal. Consequently, the scheme would accord with the requirements of LP policy DM18.

Wildlife impacts

- 66. The fields within the appeal site are enclosed by hedgerows that include trees within the field boundaries. The hedgerows provide habitats for a diverse range of avian wildlife including hobby and barn owls and 12 priority bird species including skylark, thrush and yellow hammers. Whilst the hedgerows are considered to be a high value resource, the fields are of limited ecological interest being used as a combination of arable farmland and pastoral. The Appellant's desk based Ecological Assessment¹⁶ and associated surveys conclude that the effects on wildlife would be limited, and these could be mitigated through the preparation of a landscape and ecological management plan and a construction environmental management plan, both of which could be secured by condition.
- 67. In terms of bats, a bat survey identified that certain trees on site could offer suitable habitat. As these trees are proposed for retention, bats species would not be affected by the proposal. In terms of badgers, the submitted survey has been considered by the Council's ecologist and the required mitigation measures can be incorporated into an ecological management plan. A pond near Link House Farm has been found to include Great Crested Newts, a low impact class license would be required to be obtained from Natural England due to the proximity of this to the site.
- 68. The proposal includes new planting in the form of enhanced hedgerows both around the perimeter of the site, especially along the A130 corridor, and adjacent to the PRoWs that cross the site. The tree and species rich hedgerow planting, including reinforcement of existing hedging, would enhance the existing planting within the site and its wildlife value. Wild green grassland and new planting corridors would also be provided around the margins of the fenced area enhancing foraging routes.

¹⁵ Flood Risk Assessment and Drainage Strategy, by AECOM, dated February 2021

¹⁶ By Aecom, dated February 2021

- 69. The Bio-diversity Assessment¹⁷ concludes that the proposal would exceed the 10% bio-diversity net gain objective of upcoming legislation. The proposal would result in a loss of 33% river unit habitat, due to the encroachment of the access route into the 10m riparian zone of the Sandon Brook. Nevertheless, the access route could be partially adjusted when the final layout of the site is agreed by condition and the effect further reduced by habitat enhancement that could be secured by condition. Overall, the proposal would result in a net bio-diversity gain of around 82% habitat units and 29% hedgerow units which would be of significant benefit to the wildlife within the area. A condition for a landscape scheme could be used to determine compliance with the biodiversity net gain metric to ensure it would deliver and manage the calculated gains in perpetuity.
- 70. Interested parties have identified that the proposal would reduce routes through the site used by large mammals, such as deer. Large mammals, traversing the site, have not been identified as using the site through the ecological assessment and surveys undertaken. However, whether present or not, I am unconvinced that the site offers a particularly important route through the area. Furthermore, the proposal would retain the ability to accommodate some routes through the site for wildlife where within the landscape scheme that could be secured by planning condition.

Highway safety

- 71. The proposal includes six access points, four of which would be from Canon Barns Road. These would be used for construction access and then post construction occasionally used for maintenance purposes. The access into the site from Church Road would be for emergencies and to access the substation. Church Road is a single carriageway road with a 60mph speed restriction and is unlit. It also has limited passing points but has no recorded collisions within the prescribed study period. Speed analysis data has shown that actual recorded speeds are around 48mph and the proposed visibility splays, at the access, would enable safe egress and access in this context.
- 72. The Appellant's Transport Statement¹⁸ demonstrates that the proposal would generate a relatively low level of vehicular activity, with a nominal number of movements of four two-way vehicle trips a week. As such, due to the nature of the use, traffic associated with the operation of the facility would be light and infrequent. I am therefore satisfied that the use would operate without detriment to highway safety, a point supported by the County's Highway Authority.

Security matters

73. Essex Police has identified that solar farms, within other parts of the country, have been the target of theft¹⁹. The proposal would include security fencing and CCTV to attempt to protect the site and combat criminal activity. Interested parties have raised concerns that the proposal security measures would be ineffective to deter crime. Although recognising these concerns, there is no compelling evidence that the proposal would be especially vulnerable to theft, that the Appellants security measures would be ineffective or that the proposed

¹⁷ By Aecom, dated September 2021

¹⁸ Transport Statement, Low Carbon, February 2021

¹⁹ Essex Police – Design out Crime Team, Mr Stephen Armson-Smith, 22/03/21

scheme would raise criminal activity in the area. Furthermore, this could be suitably addressed though agreement of the specification of robust boundary treatment and CCTV coverage by planning condition.

- 74. The CCTV cameras would be a significant distance from the nearest residential properties. Consequently, I am unconvinced that these would be capable of substantive overlooking into private spaces. Furthermore, this matter could be further mitigated through a planning condition, with respect to camera views, if deemed necessary by the Council.
- 75. Other concerns raised by interested parties, such as the health effects of the production of solar panels and operation of solar farms, and its impact on local property values are noted but do not have a material bearing on the main issues associated with this appeal.

Other Considerations

Renewable energy

- 76. A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published.
- 77. The draft NPS EN-3 states that:

"solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer."

- 78. Both the existing and proposed NPSs state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.
- 79. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all²⁰.
- 80. The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction as follows:

"We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79%, compared to a 5% chance now. Many regions of the world would

²⁰ IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

see what is now considered a 1-in-100-year drought happening every two to five years.

At 3°C of global warming, the UK is expected to be significantly affected, seeing sea level rise of up to 0.83 m. River flooding would cause twice as much economic damage and affect twice as many people, compared to today, while by 2050, up to 7,000 people could die every year due to heat, compared to approximately 2,000 today. And, without action now, we cannot rule out 4°C of warming by the end of the century, with real risks of higher warming than that. A warming of 4°C would increase the risk of passing thresholds that would result in large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the Atlantic Meridional Overturning Circulation. The loss of ice sheets could result in multi-metre rises in sea level on time scales of a century to millennia."

- 81. The draft NSPs recognise that to meet the Government's objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to 'dramatically increase the volume of energy supplied from low carbon sources' and reduce the amount provided by fossil fuels. Solar and wind are recognised specifically in Draft EN-1 (para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar'. The Government aims by 2030 to quadruple offshore wind capacity so as to generate more power than all homes use today. This would therefore be delivered in collaboration with solar energy, and other measures, to provide a robust supply.
- 82. Planning Practice Guidance (PPG), on renewable and low carbon energy, states that 'there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts.²¹
- 83. The Framework explains that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even small-scale projects can help reduce greenhouse gas emissions. Paragraph 158(b) also explains that such schemes should be approved if any impacts are, or can be made, acceptable. Furthermore, it identifies once areas have been identified for such projects, by local authorities in local plans, any subsequent applications should demonstrate how they would meet the criteria used in identifying suitable locations.
- 84. The Council has not allocated any sites for renewable energy schemes in the district. However, it's Solar Farm Development Supplementary Planning Document-2021 (SPD) includes locational principles that guide its consideration of suitable sites. Paragraph 8.2 requires solar farms in the Green Belt to demonstrate very special circumstances and, among other matters, to not adversely impact on the identified character and beauty of the Rural Area. Paragraph 5.5 reiterates guidance of the Framework in identifying that Very Special Circumstances may include wider environmental benefits associated with the production of energy from renewable sources.

²¹ PPG, Paragraph: 005 Reference ID: 5-005-20150618

- 85. The approved Cannon Barns site was allowed in the Green Belt. The Council found that the benefits of renewable energy would outweigh the harm to the openness of the Green Belt, the low level of 'less than substantial' harm to heritage assets and the modest harm to landscape character. Whilst each case must be considered on its own merits, this recent decision provides a useful insight into the weight the Council has applied in the past to renewable energy projects in the Green Belt.
- 86. The proposed solar farm is substantially larger than the Canon Barns site, with clear contextual differences. Nevertheless, it is plainly evident that a larger site, such as the current proposal that may have a greater impact, would also deliver a greater level of power output thus making a greater contribution towards the production of renewable energy. This benefit weighs strongly in favour of the scheme.

Planning balance

- 87. I have concluded that the appeal scheme would result in harm to the Green Belt from inappropriateness and loss of openness, to which I afford substantial weight. Furthermore, the proposal would also result in moderate harm to the landscape character and convey moderate visual harm to the area. The proposal would also convey limited harm to the loss of a small proportion of BMV arable land, attracting limited adverse weight. The limited harm identified to the NDHA would be outweighed by the public benefits of the proposal. Nevertheless, for the purpose of my overall planning balance this harm contributes to the adverse effects of the proposal.
- 88. The proposed scheme would not harm the integrity of the SPA, weighing neither for nor against the proposal. Furthermore, the other matters identified raise issues that either result in no harm or raise technical matters that could be adequately addressed through the imposition of appropriate conditions to negate the harm.
- 89. Conversely, the proposal would deliver a renewable energy facility that would create up to 49.9MW of power. This would provide power for around 16,581 households, result in a carbon dioxide displacement of around 11,210 tonnes per annum and therefore help combat climate change. The appeal site, whilst large is relatively unobtrusive, within a depression of land that prevents most wide views of the site to be experienced. The surrounding landscape also includes a range of man-made interventions. These features enable the area to accommodate a degree of change where other locally approved solar farms would contribute to the visual evolution of the appearance of the area.
- 90. The Framework identifies that many renewable energy projects in the Green Belt will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances which could include the wider environmental benefits associated with the increased production of energy from renewable sources. Whilst this lends support for renewable projects in the Green Belt it does not confer an automatic approval of such schemes, where the effects of such development must take into account a broad range of issues in mind of the general presumption against inappropriate development and the resultant substantial harm conveyed to the Green Belt by this.
- 91. The benefits of renewable energy raise substantial benefits in favour of the proposal. These benefits are recognised in the Council's local policies and guidance and national policy in accordance with the Climate Change Act of 2008. It is also clearly identified, in Section 14 of the Framework, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.
- 92. Also, a solar farm requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The Appellant explains that the national grid suffers capacity difficulties and limits suitable points of connection. The Appellant proposes to connect to the adjacent electrical pylons placing the site in an advantageous location satisfying the connection constraints that exist. The Appellant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site.
- 93. Accordingly, the public benefits of the proposal are of sufficient magnitude to outweigh the substantial harm found to the Green Belt and all other harm identified above. These benefits identified attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, the proposal would satisfy the local and national Green Belt policies I have already outlined.

Conditions

- 94. I have considered the use of conditions in line with the guidance set out in the PPG. I shall take the conditions within the agreed SoCG into consideration and impose these with some amendments and adjustments for clarity.
- 95. A number of conditions are necessary that relate to the submission of details prior to the commencement of development. These seek details relating to the specific placement of equipment on site, a landscape scheme, temporary fencing, arboricultural method statement, soil management plan, archaeological investigation and definition of exclusion zones, construction ecological management plan, construction traffic management plan and a surface water drainage strategy. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These details are required at a pre-commencement stage as they relate to matters that may influence the configuration of equipment on site and relate to its initial setting out.
- 96. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty. Conditions are also necessary to determine the precise location of the equipment, grant only a temporary consent, establish a decommissioning strategy, decommissioning in the event of early closure of the facility and to require notification as to when power provision begins. These conditions would be required to manage the overall landscape impact of the development and comply with LP policy DM19.
- 97. Conditions are necessary with respect to the provision of a landscape planting scheme, an ecological management plan, construction ecological plan, to

prevent the installation of external lighting, breeding bird mitigation and monitoring strategy and arboricultural method statement in the interests of the character and appearance of the area and to ensure the delivery of a net gain to Biodiversity.

- 98. It is necessary to require details of boundary treatment and the proposed CCTV system to ensure the proposed works integrate well with their surroundings.
- 99. During the Hearing the Council explained that is would also require a condition for temporary fencing to prevent glint and glare to motorists. I acknowledge that there is no clear evidence before me that clearly demonstrates that solar farms cause glint and glare that might contribute towards accidents. Nevertheless, the County Highway Engineer's evidence illustrates that some motorists have stated, in accident reports, that dazzle was a distracting component. Therefore, despite the solar panels not being especially reflective, I find that a requirement for screening would be necessary due to the site's proximity to the A130 and the extent of panels that would otherwise be visible from this vantage. Accordingly, this condition would be necessary in the interests of highway safety.
- 100. It is also necessary for the submission of a construction traffic management plan, site access point specifications and for hardstanding around the accesses to be hard bound, all in the interests of highway safety. Furthermore, conditions are necessary to satisfy the archaeological interests of the site and to define any localised exclusion zones in accordance with LP policy DM15.
- 101. It is also necessary for the provision of a surface water drainage strategy and its maintenance plan to ensure that a SUDs scheme is installed to mitigate against any flood risk. Furthermore, a condition would be required to ensure that a soil management plan is submitted to manage soil compaction, water runoff and drainage.

Conclusion

102. For the above reasons, the appeal is allowed, and planning permission is granted subject to the conditions within the attached schedule.

Ben Plenty

INSPECTOR

APPEARANCES

For the Appellant;

Thomas Smith Richard Hammond Jonathan Hill James Hartley-Bond	 Technical Director, AECOM Landscape architect, AECOM Associate Director, AECOM Low Carbon
For the Council;	
Ruth Mabbutt Ryan Mills Sarah Hill-Saunders Richard Mackrodt	 Senior Planning Officer, Chelmsford City Council Place, Essex County Council Planning Officer, Chelmsford City Council Highway Engineer, Essex County Council

Interested parties;

Cllr Richard Poultner, for Bicknacre and East and West Hanningfield Ward Cllr Sue Dobson, for Bicknacre and East and West Hanningfield Ward Cllr Les Draper, East Hanningfield Parish Council Cllr Malcolm Thomas, East Hanningfield Parish Council (and acting as resident) Paul Galley, West Hanningfield Parish Council John Dunton, West Hanningfield Parish Council Mr and Mrs Hellings, residents

Additional documents

Doc A:	Statement of Common Ground (signed version)
Doc B:	Viewpoint suggestions and plan for site visit walking route from main parties
Doc C:	Plan of Public Rights of Way
Doc D:	objection from West Hanningfield Parish Councils
Doc E:	objection from East Hanningfield Parish Councils
Doc F:	objection from Mr Malcolm Thomas, a local resident
Doc G:	Attendance List

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice: LCS039-SP-01_rev02 (Site Location Plan), LCS039-DZ-01_rev10 (Zoning Layout Plan), LCS-SD-11_rev02 (Panel Cross Section), LCS-SD-01_rev02 (DNO Substation Elevations and Dimensions Plan), LCS-SD-02_rev02 (Customer Substation Elevations and Dimensions Plan), LCS-SD-03_rev01 (Indicative CCTV Post), LCS-SD-04_rev02 (Security Fence and CCTV Standard Detail), LCS-SD-08 rev02 (Inverter Elevations and Dimensions Plan), LCS-SD-01_rev01 (DNO Substation Floor Plan), LCS-SD-15_rev01 (Customer Substation Floor Plan), LCS-SD-16_rev01 (Inverter Floor Plan), LCS-SD-21_rev01 (53ft Battery Container (HVAC on roof) Standard Detail), LCS-SD-23 rev01 (POC Mast Compound), LCS-SD-25 rev01 (Meter Kiosk Standard Detail), LCS039-PLE-01 rev22 (Indicative Site Layout (amended post-decision), 60644715-ACM-LCSF-SD-DR-DS-000001 Rev
- 3) The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period,
- is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to their installation, full details of the final location, design and materials to be used for the: (a) panel arrays, (b) transformers, (c) inverters, (d) battery storage, (e) control room, (f) substations, (g) CCTV cameras, (h) fencing and gates, and (i) Any other auxiliary buildings. These details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.
- 5) No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV park, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme of works shall include the following: (a) a programme of works; (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; (c) details of any items to be retained on site; (d) a method statement for restoring the land to agriculture; (e) timescale for the decommissioning, removal and reinstatement of the land; (f) a method statement for the disposal/recycling of redundant equipment/structures. The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

- 6) The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity being generated from the development being first exported to the National Grid.
- 7) If the solar farm ceases to export electricity to the grid for a continuous period of twelve months, a scheme shall be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve-month period for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given.
- 8) No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.
- 9) Prior to the commencement of development, a landscaping scheme containing details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the works shall be carried out as approved prior to the first exportation to the National Grid, or in the first available planting season following such exportation and permanently retained and maintained in accordance with the agreed lifetime of the development. The details to be submitted shall include: (a) Hard surfacing including pathways and driveways, other hard landscape features and materials; (b) Existing trees, hedges or other soft features to be retained; (c) Planting plans including specifications of species, sizes, planting centres, number and percentage mix; (d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; (e) compliance with the biodiversity net gain metric and (f) the continuation of unobstructed movement of species within the site.
- A Landscape and Ecological Management Plan (LEMP) shall be submitted 10) to and be approved in writing by the local planning authority prior to first exportation to the National Grid. The content of the LEMP shall include the following: (a) Description and evaluation of features to be managed; (b) Ecological trends and constraints on site that might influence management; (c) Aims and objectives of management; (d) Appropriate management options for achieving aims and objectives; (e) Prescriptions for management actions; (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); (g) Details of the body or organisation responsible for implementation of the plan; (h) Ongoing monitoring and remedial measures. The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 11) Prior to their installation, details of boundary treatment and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved prior to first exportation to the National Grid and permanently retained and maintained in accordance with the agreed form subject to any such variation that has been previously agreed in writing with the Local Planning Authority. The details to be submitted shall include: (a) Details of the proposed treatment of all boundary fencing; and (b) Details of the CCTV cameras; (c) Whole perimeter fencing plan including provision for the ingress and egress of badgers and other small mammals.
- 12) Prior to the commencement of development, a scheme to deal with the provision of temporary boundary fencing to address glint and glare shall be submitted to and approved in writing by the Local Planning Authority. The temporary fencing should be installed to approximately 3 metres in height (or where necessary to a previously agreed greater height) and shall provide continuous unbroken screening, above the carriageway levels of the A130 and Southend Road. The fencing shall remain in place until the new planting and any additional planting to enhance the existing established planting has reached a minimum height of 3 metres (or greater), to be determined in writing with the Local Planning Authority. Prior to the removal of the temporary fencing, evidence shall be submitted to and approved in writing by the Local Planning Authority, which demonstrates the boundary landscaping has reached a height of 3 metres (or where necessary to a previously agreed greater height) and provides a continuous unbroken screen, above the carriageway levels of the A130 and Southend Road.

In the event of an extraordinary event, where the temporary screening along the perimeter of the site, as shown on the detailed site layout plan secured under Condition 4, is partially or completely removed or destroyed, an Emergency Plan shall be provided prior to the commencement of the development that identifies: i. the procedure to install temporary screening, with associated construction management plan; ii. permanent remedial actions; iii. the party or party's responsible; and iv. provision of any Traffic Management required to the A130 and Southend Road carriageways, as required by the LPA and the Highway Authority. Full details of the Emergency Plan will be agreed in writing with the Local Planning Authority and the Local Highway Authority prior to commencement.

13) In relation to tree protection, no works shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the submitted Arboricultural Method Statement subject to such minor variations as may be agreed by the Local Planning Authority. The details to be submitted shall include: (a) Details of trees and hedges to be retained and removed; (b) Details of tree surgery work to retained trees; (c) Specification for tree protection including layout and type of tree protection for construction including change that may occur during development; (d) Location and installation of services, utilities and drainage; (e) Details of site access,

temporary parking, welfare facilities, loading and unloading, storage of equipment, materials, fuels and waste; (g) Boundary treatments within the root protection areas; (h) Arboricultural supervision and inspection, including timings, reporting of inspections and supervision; (i) Boundary treatments within the root protection areas, and (j) Arboricultural supervision and inspection, including timings, reporting of inspections and supervision.

- 14) Prior to first exportation to the National Grid, a wintering and farmland breeding bird mitigation and monitoring strategy, that includes reference to skylarks, shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development. Thereafter, the works shall only proceed in accordance with the approved mitigation and monitoring strategy, subject to any minor variation that may be agreed in writing with the Local Planning Authority. The strategy shall include details of the following: (a) Purpose and conservation objectives for the proposed measures; (b) Detailed methodology for measures to be delivered; (c) Location of the proposed measures; and (d) the Mechanism for implementation and monitoring of delivery. The farmland bird mitigation strategy shall be implemented in the first nesting season following completion of the development and in accordance with the approved details or any such variation that has been previously agreed in writing by the Local Planning Authority and shall be delivered for a minimum period of 10 years from first implementation.
- 15) No work shall take place until a soil management plan has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.
- 16) No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.
- 17) Prior to their construction, details of the construction of the site accesses, visibility sight splays, dropped kerb vehicular crossings of the footway and details of surface water discharge from the highway, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the access points shall be constructed ready for use prior to first export to the National Grid in accordance with the approved details. The accesses shall be permanently retained in accordance with the agreed form at all times.
- 18) No development shall take place within the whole site until a programme of archaeological work has been secured and implemented, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and: (a) The programme and methodology of site investigation and recording; (b) The programme for post investigation assessment; (c) Provision to be made for analysis of the site investigation of the analysis and records of the site investigation; (e) Provision to be made for archive deposition of the analysis and records of the site investigation; (e) Provision to be

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

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

19) Prior to commencement of the development a detailed site plan including Archaeological Exclusion Zones will be submitted to and approved by the Local Planning Authority. Following the approval and completion of the archaeological evaluation referred to in Condition 18 and prior to the commencement of development, a final detailed site layout plan with full details of the final locations, design and materials to be used for the panel arrays, inverters, customer switchgear, substations, CCTV cameras, fencing, foundations and cabling will be submitted for approval.

Should the archaeological evaluation identify any significant archaeological deposits, the final detailed site layout plan will define Archaeological Exclusion Zones within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required.

The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the County Council's Lead Archaeologist. Subsequently the development shall be carried out in accordance with the approved details.

If there are archaeological areas to be preserved in situ, a management plan will be produced for any archaeological areas to be preserved in situ, setting out the methodology to secure the ongoing protection of these areas both during construction, operation and decommissioning of the solar farm.

20) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details for the control and management of noise and dust during the construction phase, and with respect to noise shall have due consideration of the guidance within BS 5228:2009+A1:2014. The CEMP will be adhered to by the contractor throughout the construction process. The CEMP shall include the following: (a) Risk assessment of potentially damaging construction activities; (b) Identification of "biodiversity protection zones"; (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); (d) The location and timing of sensitive works to avoid harm to biodiversity features; (e) The times during construction when specialist ecologists need to be present on site to oversee works; (f) Responsible persons and lines of communication; (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; (h) Use of protective fences, exclusion barriers and warning signs; (i) Details for the control and management of noise and dust during the construction phase; and (j) Shall have due consideration of noise guidance contained within BS 5228:2009+A1:2014. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 21) No development shall take place, including any ground works or demolition, until a Construction Traffic 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 Statement shall provide for: (a) Suitable construction vehicle routes for all construction vehicles, to be agreed with the Highway Authority; (b) The parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials iv. storage of plant and materials used in constructing the development; (d) Wheel and underbody washing facilities; (e) The location of the construction compound; and (f) Construction signage and traffic management measures.
- 22) No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).
- 23) Prior to first use of the development hereby permitted a detailed maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. It should additionally show that there is a regular and strict maintenance plan in place for the outfall to reduce the risk of blockage. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.
- 24) No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

End of conditions



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