



**And**

## **Rochford District Council**

(Under Section 101 Local Government Act 1972 and Section 9EA Local Government Act 2000 together with Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012)

### **TOWN AND COUNTRY PLANNING ACT 1990**

**Agent:**

Mr Richard Moore  
Enso Energy  
Unit 1 & 2  
Cirencester Office Park  
Tetbury Road  
Cirencester  
GL7 6JJ

**Applicant:**

Enso Green Holdings J Limited  
C/o Agent

### **REFUSAL OF PLANNING PERMISSION**

LOCATION:	Land South Of Southlands Cottages Runwell Road Runwell Wickford Essex
PROPOSAL:	Installation of a solar farm with battery storage and associated infrastructure
APPLICATION NO:	23/00532/FUL
DATE RECEIVED:	6 April 2023
DRAWING NO(s):	Southlands Solar Farm Flood Risk Assessment Addendum; Winter Bird Survey 2022-2023; Appeal Decision APP/W1525/W/22/3300222; Report to Inform a Habitats Regulation Assessment; RC3-02-P17 4/4; RC3-02-P17 3/4; RC3-02-P17 2/4; RC3-02-P17 1/4; P22-1918_EN_OO3/E; Outline Skylark Mitigation Strategy; Road Safety Audit Stage 1; Proposed Temporary Signage Locations for Construction Traffic; Designers Response to Stage 1 Road Safety Audit; RC3-02-P01 4/4/02; SK04; SK03; RC3-02-P01 1/4/02; RC3-02-P01 2/4/02; RC3-02-P01 3/4/02; RC3-02-P02/04; RC3-02-P03; RC3-02-P04; RC3-02-P05; RC3-02-P06; RC3-02-P07; RC3-02-P08; RC3-02-P09; RC3-02-P10; RC3-02-P11; RC3-02-P13; RC3-02-P14; P22-1918_EN_OO3/C; TX1402_RAY 3_T_01; TX1402_RAY 3_T_02; TX1402_RAY 3_T_03; TX1402_RAY 3_T_04; TX1402_RAY 3_T_05; TX1402_RAY 3_T_06; Design and Access Statement; Heritage Statement; Planning Statement; RC3-02-P12; Ecological Appraisal Report; Flood Risk Assessment and Outline Drainage Strategy; Glint and Glare Assessment; Noise Impact Assessment; Construction Traffic Management Plan; Statement of Community Involvement; Landscape and Visual Impact Assessment; Arboricultural Impact Assessment; Agricultural Land Classification Report;

The Council has given consideration to the application and plans as specified above, and hereby gives notice of its decision to **REFUSE PLANNING PERMISSION** for the following reasons: -

## **Reason 1**

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 151 of the NPPF states that when located in the Green Belt, elements of many renewable energy project will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to precede. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Policy DM6 and DM10 of the Adopted Chelmsford Local Plan and the Adopted Solar Farm Development SPD reiterate the NPPF.

Policy DM19 - Renewable and low carbon energy of the Adopted Chelmsford Local Plan relates to proposals for renewable and low carbon energy. It states that planning permission will be granted for renewable and low carbon development provided they:

- i. Do not cause demonstratable 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.

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

The development would result in an unacceptable form of development within the Green Belt outside the exceptions listed within the NPPF or Policies DM6 or DM10 of the Adopted Chelmsford Local Plan. The proposal would be for an inappropriate form of development that would lead to loss of openness.

The proposed development by reason of its siting and scale would result in the creation of a large-scale, man-made, urban character development that would lead to visual and spatial loss of openness.

The very special circumstances put forward by the applicants have been considered, but the applicant has not demonstrated that the harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by the very special circumstances.

The proposal is therefore contrary to Policies DM6, DM10 and DM19 of the Adopted Chelmsford Local Plan, the Adopted Chelmsford Solar Farm Development SPD and the objectives of the NPPF.

## **Reason 2**

The National Planning Policy Framework (NPPF) states that all planning proposals and decisions should contribute to and enhance the natural and local environment. Paragraphs 174a and 174b require proposals to:

- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy DM6 and DM10 of the Adopted Chelmsford Local Plan and the Adopted Solar Farm Development SPD reiterate the NPPF.

Policy DM19 - Renewable and low carbon energy of the Adopted Chelmsford Local Plan states that planning permission will be granted for renewable and low carbon development provided they:

- i. Do not cause demonstratable 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.

The proposed development by reason of its siting and scale would result in the creation of a large-scale, man-made, urban character development. It would be significantly detrimental to the landscape character of the area and would be harmful to visual amenity. The predicted landscape effects arising from the proposed development are not able to be overcome by the proposed mitigation.

The proposal would cause an unacceptable and adverse effect upon the natural environment which in turn would fail to protect the intrinsic character and beauty of the countryside.

Further, the applicant's proposal contains insufficient assessment of landscape impacts.

The proposal is therefore contrary to Policies DM6, DM10 and DM19 of the Adopted Chelmsford Local Plan, the Adopted Chelmsford Solar Farm Development SPD and the objectives of the NPPF.

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Date: 19 April 2024

Signed:

*Keith Holmes*

**KEITH HOLMES**

Planning Development Services Manager

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED**

## **NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED**

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions then you can appeal to the Secretary of State for the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within six months of the Council's decision.
- **However if the development as described in your application is the same or substantially the same as development that is currently the subject of an enforcement notice then you must appeal within 28 days of the date of the service of this decision notice.**
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

### **Notification of Appeals**

- You must send a copy of your appeal to the local authority. In accordance with appeal procedures, when forwarding copies of appeal forms and additional information, plans or drawings direct to the local authority, please send electronic copies to [planning.appeals@chelmsford.gov.uk](mailto:planning.appeals@chelmsford.gov.uk) or address to the Director of Sustainable Communities, Chelmsford City Council, P.O. Box 7544, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1XP.
- If you intend to submit an appeal that you would like examined by public inquiry you must notify the local authority as above and the Planning Inspectorate at [inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk) at least **10 days before** submitting the appeal.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Department for Communities and Local Government grant permission to develop land subject to conditions, the owner can claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990.

### **Compensation**

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related to provisions of the Town and Country Planning Act 1990.