

SITE PLAN ATTACHED

PARK FARM DUNTON ROAD HERONGATE BRENTWOOD ESSEX CM13 3SG

CONSTRUCTION AND OPERATION OF A SOLAR FARM TOGETHER WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE

APPLICATION NO: 21/00834/FUL

WARD	Herongate, Ingrave & West Horndon	8/13 WEEK DATE	6 August 2021
PARISH	Herongate & Ingrave	EXT OF TIME	26 November 30 June 2021/ tbc 2021
CASE OFFICER	Mrs Caroline Corrigan		
Drawing no(s) relevant to this decision:	DESIGN AND ACCESS STATEMENT; STATEMENT OF COMMUNITY INVOLVEMENT; HISTORIC ENVIRONMENT DESK BASED ASSESSMENT; PRELIMINARY ECOLOGICAL ASSESSMENT; AGRICULTURAL LAND CLASSIFICATION ASSESSMENT; LANDSCAPE AND VISUAL IMPACT ASSESSMENT; FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY; TRANSPORT ASSESSMENT; ARBORICUKTURAL IMPACT ASSESSMENT; SEQUENTIAL ASSESSMENT; DZ-01; PLE-01; SD-01; SD-01; SD-02; SD-03; SD-04; SD-08; SD-15; SD-15; SD-17; SP-01;		

This application has been referred to committee at the discretion of the Director of Planning as a major application that is likely to be of interest to the committee.

1. Proposals

This application relates to the installation of solar photovoltaic (PV) panels and associated infrastructure. Access to the site would be achieved direct from Dunton Road via an existing field access adjacent to Park Farm. A second access for the point of connection (POC) would utilize an existing substation access junction on the western side of Lower Dunton Road. A series of access maintenance tracks would then diverge within the envelope of the site.

The overall site area is approximately 38 hectares (93.98 acres), roughly 'T' shaped and is located between Dunton Road to the north and east, the A127 to the south and South Essex Golf Club to the west. It comprises a collection of agricultural fields with large blocks of Ancient Woodland bordering the site to the south west. It falls across the local authority boundaries of both Brentwood and Basildon Councils, although the vast majority of the site is within Brentwood BC. A small surface watercourse runs through the site.

Vegetation around and beyond the site is predominantly field boundary hedgerows and trees and blocks of woodland. The site is bounded to the north by Park Farm and residential buildings, agricultural land and Dunton Road, and further north of this, areas of ancient woodland and residential buildings along Billericay Road.

To the east, the site is bounded by agricultural land, Maple Lee Farm and residential properties on Dunton Road in the village of Dunton Wayletts (within Basildon District).

To the south, it is bordered by agricultural land, Friern Manor Wood, a residential property, a bridleway and cycleway, and the A127 beyond; and to the west, by a Public Right of Way (PRoW) running north to south along the western site boundary, and the South East Essex Golf Club. Friern Wood and Eastlands Spring Wood continue to the north and south of this boundary. Both are designated ancient Woodland.

The site itself slopes southwards from Park Farm at 55m AOD (Above Ordnance Datum), reaching approximately 35m AOD at the River Crouch in the centre of the site, south of the river, the land undulates, rising slightly to the A127 reaching 40m AOD.

A number of Public Rights of Way cross and border the site:

- PROW 313_60 extends along the western boundary of the site.
- 312_62 intersects the centre of the site.
- PROW 279_161 (bridleway) joins the southern end of 312_62.

The site is shown on the Environment Agency's mapping tool magic Maps as being Grade 3 under the Agricultural land Classification (ALC). It is within Flood Zone 1 (lowest risk of flooding).

The development proposes:

- Ground mounted solar PV panels laid out in straight arrays, set at an angle of 29.5 degrees (from horizontal), from east to west across the field enclosures, the distance between the arrays would be between 3 to 4m with the top northern edges of the panels 3m above ground level and the lower edges of the panels

0.9m from the ground, the metal framework housing the modules supported at intervals by either single or double mounted posts approx. 5m apart, driven into the ground at an approx. depth of 1.5m

- Approximately 11 inverters and transformers within containerised units like shipping containers; measure 2.9m high, 12.2m long and 2.5m wide.
- Approximately 2.5km cable connection from the site to the substation adjacent to Fairwinds Solar Farm (the cable connection route)
- Development Network Operator (DNO) Substation DNO substation would measure approximately 8m long x 6m wide and 4.1m high.
- Customer Substation/switchgear measuring 3m h x 10m long and 4m wide
- Cabling and Grid connection:
- The development would connect to a substation via cabling routed straight down Dunton Road and Lower Dunton Road before connection with the substation west of Laindon (:CS016-PLE-01_rev06)
- Stock-proof fencing (mesh with wooden posts or similar) to a height of 2m along the outer edges of the site but 4m inside the outermost perimeter hedges, trees and vegetation. Gates to be installed at the site access point for maintenance.
- A system of CCTV cameras and/or infra red cameras would be mounted on poles approximately 2.3m high spaced at 50m intervals along the security fence. No lighting is proposed within the site at night.

The application is accompanied by

- Arboricultural Impact Assessment Report
- Agricultural Land Classification
- Ecological Statement
- Flood Risk Assessment
- Heritage Statement
- Landscape and Visual Impact Assessment (LVIA)
- Landscape and Visual Matters
- Planning Statement
- Statement of Community Involvement
- Tree Survey
- Transport Assessment
- Great Crested Newt Survey

2. Policy Context

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy C3 County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value
- Policy C5 Retention and Provision of Landscaping and Natural Features in Development
- Policy IR3 Protecting the Best and Most Versatile Agricultural Land
- Policy IR6 Renewable Energy Schemes

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019, with a further focused consultation later that year following revisions to the detailed wording of some of the proposed housing allocations. The plan was submitted to the Planning Inspectorate in February 2020. The examination hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held from February to July 2021. The Council proposes to make modifications to the plan and a six-week public consultation ended on 11 November 2021. The Inspectors will consider any representations made as a result of the consultation. Provided the Inspectors find the plan to be sound, it is anticipated that it could be adopted by the Council in early 2022.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, although issues have been discussed through hearing sessions and main

modifications for soundness have been published. The plan provides a good indication of the direction of travel in terms of aspirations for growth in the borough and where development is likely to come forward through proposed housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to be adopted it is still considered to have limited weight in the decision-making process.

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

3. Relevant History

- None relevant to this application.

4. Neighbour Responses

16 Neighbour letters were issued and a site notice displayed.

One letter was received:

- The CEMP (Construction and Environmental Management Plan) should be capable of being monitored and enforced throughout the 40 years lifespan of the permission.
- The hedgerow corridor and buffer strip along the length of the public footpath should be retained.
- Fencing should be as visually unintrusive as possible.

5. Consultation Responses

- **Parish Council:**

The parish council has had a chance to have a look at the planning application and while they have no objections to the solar farm, they are alarmed that one of your proposed access routes is via the Billericay Road (access route from the west) onto the Dunton Road.

The parish council note that this road is weight restricted to 7.5t and that residents would be averse to construction vehicles accessing this way when there is the alternative of accessing via the A127 directly onto the Dunton Road.

Whilst the parish council acknowledge that there is existing agricultural HGV traffic they can see no reason why this should be added to when an alternative far more suitable route exists.

Essex highways are about to start work on a stretch of the Billericay Road which has been badly damaged by HGV traffic and residents will be most upset to see construction HGVs travelling along this stretch undoing the good work that has taken a long time to achieve.

- **Designing Out Crime Officer Essex Police HQ:**

Security forms a key part of a sustainable and vibrant development. Essex Police considers that it is important that, this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED). This reflects sections 110, and 127 of the NPPF.

Evidence shows that a significant number of solar farms are being targeted by thieves, often by organised crime groups using heavy duty tools. Typical security issues for a development of this nature are acts of criminal damage or theft of components during both the construction and operational phases. It is therefore important to securely protect the perimeter of the site at an early stage in the construction.

It is noted that the applicant is proposing to erect 2 metres high stock-proof perimeter fencing. However, the example of fencing proposed in fig 4.3, on page 14 of the Planning Design & Access Statement will not provide adequate security for this proposed development due to the type of potential threat. Perimeter fencing should be a proven security fence. The recommendation is to install fencing which has been tested and approved to current UK Government standards. Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate. Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders and may need replacing on a regular basis.

Close welded mesh panel fencing, (examples shown below), has a low landscape / visual impact while also being versatile and providing a good level of site security. It is pleasing to note that it is proposed to install a CCTV system with full 24 hour surveillance. There is little benefit in deploying CCTV unless it is monitored to provide an instant alert and response. CCTV which records only without response is of very limited value. It is also important, as proposed in the application, that the CCTV system uses infrared technology with a lux figure of 0.0 to ensure good night vision capability in total darkness, as there will be no lighting on the site at night.

The use of security bolts will assist in securing the solar panels and If the individual panels are marked overtly this would act as a deterrent because the panels would

be harder to dispose of by the intruders. Covert security marking should also be considered as this can aid in the identification and recovery of stolen panels. We would also like to draw the developer's attention to the BRE guidance document (pages 11 & 12) with recommendations in relation to security of ground mounted solar panel developments:

www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf

Contact with Essex Police Designing Out Crime team is via designingoutcrime@essex.pnn.police.uk

- **ECC Watercourse Regulation:** No response
- **Herongate and Ingrave Preservation Society:** No response

- **Arboriculturalist:**

The site is farmland set within a largely rural location although the A127 is a significant feature just to the south of the site. It totals 36.4 hectares. The landform is gently rolling with a watercourse through the central area creating a shallow bowl which limits views across the site. The proposal seeks to create a solar farm across the whole site.

A Landscape and Visual Impact Assessment (LVIA) has been undertaken in accordance with the GLVIA 3rd Edition and other relevant published guidance. The assessment of landscape character recognises that the site is within a rural location but highlights the urban influences associated with the A127 and outskirts of Basildon to the south. The proposed development would result in a significant change to landscape character of the site, replacing farmland with a large solar farm. It is recognised however that these effects would be experienced only from within the site as it well-contained by existing vegetation and landform. I would agree that the effects on landscape character would not be significant.

The shallow valley running through the site and surrounding woodland and other trees means that views into and across the site are limited. I agree that the viewpoints that were selected are the most appropriate. The assessment recognises that visual effects would be most pronounced for the residents of Park Farm and users of the footpath running through the site.

The layout of the panels has been designed to follow existing field patterns and not to impact on existing trees and hedges. The panels have been offset from the rights of way to lessen their effects on users. The panels will have a maximum height of 3m which means that they will be largely screened by existing vegetation.

Overall, I would agree with the conclusion the landscape and visual effects will be limited to the nearest residents and those walking through the site. Existing vegetation and topography restrict wider effects. There are opportunities to enhance features such as the hedgerows as part of the planting scheme.

A full arboricultural impact assessment was undertaken. This identified three trees, one Category B - (moderate value) and two Category C - (low value) trees as needing to be removed to facilitate construction. Two other trees would have some incursion into their RPAs as a result of the proposed works. It is considered that the proposed impacts on trees would not be significant, and the tree losses can be mitigated.

The ecological assessment provided with the application found that over 95% of the site is currently arable farmland with low biodiversity value. There is an ancient wood bounding the site however there will be a 15m buffer between it and the arrays. Two ponds were present, one of which was assessed as having a high suitability for great crested newts. Sections of hedge and watercourse were also present.

There were no badger setts recorded; however field signs were recorded. No habitat suitable for supporting protected species would be impacted by the scheme. It is agreed that appropriate measures to protect woods, hedges and other retained habitats and to avoid adverse effects on protected species, particularly badgers, can be addressed as part of the CEMP.

Reference is made within the LVIA, ecology appraisal and DAS (Design and Access Statement) to new planting and achieving biodiversity net gain; however little detail has been provided. The reports suggest that the land beneath the panels would be sown with wildflower mixes. This could improve connectivity between the ponds and terrestrial habitat for amphibians. There are also opportunities to restore the hedgerows which would benefit commuting bats as well as helping to break up views of the panels across the site.

The principles of the landscape and ecological mitigation is considered appropriate and would ensure biodiversity net gain is achieved. I agree that the details of the measures and their long term management can be finalised through a condition requiring a Landscape and Ecology Management Plan be submitted and approved by the LPA.

Overall, it is considered that the proposed scheme would not result in any significant adverse effects on landscape or ecology. The scheme would provide opportunities to achieve landscape and ecological enhancements.

- **Environmental Health & Enforcement Manager:**

Any construction or renovations works undertaken to support the change of use (especially those that involve the use of power tools and machinery) should be undertaken with reasonable hours. This includes accepting delivery of materials and goods associated with the works onto the site, as set out in the Transport Assessment provide by the applicant.

Any continual maintenance for the site operations after construction should also be within reasonable times, to not cause disruption to local residences, also set out in the Transport Assessment provided by the applicant.

The applicant has stated that there will little if no waste as a result of the works due to be carried out. However, we would like to take this opportunity to advise the applicant that all resultant waste from the construction should be disposed of appropriately. We would like to inform the applicant that it is an offence to burn trade waste without an exemption from the Environment Agency. Furthermore, any waste burnt on an industrial or trade premises that give rise to dark smoke is an offence under the Clean Air Act 1993. It is also an offence under the Environmental Protection Act 1990 to allow smoke and odour from any bonfire to cause a statutory nuisance to neighbouring properties.

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal will utilise and improve the existing field access on Dunton Road. The proposals indicate that the associated Public Rights of Way shall remain open to users at all times, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the conditions including Construction Management Plan and Public Rights of Way network to be kept open and unobstructed at all times.

- **ECC SUDS:**

No objections subject to conditions:

1. Submission of a detailed surface water drainage scheme for the site
2. Scheme to minimise off site flooding during construction

3. Submission of detailed maintenance plan
4. Recording of yearly maintenance logs post development

- **Essex Wildlife Trust:** No response

- **EBPG:**

The Essex Badger Protection Group currently has no record of any setts close enough to this proposal to be at any direct risk of harm and we note that the Preliminary Ecological Appraisal report fails to reveal any setts on site.

It is not entirely clear from the documents provided just how much actual construction work will be required in order to install the proposed solar farm, nor is any comfort given that the badger path will be protected and badgers allowed to continue traversing the area unopposed. Although foraging grounds and paths are not afforded any protections under the Protection of Badgers Act 1992, blocking of regular badger routes can have unforeseen consequences as badgers will usually make considerable efforts to re-establish routes across known territory ranges. Where this is impossible, badgers can inadvertently be directed on to roads or other dangerous or unsuitable locations. This is of particular concern in this case given the close proximity of the A127.

We would therefore prefer to see some form of conditionality applied to any planning permission given stating that the existing badger route needs to be kept open in order to prevent any issues arising and this should be factored into the proposed Ecological Management Plan referenced within the Preliminary Ecological Survey.

Section 5.3.8 of the Preliminary Ecological Survey makes a number of additional recommendations to protect badgers, all of which we welcome. We therefore recommend that full compliance with this survey should be made an additional condition of any planning permission granted.

- **Basildon Council:** No formal response

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Relevant material considerations for

determining this application are the National Planning Policy Framework 2019 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Planning permission is sought for the installation and operation of a photovoltaic (PV) solar farm, including a temporary construction compound during construction stage. The solar farm would have an operational lifespan of 40 years, after which it is proposed to decommission with the structures and equipment being removed and the land being reverted to its present undeveloped agricultural condition or as may be otherwise agreed closer to the time. The top of the arrays would be maximum of 3m above ground level, the lower edges no less than 0.9m above ground. The arrays would be static. The electricity produced would be exported to the distribution network operator via underground cables.

Construction is expected to take 16 weeks including initial site preparation, internal access routes and installation of the solar panels/infrastructure. Facilities would be provided on site for construction works, fencing would be installed around the perimeter of the site and temporary parking facilities provided for construction workers.

Green Belt

The site is in the greenbelt which washes over the locality and continues to a significant distance to all sides. This is shown on the map that accompanies the local plan. There is no proposal to remove the site from the greenbelt in the emerging LDP. The government attaches great importance to the greenbelt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Greenbelt is a spatial designation not a qualitative one, therefore the requirement to protect the greenbelt and its openness applies equally to attractive and less attractive areas of greenbelt. Policies GB1 and GB2 aim to control development in the green belt but support a limited range of development, subject to being appropriate to the green belt and protecting its openness. These policies are broadly consistent with the NPPF, but where there is a difference between it and the development plan, the NPPF, which is newer than the development plan, takes preference. The later document is a more up to date and concise statement of greenbelt policy.

The installation of the ground mounted PV panels and ancillary equipment including substations, placing of containers constitutes development; the proposal does not meet any of the stated exceptions and is 'inappropriate development' in the green belt.

NPPF, paragraph 151 confirms that “*When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*”. Therefore, there is no debate in this case – the proposal is inappropriate development in the green belt.

When considering inappropriate development the NPPF directs the following:

“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

*148. 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 resulting from the proposal, is clearly outweighed by other considerations.”*

This is accepted by the applicant. The applicants case rests on whether there are very special circumstances (VSCs) to the required threshold. This is assessed later in the report. Before that other planning matters are considered.

Site Selection

The applicant states that the first consideration of their site selection is to have a connection to the electricity grid that is available, of sufficient capacity and viable. A high level assessment of connection costs against possible output has determined that connection up to 3 km from the Point of Connection (POC) would be feasible, the POC have been identified as the substation adjacent to the Fairwinds Solar Farm within Thurrock District.

In terms of Agricultural Land Classification, the site is identified as being Grade 3b i.e. moderate quality agricultural land, Grade 1 – 3 being considered the best and most versatile agricultural land. The application states that the site “would retain its agricultural use whilst the Proposed Development is operational, this could be through sheep grazing.” Its not clear how practical that would be, and the suggestion has not been fully explained.

The whole site is within Flood Zone 1 which is considered to be the least likely to flood. A Flood Risk Assessment accompanies the application and subject to conditions it is considered that the development would not give rise to flooding either on site or elsewhere.

Renewable energy and climate change

The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.

The NPPG outlines guidance on the specific planning considerations that relate to large scale ground mounted solar PV farms. Amongst other considerations, it states that large scale solar farms should be directed to previously developed and non agricultural land, provided that it is not of a high environmental value.

At local level, Policy IR6 *Renewable Energy Schemes* is supportive of proposals relating to renewable energy.

Policy IR6 *Renewable Energy Schemes* says proposals for renewable energy schemes will be permitted provided there is no unacceptable detrimental impact on:

- (i) Health, the environment or amenity by reason of pollution, odour and noise;*
- (ii) Visual amenity or the character and appearance of the surrounding area;*
- (iii) The local highway network including the convenience and safety of road users;*
- (iv) Telecommunications Networks, Radar Installations and Flight Paths For Aircraft;*
- (iv) Statutorily Protected Nature Conservation Sites, Landscape Character, Historic Settlements, or Buildings/Areas of Architectural, Historic or Archaeological Importance.*

Where appropriate, any schemes will need to comply with policies GB1 and GB2, i.e. green belt policies.

Paragraph 152 (Meeting the challenge of climate change) of the NPPF states:

152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas

emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

In terms of impact on health by pollution, odour and noise, the proposal would be experienced with the backdrop of the A127 located to the south. Noise levels of the proposed development are considered to be minimal. The inverters would be placed towards the centre of the site to eliminate any noise impact on local receptors. The solar panels are static and designed to absorb sunlight, the metal frame is treated to avoid any significant glint and glare. It is proposed to colour or clad the containers and cabins to reduce visual impact. Cabling would be underground. Buffer zones around the ancient woodland and veteran trees are proposed, swales are proposed to improve surface water drainage.

Character and appearance and residential amenity

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design, take account of the need to conserve or enhance biodiversity, have satisfactory access and parking and can be accommodated by local highway infrastructure.

Policy CP1 in this context is primarily about character of the area and visual amenity which are related to the impact of the proposal on the character and openness of the greenbelt.

The site takes its character from its agricultural use and rural location. The proposed site is screened from longer views from the north and south west, partly by the wooded areas and field boundary vegetation, however, visually this proposal would impose itself on the currently open land and would detract from the sense of remoteness and undeveloped rural character.

Landscape character and visual amenity

The site is located within the Northern Thames Basin National character area. Locally, the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (CBA 2006) locates it within LCA F14: Ingrave and Herongate Wooded Farmland. Key characteristics of the land include:

- Gently sloping wooded farmland
- Medium to large-scale field pattern

- Field delineated by mature hedged field boundaries
- Patches of mature deciduous woodland dotted across the landscape
- Small scale linear and dispersed settlement pattern
- Sense of tranquillity disturbed by noise and movement associated with the A127 and A128 road network

A Landscape Improvement Area (LIA) designation broadly covers land approximately 50m south of the proposed site however does not incorporate any aspect of the site. Thorndon Hall is a grade II* Historic Park and Garden located approximately 1.1km from the proposed development.

A landscape and visual impact assessment has been submitted (LVIA). This document describes the baseline qualities and current condition of local landscape character and identifies several locations (visual receptor viewpoints) from which the site can be viewed. It also refers to steps that would be taken to mitigate visual harm arising from the proposed development on the wider landscape and potential receptors.

There are two aspects to consider having potential impact on visual amenity and landscape character. These are the activities and elements that would affect the fabric of the site landscape and the activities and characteristics of the elements that would be visible from the surrounding locality.

Visual Impact

The LVIA sets out a two stage process consisting firstly of a Bare Earth Zone of Theoretical Visibility (ZTV) mapping which shows that the solar farm has the potential to be seen approximately 1km to the north, approximately 2km to the east, 2km to the south and approximately 1.5km to the west. A further study including existing vegetation demonstrates that in comparison, the theoretical visibility of the site is reduced across the south and west and in the central part of the site it would be visible to the north east and south of the wider study area. In addition, the effect of the development has been considered from 7 viewpoints, selected to represent the residential and recreational visual receptors (see appendix C and D of LVIA). It concludes that views of the solar farm would be localised due to topography and intervening vegetation and that in all views, the panels would be seen in the context of existing infrastructure, most notably the pylons which cross the skyline and traffic on the A127. As such the visual effects for the recreational receptors around the site are predicted to range between moderate adverse and neutral at year 1 (construction and operational stage) With the establishment of the proposed planting, the effects would reduce to negligible adverse to neutral at year 15.

The PV panels would be seen within the existing field pattern and enclosing vegetation and from close quarters for example, residents of Park Farm and users of the PRoW

running through the site. The mitigation proposed includes offsetting the panels and fencing from the mature vegetation, implementing new planting along the northern site boundary, enhancement of existing planting around the western and eastern parts of the site to reflect the existing vegetation patterns and reduce visibility of the site.

Landscape character

The change of use of the land from agriculture to solar panel farm with associated infrastructure would have a significant change to the character of the local landscape and impact on the appearance of its current rural and isolated character and local environment. There would be 3 trees removed to facilitate the construction although replacement planting is proposed. As the fields are arable, there would be minimal loss of ground vegetation.

The main effects on landscape character would occur during construction stage Year 1 because of the introduction of the solar panels and infrastructure. The proposal would reduce the number of arable fields replacing them with an urban landform. Overtime the effect of the changes would diminish to a degree as mitigation proposals establish but the changes would still be evident.

The Council's Ecology and Landscape Architect officer has commented that these effects would be experienced only from within the site as it is well contained by existing vegetation and landform (topography) as such views into and across the site are limited. On this basis, it is considered that the impact of the proposal on the character and appearance would be limited.

The applicants planning statement sets out that the proposed development has the potential to impact on one listed building, Wayletts within Basildon District; Thorndon Hall Registered Park and Garden is located to the west with the South Essex Golf Club acting as a buffer between the site and the Park. An Historic Environment Desk Based Assessment was undertaken and concluded that further assessment of the potential impacts upon the archaeological resource within the site should be undertaken, if planning permission were to be granted.

Ecology

A Preliminary Ecological Appraisal and Arboricultural Impact Assessment has been submitted. Although the arable fields themselves are of low ecological value, the site supports notable habitats. Three trees are proposed to be removed, one of moderate quality value and two of very low quality. The application makes general reference to planting of wildflower meadows and seeking opportunities for the management and enhancement of biodiversity. The Council's ecology officer has stated that wildflower mixes could improve connectivity between the two ponds on site and terrestrial habitat

for amphibians. Opportunity to restore the hedgerows would benefit commuting bats as well as provide screening. Long term management would need to be agreed through conditions, if permission were to be granted. On that basis it is considered that an uplift of bio diversity on site because of mitigation efforts could be secured.

Transport

Once completed, the development would generate a low level of vehicular activity suggested as a maximum of four two-way vehicle trips per month. During construction all site access junctions would be marshalled and measures to ensure deliveries by HGV are controlled can be managed via the submission of a Construction Environmental Management Plan.

Security

The comments of the Essex Policy are noted. This element has been discussed with the applicant, who advises that the site would be monitored 24/7 by CCTV cameras. Given the rural nature of the site, the opportunity to provide additional measures are limited.

Assessment of Very Special Circumstances

The proposal is - as agreed by the applicant - inappropriate development in the green belt. Therefore, the acceptability of the proposal is wholly reliant on very special circumstances meeting the threshold set out in paragraph 148 above i.e. that ***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.***

The development does not need to be demonstrated to be harmful as that is already made clear in the NPPF which states inappropriate development is by definition harmful (paragraph 147). The development on the other hand needs to demonstrate very special circumstances that clearly out weigh the harm to the green belt and all other harm. The last sentence is particularly worthy of note. Even were there to be very special circumstances they would need to *clearly out weigh* the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, which is a much higher threshold than an on balance judgement.

The NPPF does not provide guidance on what can comprise very special circumstances either singly or in combination. Some interpretation of very special circumstances has been provided by the courts and this includes the rarity or uniqueness of a factor may make it special but it has also been held that the aggregation of commonplace factors

could combine to create very special circumstances (i.e. very special is not necessarily to be interpreted as the converse of commonplace). In considering whether 'very special circumstances exist, factors put forward by an applicant which are generic or capable of being replicated, could be used on different sites, leading to an overall decrease in openness. As such, when considering development within the Green Belt sites should not be considered in isolation, as it is the cumulative effect of otherwise innocuous or well meaning development that would give rise to the erosion of openness and conflict with the purposes of including land within it.

Due to its scale and associated above ground paraphernalia, the solar farm would have a significant effect on both the visual and spatial openness of the green belt. The site is open to public view, with a footpath running south from Dunton Road to the A127; a further public footpath runs just outside the western development. The proposal would result in the placement of 11 containers, a substation and a customer station which would be placed at various points across the site.

While not permanent, the temporary period would be for the projected operational life of 40 years, a length of time which the term 'temporary' has limited meaning to those visiting the site or visiting the locality. This would be the fourth site dealing within the energy gap between renewable generation and demand for electricity within Brentwood. These other permissions indicate that the local planning authority is making a contribution to dealing with developments that are related to addressing the delivery of power in the context of climate change.

To weigh against that harm, the applicant has identified the following matters as very special circumstances:

- Substantial weight should be accorded to the scale of generation of renewable energy and associated significant reduction in carbon emissions
- The temporary and reversible nature of the proposed development
- The continued agricultural use of the site during the lifespan of development
- Limited landscape and visual impacts
- The site is not inherently open and would therefore not cause substantial harm to the greenbelt openness.
- Opportunity to enhance bio diversity

- Lack of other sites outside the green belt.

The applicant also comments that sites can only be developed where there is a willing land owner and where there are no construction hazards. The lack of grid capacity at other points of connection is cited as a reason for why this site has been chosen and while that may be true does not amount to very special circumstances. Likewise, the ecological benefits are not clear but could be achieved through planning conditions requiring submission of details and subsequent implementation. Improvements to ecology are becoming common requirements in planning decisions and while this would be a positive aspect of the scheme it is not a very special circumstance. Openness is both a visual and spatial concept; while mitigation to reduce views in and out of the site may be appropriate, the spatial reduction of openness remains.

Having considered the information provided by the application the necessary 'out weighing' of the harm to the green belt and all other harm has not been achieved. On that basis the proposal is recommended for refusal.

If the committee reaches the view that the proposal does meet the test of very special circumstances *clearly out weighing the harm to the green belt and all other harm*, and consider resolving to grant planning permission, it would need to do the following before proceeding to the vote.

- 1) Identify the Very special Circumstances that justify granting permission for this inappropriate development and
- 2) consider whether to grant permission subject to conditions and if so what those conditions would be.

The Secretary of State for Department for Levelling Up, Housing & Communities

If the committee resolves to refuse the application, the decision may be issued as for any other application.

However, if the committee resolves to grant planning permission for the development, then, prior to issuing a decision, this local planning authority must notify the Secretary of State of the intention to grant permission, in accordance with the requirements of The Town and Country Planning (Consultation) (England) Direction 2009.

The Direction defines this form of development as "Green Belt development" which consists of or includes inappropriate development on land allocated as Green Belt in an

adopted local plan and which consists of or includes development that exceeds the following thresholds:

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The view expressed in this report is that the proposal would have a significant impact on the openness of the greenbelt, irrespective of any justification. Therefore, notification of the Secretary of State would be required.

The Direction specifies the information that must be sent to the Secretary of State including a statement of the material considerations which the authority considers indicate the application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 (i.e. the requirement to determine the application in accordance with the adopted Development Plan). Given the recommendation of refusal the report to committee does not contain such a statement. If the committee were to come to the view that the planning merits of the case justify the grant of planning permission its reasons should be recorded when making its resolution, as advised above, and this record would act as the statement on behalf of the local planning authority and sent to the Secretary of State as part of the notification.

The purpose of the Direction is to give the Secretary of State, by his power of “call-in”, the opportunity to make his own determination under S.77 of the Town and Country Planning Act 1990. The direction to notify the Secretary of State operates on the basis of intervention/non-intervention rather than approval/refusal. The Secretary of State’s presumption is not to intervene and leave matters to be determined locally.

The local planning authority cannot grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the authority in writing is the date he received the required documentation unless the Secretary of State has notified the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 (i.e. that the Secretary of State would determine the application) in respect of the application, in which case the authority may proceed to determine the application, or directs that he requires additional time.

Finally, if the Secretary of State allows the determination of this local planning authority to stand then it would issue the decision notice subject to appropriate planning conditions.

7. Recommendation

The Application be REFUSED for the following reasons:

R1 U0043626 Inappropriate development in the green belt

The proposal is unacceptable because it would result in development in the greenbelt outside any exception listed in the National Planning Policy Framework. The proposal therefore represents inappropriate development in the greenbelt which the Framework states is by definition harmful. The applicant has not demonstrated that the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by very special circumstances. The proposal is therefore contrary to Policies CP1, GB1 and GB2 of the Brentwood Replacement Local Plan 2005 and Chapter 13 of the National Planning Policy Framework.

Informative(s)

1 INF20 Drawing numbers

The drawing numbers listed above are relevant to this decision

2 INF23 Positively and proactively

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

3 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1 GB1 GB2 T2 C3 C5 IR3 IR6 National Planning Policy Framework (NPPF) 2021 and NPPG 2014.

BACKGROUND DOCUMENTS

DECIDED:

