

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson  
4 March 2024

Dear Councillor

You are summoned to attend the meeting of the;

**DISTRICT PLANNING COMMITTEE** on **TUESDAY 12 MARCH 2024** at **7.30 pm**  
in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy and Resources

**COMMITTEE MEMBERSHIP:**

CHAIRPERSON:	Councillor K M H Lagan	
VICE-CHAIRPERSON	Councillor R G Pratt	
COUNCILLORS	M G Bassenger	C P Morley
	V J Bell	M G Neall
	D O Bown	N G F Shaughnessy
	S J Burwood	R H Siddall
	J Driver	U G C Siddall-Norman
	M F L Durham, CC	N D Spenceley
	T Fittock	P L Spenceley
	A S Fluker	W Stamp, CC
	L J Haywood	E L Stephens
	J C Hughes	J C Stilts
	K Jennings	N J Swindle
	A M Lay	M E Thompson
	W J Laybourn	S White
	N R Miller	L L Wiffen
	S J N Morgan	





**AGENDA  
DISTRICT PLANNING COMMITTEE**

---

**TUESDAY 12 MARCH 2024**

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 24)

To confirm the Minutes of the meeting of the District Planning Committee held on 23 January 2024 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **23/01236/FULM - Land to the South of Keelings Road, Dengie, Essex** (Pages 25 - 60)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)\*.

6. **Any other items of business that the Chairperson of the Committee decides are urgent**

---

**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

## **NOTICES**

### **Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

### **Fire**

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

### **Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

### **Lift**

Please be aware, there is not currently lift access to the Council Chamber.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) - 2018
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010

## Supplementary Planning Guidance and Other Advice (continued)

### ii) Essex County Council

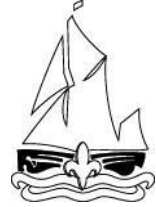
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

This page is intentionally left blank



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
23 JANUARY 2024**

---

**PRESENT**

Chairperson                      Councillor K M H Lagan

Vice-Chairperson                Councillor R G Pratt

Councillors                        M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver,  
A Fittock, A S Fluker, L J Haywood, K Jennings, A M Lay,  
W J Laybourn, S J N Morgan, C P Morley, M G Neall,  
N G F Shaughnessy, U C G Siddall-Norman, N D Spenceley,  
P L Spenceley, W Stamp, CC, N J Swindle, M E Thompson,  
S White and L L Wiffen

**1. CHAIRPERSON'S NOTICES**

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

At this point and with the permission of the Chairperson, Councillor W J Laybourn made a short statement apologising to Officers for remarks she had made at a previous Committee meeting.

The Chairperson advised that for this meeting he was suspending Procedure Rule 4(8)3, the requirement to stand when addressing the Chairperson.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M F L Durham CC, J C Hughes, N R Miller, R H Siddall and J C Stilts.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 6 September 2024 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

There were none.

5. **23/00807/FULM - LAND SOUTH WEST OF THE WARREN, HACKMANS LANE, PURLEIGH**

<b>Application Number</b>	<b>23/00807/FULM</b>
<b>Location</b>	Land South West of the Warren, Hackmans Lane, Purleigh
<b>Proposal</b>	Solar Farm together with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access.
<b>Applicant</b>	Anglo Renewables Limited
<b>Agent</b>	James Hollyman – Harris Lamb Limited
<b>Target Decision Date</b>	02.02.2024
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Proposal is a ‘development of strategic interest’ as defined under the Scheme of Delegation

The Members’ Update sought to amend paragraphs 3.1.17 and 3.1.18 of the report and add in a section regarding pre-commencement conditions, this was noted. Amendments to conditions 5 and 18 were also detailed and noted.

Prior to her presentation of the application to Members, the Principal Planning Officer advised the Committee of an error in the information submitted with the application, the amount of electricity the solar farm would produce would power approximately 5,200 homes per year and offset approximately 4,200 tonnes of CO<sub>2</sub> per year (this was different to what was provided in the report).

An objector, Ms Middleton and the applicant, Mr Howie then addressed the Committee.

The Chairperson moved the recommendation of approval as set out in the report, but this was not seconded.

A lengthy debate ensued and in response to some queries raised the following information was highlighted:

- In respect of biodiversity it was not necessary for this information to be provided prior to the approval of the development. Specialist advice from Essex County Council Ecology had been taken.
- The ancient woodland was not within the application site boundary and therefore it was not possible to require biodiversity net gain / diversity improvements as the woodland was not within the ownership or control of the applicant.
- Any disruption caused by the construction of the proposed development would be temporary and a construction management plan would ensure any disruption was minimised.
- The application site was 140m at its closest point to the dwelling at The Crib. The Officer commented that the solar farm, being a low lying and quiet development, may be visible but not necessarily harmful. A number of Members expressed concern regarding the proximity of the proposed development to The Crib including in relation to potential glint and glare.
- In response to concerns raised an assessment looking at the impact on the Stow Maries Great War Aerodrome had been undertaken and no harm was found to justify refusal of planning permission.



Following the debate the Chairperson put the Officers' recommendation of approval to the Committee.

Councillor A S Fluker proposed that the application be refused, contrary to Officers' recommendation, under Policy D1 as it had not been demonstrated that the harm the development would cause was outweighed by its benefits in this case. He further clarified that this was particularly in relation to the impact of the proposal on The Crib. This proposal was duly seconded and upon a vote being taken was agreed.

**RESOLVED** that this application be **REFUSED** subject to reasons delegated to Officers in consultation with the Chairperson.

**6. 23/00853/FULM - LAND NORTH WEST OF 2 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>23/00853/FULM</b>
<b>Location</b>	Land North West Of 2, Maldon Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Erect 40No. Flats and Associated Infrastructure, Access Ways, Parking, and Landscaping; Construct Enlarged Detention Basin; and Provide Additional Parking Spaces for Approved Medical Centre
<b>Applicant</b>	Mr Ian Holloway – Burnham Waters Limited
<b>Agent</b>	Mr Stewart Rowe – The Planning and Design Bureau Ltd
<b>Target Decision Date</b>	31.01.2024
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

The Head of Service: Development Management and Building Control drew Members' attention to a late update that had been circulated in relation to this application. The Update advised that paragraph 5.11.1 of the report should be deleted as it did not reflect the Council's current position in that the Local Plan Policies were not considered to be out of date and therefore the tilted balance was not engaged.

Following the Officer's presentation, the Agent Mr Rowe addressed the Committee.

The Housing Development and Allocations Manager then provided Members with a detailed update regarding independent extra care living / older person's housing advising of the work the Council had been undertaking with the Head of Extra Care at Essex County Council (ECC) and Housing Associations to get extra care into the District. The Officer outlined some of the difficulties being faced by Housing Associations and concerns regarding running an extra care housing scheme. It was confirmed that Officers supported this scheme and it was noted that the commuted sum offered would enable the Council to carry out other affordable housing projects across the District.

During the lengthy debate that followed Officers provided the Committee with further information relating to the scheme.

Councillor T Fittock proposed that the application be approved, subject to a change to the description to include affordable housing. In response the Chairperson advised the Committee that there was already a proposal on the table which had been duly seconded.

The Chairperson then withdrew his earlier proposition to accept the Officers' recommendation of approval.

Councillor Fittock repeated his earlier proposals that the application be approved subject to a change to the description to include affordable housing and clarification regarding whether affordable housing was to be provided on-site or in the form of a commuted sum. The Head of Service: Development Management and Building Control advised that the Committee could not unilaterally change the description of a development that had been applied for. In response to further discussion the Principal Planning Officer provided reassurance that the Section 106 Agreement would ensure that affordable housing obligations were met before all of the market housing had been provided but the exact triggers had yet to be agreed. The Head of Service – Housing and Community Safety gave assurance to the Committee that there was a Registered Provider who was in advance discussions with the developer to take on 20no. affordable units.

Councillor A S Fluker referred to comments from Officers and his understanding from this that the Council could agree the Officers' recommendation subject to the determination notice not being issued until the Council was satisfied with regards to what was supplied and where. He then proposed that the Officers' recommendation of approval be agreed. This proposal was duly seconded. Councillor Fluker added a caveat to his proposal that the determination notice, and conditions be agreed with the Chairperson of this Committee and Councillor Fittock.

In response to further questions the Head of Service – Housing and Community Safety provided the Committee with further details regarding the proposed affordable housing units for both this and the other phases of development linked to this site.

Councillor Fluker added to his proposal that the proposed commuted sums only be used for the south of the District. In response Officers advised Members that this could not be the subject of a planning condition and advised against this being a clause in the Section 106 agreement. Use of the commuted sums was a decision to be made by the Council in accordance with relevant policies and procedures. Councillor Fluker advised in light of Officers' advice he wished to withdraw this addition to his proposal.

Following further debate, Councillor Fluker clarified his proposal and proposed that the Officers' recommendation be agreed. Upon a vote being taken this was duly agreed.

**RESOLVED** that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations, subject to the Chairman of this Committee and Councillor A Fittock being informed of the content of the Section 106 prior to its completion and subject to the following conditions:

**Heads of Terms for Section 106 Agreement:**

- No dwelling shall be occupied other than by persons over 55 years of age;
- A cascade mechanism will be agreed to prioritise occupation of all units to residents of the District of Maldon (as per the Phase 1, 2, and Completion Phase S106 Agreements);
- A scheme for the provision, retention and future management and maintenance of community open space and strategic landscaping;
- To nominate a Management Company with responsibility for future management and maintenance of the private open spaces, highways, car parks, footways, related lighting, street furniture, signage etc and all landscaping;

- Residents of all dwellings in the development shall have access to the electric cycle club scheme on the same terms as all other residents of the retirement community;
- Residents of all dwellings in the development shall have access to the minibus service on the same terms as all other residents of the retirement community;

#### Affordable Housing Obligations:

- On-site provision of 12No. one-bedroom flats or a commuted sum equivalent to 12No. one-bedroom affordable rent apartments, provision/payment to be made before occupation of 75% of market units.

#### Health Care Contributions

- To make developer contributions for health care provision in the circumstances set out in an NHS consultation response (as per Phases 1 and 2 S106 Agreements);
- To submit to the Council and agree a range of care and support packages to be made available to residents of the development.

#### Highways Obligations

- To submit, agree, and implement a Residential Travel Information Plan;

#### Ecology

- To provide a developer contribution in accordance with the Council's adopted RAMS scheme;
- To provide signage and interpretation boards within the application site to explain and support RAMS and encourage recreation away from the sensitive estuarine habitats - all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement;
- To include information on the Burnham Waters app'/website media to explain and support RAMS and encourage recreation on-site and nearby: away from the sensitive estuarine habitats, all in accordance with a scheme to be submitted to and agreed by the Council prior to commencement.

#### **Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Transport Statement (Cottee Transport Planning, March 2023);
  - Ecological Impact Assessment (BWB Consulting Ltd, February 2023);
  - Site Specific Flood Risk Assessment (including surface water and foul drainage strategy) (Richard Jackson Engineering Consultants, June 2023);
  - SuDS Checklist;
  - Tree Survey and Arboricultural Impact Assessment (Wynne-Williams Associates, April 2023);
  - Accommodation Schedule;
  - Landscape Masterplan: drawing 404.063903.00001\_BW1\_002, NTS @ A2 (SLR Consulting, June 2023);
  - Landscape Management Plan (SLR Consulting, May 2023);
  - Hard Landscape: drawing 404.063903.00001\_BW\_2 Rev 2, 1:500 @ A3 (SLR Consulting, June 2023);
  - Planting Plan – Overview: drawing 404.063903.00001\_BW\_3 Rev 2, 1:500 @ A2;
  - Planting Plan: drawing 404.063903.00001\_BW\_4 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_5 Rev 2, 1:100 @ A1;

- Planting Plan: drawing 404.063903.00001\_BW\_6 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_7 Rev 2, 1:100 @ A1;
  - Planting Plan: drawing 404.063903.00001\_BW\_8 Rev 2, 1:100 @ A1;
  - Soft Landscape Details: drawing 404.063903.00001\_BW\_9 Rev 1, 1:25 @ A3;
  - Vehicle Tracking Check: drawing 191451-SK11;
  - Topographical Survey, 8 drawings: 14885/JD1 – 14885/JD8, 1:500 @ A0;
  - Site Location Plan: drawing 6931-1101-P1, 1:2500 @ A1;
  - Existing Block Plan: drawing 6931-1102-P1 1:500 @ A1;
  - Proposed Block Plan: drawing 6931-1103-P1, 1:500 @ A1;
  - Proposed Ground Floor Site Plan: drawing 6931-1104-P1, 1:200 @ A1;
  - Private Block B – Proposed Ground Floor Plan: drawing 6931-1201-P1, 1:100 @ A1;
  - Private Block B – Proposed First Floor Plan: drawing 6931-1202-P1, 1:100 @ A1;
  - Private Block B – Proposed Roof Plan: drawing 6931-1203-P1, 1:100 @ A1;
  - Affordable Block A –Ground Floor Plan: drawing 6931-1206-P1, 1:100 @ A2;
  - Affordable Block A –First Floor Plan: drawing 6931-1207-P1, 1:100 @ A2;
  - Affordable Block A – Roof Plan: drawing 6931-1208-P1, 1:100 @ A2;
  - Bins and Bike Store Plans and Elevations: drawing 6931-1211-P1, 1:100 @ A3;
  - Bike Store Plans and Elevations: drawing 6931-1212-P1, 1:100 @ A3;
  - Private Block B Proposed Elevations (1 of 2): drawing 6931-1301-P1, 1:100 @ A1;
  - Private Block B Proposed Elevations (2 of 2): drawing 6931-1302-P1, 1:100 @ A1;
  - Affordable Block A - Proposed Elevations (1 of 3): drawing 6931-1306-P1, 1:100 @A1;
  - Affordable Block A - Proposed Elevations (2 of 3): drawing 6931-1307-P1B, 1:100 @ A1;
  - Affordable Block A - Proposed Elevations (3 of 3): drawing 6931-1308-P1, 1:100 @ A1;
  - Affordable Block - Concept Perspective Views: drawing 6931-1601-P2, NTS, A3;
  - Southern Pond General Arrangement: drawing 191451-2720 Rev C1, 1:250 @ A1;
  - Southern Pond Section Key Plan: drawing 191451-2721 Rev C1, 1:2250 @ A1;
  - Southern Pond Long Section (Sheet 1 of 2): drawing 191451-2722 Rev C1, 1:250 @ A1;
  - Southern Pond Levels Cross-Sections (Sheet 2 of 2): drawing 191451-2723 Rev C1, 1:250 @ A1;
  - Southern Pond Construction Cross-Sections (Sheet 1 of 2): drawing 191451-2725 Rev C1, 1:250 @ A1 Berwick Multi Brick – Product Data Sheet;
  - LD Ultra First Grade natural slate 500mm X 250mm – Blue-Black.
3. No development shall take place until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required

- Tree retention protection plan

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

4. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (BWB, February 2023). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”
5. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) 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.

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
6. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

7. None of the dwellings hereby permitted shall be occupied until a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along

important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

8. There shall be no development above slab level until samples of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
9. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
10. A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the Local Planning Authority for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
11. Prior to the occupation of the buildings hereby permitted the proposed vehicle, cycle and scooter parking shall be provided in accordance with the approved details. The vehicle parking spaces shall be hard surfaced, sealed and marked out in parking bays in accordance with the plans and details hereby approved. The parking areas shall be retained in this form in perpetuity. The parking areas shall not be used for any purpose other than the parking that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
12. No more than one Master Antenna/satellite dish shall be provided on the roof of each of the two blocks of flats hereby permitted. No individual satellite dishes or antenna shall be provided per flat.
13. The development hereby permitted shall be carried out in accordance with the approved Site Specific Flood Risk Assessment (FRA) ref 48854 RevB by Richard Jackson Consultants, dated 06/06/23 and the following mitigation measures detailed within the FRA:
  - Limiting the discharge from the site to 8.3l/s into the Southern pond and 4.8l/s into the Northern pond
  - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

7. **23/01233/MLA - LAND NORTH WEST OF 2, MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>23/01233/MLA</b>
<b>Location</b>	Land North West Of 2, Maldon Road, Burnham-On-Crouch, Essex
<b>Proposal</b>	Modification to Section 106 Legal Agreement dated 30.08.19 (executed under planning reference 18/00443/OUT) to amend obligations relating to affordable housing
<b>Applicant</b>	Mr Ian Holloway – Burnham Waters Limited
<b>Agent</b>	Mr Stewart Rowe – The Planning and Design Bureau Ltd
<b>Target Decision Date</b>	14.02.2024
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers

Following the Officers' presentation, the Agent, Mr Rowe addressed the Committee.

During the discussion, the Principal Planning Officer explained that following approval of the previous application option 2 as detailed in the report no longer applied. She advised that the options included in the Officers' recommendation were aimed at providing flexibility for the Council's solicitor in drafting the modification to the Section 106 Agreement to secure the best legal outcome. In response to a question, Members were advised that payment of the first instalment of the commuted sum based on anticipated build-out rates could be fairly soon.

The Chairperson then put the Officers' recommendation as set out in the report. This was duly seconded and upon a vote being taken was agreed.

**RESOLVED** that the variation of affordable housing obligations within the existing Section 106 Agreement associated with planning permission reference 18/00443/OUT for Phase 1 be **APPROVED** to allow the substitution of the approved 50no. assisted living extra care, on-site residential units with 8no. on-site units proposed as part of application reference 23/00853/FULM (Block A) and a commuted sum for the equivalent off-site provision of the balance of 42no. assisted living extra care affordable units OR substitution of the approved 50no. assisted living extra care, on-site residential units with 20no. on-site units proposed as part of application reference 23/00853/FULM (Block A) and a commuted sum for the equivalent off-site provision of the balance of 30no. assisted living extra care affordable units.

8. **23/00500/FULM - LAND BOUNDED BY MALDON ROAD AND CREEKSEA LANE, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>23/00500/FULM</b>
<b>Location</b>	Land Bounded By Maldon Road And Creeksea Lane, Burnham-on-Crouch, Essex
<b>Proposal</b>	Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.
<b>Applicant</b>	Barratt Developments Ltd
<b>Agent</b>	Libby Hindle - Barratt Developments Ltd
<b>Target Decision Date</b>	30.01.2024
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan

It was noted from the Members' Update that two further letters of objection had been received.

During her presentation the Principal Planning Officer advised Members of a response from the Lead Local Flood Authority and as a result of this an amendment to proposed condition 9. The Officer outlined the proposed change to this condition which resulted in removal of the requirement for a management plan and inclusion of a requirement to check pipe works prior to commencement.

The Agent, Ms Hindle then addressed the Committee.

In response to questions raised, the Officer advised there was no provision for bridleways, solar panels for each development were included within the application but not conditioned and confirmed that details of biodiversity net gain had been provided.

Councillor A S Fluker proposed that the application be approved, as per Officers' recommendation, subject to the addition of a condition for the provision of solar panels. This proposal was duly seconded. Councillor Fluker confirmed that this proposal also included the revision to condition 9.

Councillor W Stamp expressed some concerns regarding the application and advised she would not be voting on this application due to living close to the site.

The Chairperson then put the proposal in the name of Councillor Fluker to the Committee and this was duly agreed.

**RESOLVED** that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations and subject to the following conditions:

**Heads of Terms for Section 106 Agreement:**

Affordable Housing:

13no. Affordable Housing units (35.14%) comprising the mix and tenure split (70% affordable rent and 30% shared ownership) as set out on drawing PCHL-2A-SP-009 Rev. A.



#### Healthcare:

A financial contribution of £18,400 in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area, through any combination of extension, reconfiguration or relocation of premises as requested by the Mid and South Essex ICS.

#### Education:

- Early Years and Childcare - A developer contribution of £68,880.00 index linked to Q1 2023 towards the creation of 2.97 additional childcare places to mitigate the impact of the development on local Early Years & Childcare provision (equating to £23,192 per place).
- Primary Education - A developer contribution of £229,601.00 index linked to Q1 2023 towards the creation of 9.90 additional primary school places and / or a new education facility is sought to mitigate the impact of the development on local Primary School provision (equating to £23,192.00 per place).
- Secondary Education - A developer contribution of £185,434.00 index linked to Q1 2023 towards the creation of 6.60 additional secondary school places and / or a new education facility, is sought to mitigate the developments impact on local Secondary School provision (equating to £28,096.00 per place).

#### Libraries

A developer contribution of £2,878.60 index linked to April 2020 (equating to £77.80 per unit) to improve, enhance and extend the facilities and services provided at Burnham-on-Crouch Library due to expected additional usage that would be brought about by the proposed development.

#### ECC Monitoring Fees:

To pay the County Councils Monitoring Fee of £550 per obligation (financial and otherwise).

#### Employment and Skills Plan:

An Employment and Skills Plan (ESP) to set out how the developer will engage with and maximise local labour and skills opportunities.

#### Essex Coast RAMS:

A financial contribution of £5,800.12 (£156.76 x 37) to mitigate increases in recreational pressure effects on the coastal protected sites in-combination with other projects within the Zol of the Essex Coast protected areas

Appointment of Management Company:

Secure the appointment of a management company for the development.

#### Indexing:

All contribution payments to be index linked.

#### S106 Legal and District Council Monitoring fees:

Pay the Council's professional fees associated with the preparation and completion of the S106 Legal Agreement and the cost of monitoring.

#### **Conditions:**

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - H7660-2A-LP-002 Location Plan
  - LTG1G8-TG-001 Rev - Large Triple Garage
  - LDG1H8-DG-001 Rev - Double Garage

- Garage Portfolio Rev A Front Cover
- CYCLE-2A-CS-001 Rev - Cycle Storage
- SSG1H8-SG-001 Rev - Single Garage
- SDG1H8-DG-001 Rev - Double Garage
- H312-EX-FP-001 Rev - Exeter Floor Plans
- H312-EE-GS-001 Rev - Exeter Elevations
- H312-BF-FP-001 Rev A Blyford Floor Plans
- H312-BE-GS-001 Rev A Blyford Elevations
- DWB3\_5-BF-FP-001 Rev A Buckfastleigh Floor Plans
- DWB3\_5-BE-RE-001 Rev A Buckfastleigh Elevations (Render)
- DWB3\_5-BE-GS-001 Rev A Buckfastleigh Elevations
- Z113-2A-HD-001 Rev - Leyland End Elevations
- Z113-2A-FP-001 Rev - Leyland End Floor Plans
- YH52-2A-HD-002 Rev - YH52 Mid Elevations
- YH52-2A-HD-001 Rev - YH52 End Elevations
- YH52-2A-FP-002 Rev - YH52 Mid Floor Plans
- YH52-2A-FP-001 Rev - YH52 End Floor Plans
- YH50-2A-HD-002 Rev - YH50 Mid Elevations
- YH50-2A-HD-001 Rev - YH50 End Elevations
- YH50-2A-FP-002 Rev - YH50 Mid Floor Plans
- YH50-2A-FP-001 Rev - YH50 End Floor Plans
- P286-AE-GS-001 Rev A Ashdown Elevations
- P286-AE-FP-001 Rev A Ashdown Floor Plan
- N2D8&9-NE-FP-001 Rev A N2D8 & 9 Floor Plans
- N2D8&9-NE-EC-001 Rev A N2D8 & 9 Elevations
- Housetype Portfolio Rev B - Front Page
- H588-HE-TB-001 Rev A Henley Elevations (Tudor Boarding)
- H588-HE-RE-001 Rev A Henley Elevations (Render)
- H586-EF-FP-001 Rev A Evesham Floor Plans
- H586-EE-TB-001 Rev A Evesham Elevations (Tudor Boarding)
- H586-EE-RQ-001 Rev A Evesham Elevations (Render)
- H586-EE-GS-001 Rev A Evesham Elevations
- H577-ME-RE-001 Rev A Manning Elevations (Render)
- H577-ME-GS-001 Rev A Manning Elevations
- H577-HF-FP-001 Rev A Henley Floor Plans
- H577-FP-GS-001 Rev A Manning Floor Plans
- 22007-01 Rev H Landscape Masterplan
- 22001-03 Rev C Detailed Hard Landscape Sheet 2 of 3
- 22001-04 Rev C Detailed Hard Landscape Sheet 3 of 3
- 22007-05 Rev F Detailed Planting Specification
- 22007-06 Rev F Detailed Soft Landscape Sheet 2 of 3
- 22007-07 Rev F Detailed Soft Landscape Sheet 3 of 3
- 02 Rev C Hard Landscape Specification
- PCHL-2A-SP-006 Rev A Refuse Collection Plan
- PCHL-2A-SP-005 Rev A Parking Plan
- PCHL-2A-SP-004 Rev A Buildings Height Plan
- PCHL-2A-SP-003 Rev A Affordable Tenure Plan
- PCHL-2A-SP-001 Rev A Master Plan (Update)
- PCHL-2A-SP-001 Rev A Master Plan (Update) - Coloured
- PCHL-2A-SS-001 Rev A Streetscenes A, B & C
- PCHL-2A-SS-001 Rev A Streetscene Location Plan
- PCHL-2A-SP-009 Rev A Housing Mix Plan
- PCHL-2A-SP-008 Rev A External Works Plan
- PCHL-2A-SP-007 Rev A Materials Plan

- H8769-3B-SP-2036 Rev C Creeksea Lane - Access Visibility

#### External materials

3. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces, including windows, doors, roof tiles and proposed cladding of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development and retained for the lifetime of the development.

#### Landscape

4. Within the first available planting season following the first occupation of the development the landscaping works shown on plans no's 22007-01 Rev H Landscape Masterplan, 22007-05 Rev F Detailed Planting Specification, 22007-06 Rev F Detailed Soft Landscape Sheet 2 of 3 and 22007-07 Rev F Detailed Soft Landscape Sheet 3 of 3 and specifications attached to and forming part of this permission shall be fully implemented. If within a period of 5 years from the date of planting any tree or plant, or any tree planted in replacement for it is removed, up rooted, is destroyed, dies or becomes in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
5. The development shall be implemented in accordance with the hard landscaping work shown on plan no. 22007-01 Rev H Landscape Masterplan, 22001-03 Rev C Detailed Hard Landscape Sheet 2 of 3, 22001-04 Rev C Detailed Hard Landscape Sheet 3 of 3 and 02 Rev C Hard Landscape Specification and the specifications attached to and forming part of this permission. The hard landscaping works, including boundary treatments, shall be carried out prior to the first occupation of the development hereby approved and be retained and maintained for the lifetime of the development.

#### Tree Protection

6. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required
  - Trees to be retained
  - Tree retention protection plan
  - Tree constraints plan
  - Arboricultural implication assessment
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)
  -The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

## Drainage

7. No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 4.1l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change for Parcel 1.
  - Limiting discharge rates to 16.4l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change for Parcel 2.
  - The run off rates were previously agreed as part of the wider site.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.
8. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
9. The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.
10. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

## Land Contamination

11. Should the existence of any contaminated ground or ground water conditions and/or hazardous soil gases be found that were not previously identified or not considered, the site or part of the site shall be reassessed and a scheme to bring the site to suitable condition shall be submitted to and approved in writing by the local planning authority within three months of the identification of the contamination or hazard. A "suitable condition" means one that is acceptable in terms of human health, the water environment and ecosystems and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

## Highways

12. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:
- Safe access into the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel and underbody washing facilities
  - Construction traffic routing
  - Construction signage and traffic management
  - Noise and vibration impacts on neighbouring receptors during the construction phase.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

13. Prior to the first occupation of the development the access arrangements for Parcel 1, as shown in principle on drawing no. 22-059-DR-CE-2003 Rev C (included in Appendix A of the Parcel 1 & Parcel 2 Transport Statement prepared by Icen Consulting), for the priority junction onto Maldon Road, shall include the following:
- 2.4m x 90m visibility splays
  - A new bellmouth access with minimum 6m radii and 2m footways with dropped kerb crossing points
  - Provision of a 2m footway across the site frontage, with dropped kerb crossing point across Maldon Road to the west of the access.

The approved details shall be implemented and retained as such for the life of the development.

14. Prior to the first occupation of the development the access arrangements, as shown in principle on approved drawing no. H8769-3B-SP-2036 Rev C, for the private drive onto Creeksea Lane, shall be implemented and retained as such for the life of the development.
15. Prior to the first occupation of the development the access arrangements for Parcel 2, as shown in principle on drawing no. 22-059-DR-CE-2005 Rev B (included in Appendix B of the Parcel 1 & Parcel 2 Transport Statement prepared by Icen Consulting), for the priority junction onto Endeavour Way, shall include the following:
- 2.4m x 25m visibility splays
  - A new bellmouth access with minimum 6m radii and 2m footways
  - Provision of dropped kerbs for vehicular access where appropriate.

The approved details shall be implemented and retained as such for the life of the development.

16. Prior to the occupation of the development, the vehicular parking spaces shall be hard surfaced, sealed and marked out in parking bays and the approved garages shall be erected in accordance with the plans and detailed hereby approved. Fast charging points for electric vehicles shall be provided adjacent to at least one parking space for each new dwelling. The vehicular parking and associated manoeuvring areas shall be retained in perpetuity. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles.
17. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public

- transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
18. Prior to first occupation of each dwelling on Plots 21-35 inclusive, the cycle storage for that dwelling shall be provided in accordance with drawing no. CYCLE-2A-CS-001 and PCHL-2A-SP-005 Rev A. The cycle parking provision shall be retained in perpetuity.

#### Archaeology

19. No development including any site clearance or groundworks of any kind shall take place within the site until the developer has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
20. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

#### Waste

21. Prior to first occupation, details of the waste collection points for plots 1, 2, 3, 4, 11, 17, 18, 19, 20 and for plot 21 to 31 inclusive shall be submitted to and approved in writing by the local planning authority. The collection points must be of a sufficient size to accommodate 2 wheeled bins and a food caddy per property, full details of which can be found in the Council's Waste Management Technical Document. The collection points shall be installed prior to first occupation and retained as such for the life of the development.

#### Permitted Development

22. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition, extension or opening shall be constructed in the roof or gable walls of the buildings hereby permitted in Plots 1-11 inclusive without planning permission having been obtained from the local planning authority.
23. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of the front and/or side gardens of any dwelling.

#### Ecology

24. The development shall be carried out in accordance with the mitigation measures and/or works contained in the Preliminary Ecological Appraisal (SES, April 2023) and Non-Licensed Methods Statement for Great Crested Newt (CSA Environmental, January 2024) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

25. No development above slab level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

26. None of the dwellings hereby permitted shall be occupied until a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved lighting design scheme and maintained thereafter in accordance with the approved lighting design scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

#### Solar Panels

- 27 No development above slab level shall take place until details of solar panels to be installed within each plot has been submitted to and approved in writing by the local planning authority. The details shall include the position of the panels on the roof slope and number of panels to be installed on each dwelling and/or garage. Where no panels are proposed within a plot the submitted details must provide a justification as to why solar panels cannot be provided. The panels shall be installed in accordance with the approved details, be operational prior to occupation and shall be retained in that manner thereafter.

There being no other items of business the Chairperson closed the meeting at 10.12 pm.

K M H LAGAN  
CHAIRPERSON

This page is intentionally left blank





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

**to  
DISTRICT PLANNING COMMITTEE  
12 MARCH 2024**

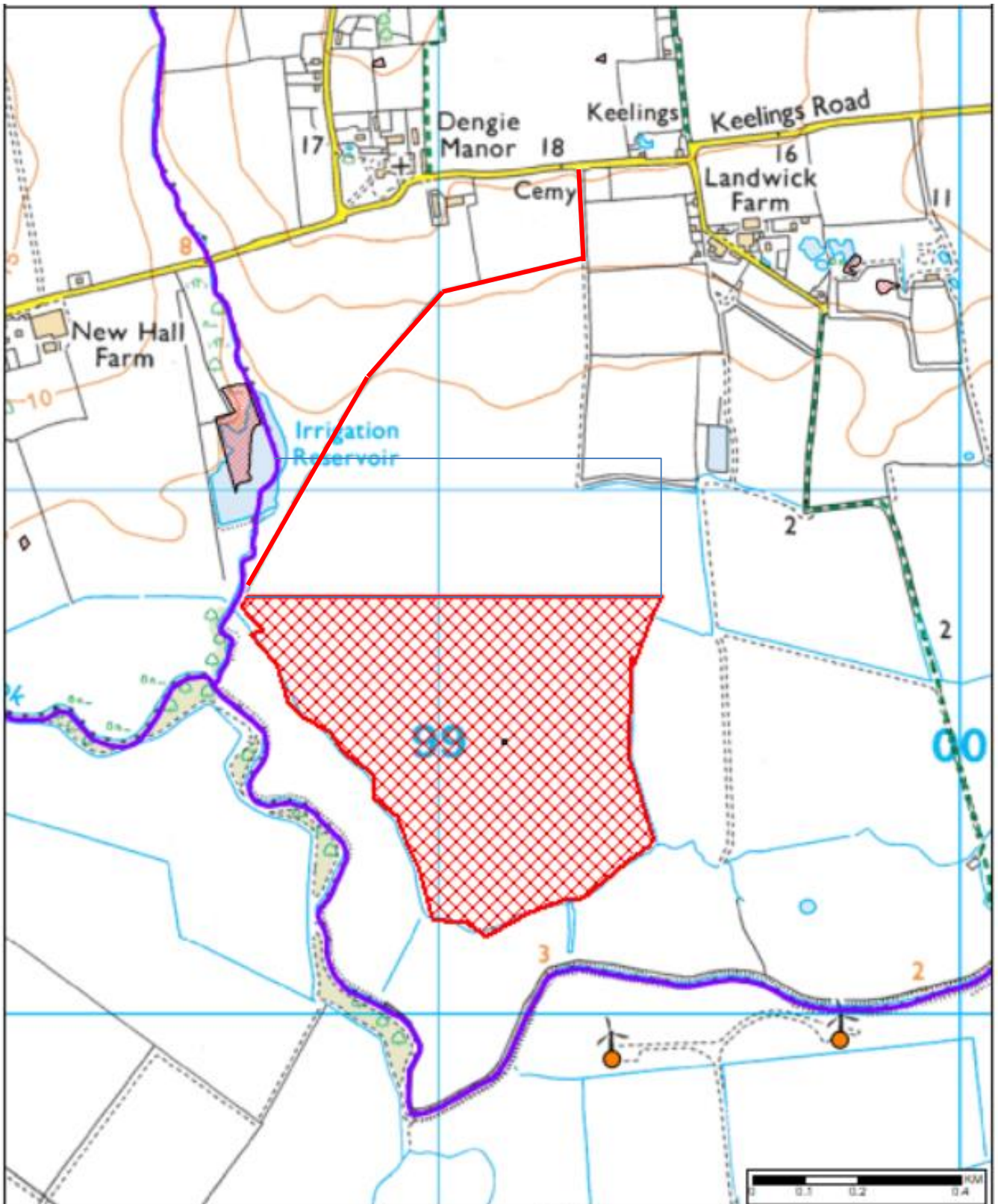
<b>Application Number</b>	<b>23/01236/FULM</b>
<b>Location</b>	Land to the South of Keelings Road, Dengie, Essex
<b>Proposal</b>	Erection of a 19 MW Solar PV Array, comprising ground mounted solar PV panels, with co-located 5 MW battery energy storage system (BESS), vehicular access from Keelings Road, internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers, substation compound buildings and cabling route to the point of connection
<b>Applicant</b>	BSR Energy
<b>Agent</b>	Mr Dale Greetham – ADAS Planning
<b>Target Decision Date</b>	21.03.2024
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>DENGIE</b>
<b>Reason for Referral to the Committee / Council</b>	A 19MW solar farm is a development of strategic interest as defined in the Council's Scheme of Delegation Member Call-in by Councillor A S Fluker referencing Policies D1, D2, D3, D4, E1, E4, E5 (3)


**1. RECOMMENDATION**

**APPROVE** subject to the conditions as set out in Section 8 of this report.

**2. SITE MAP**

Please see below.



 <p><b>Copyright</b> For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>	Scale:	1:10,000
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	District Planning Committee
	Date:	11/05/2023
MSA Number:		100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is part of an irregularly shaped agricultural field in a rural area, outside any settlement boundary. The site is the southern portion of an arable field located to the south of Keelings Road and extends to 33.21ha. The site is located approximately 3km north east of the centre of Southminster. There is a Public Right of Way (PRoW) running north-south approximately 360m to the east of the site. The site is visible from the junction of Hall Road and Keelings Road and from the grounds of Church of St James (grade II listed).
- 3.1.2 The topography of the site is such that the highest ground levels are on the northern boundary (5.65m AOD) with ground levels falling to the south, east and west and the lowest ground level is on the south-eastern boundary (1.57m AOD).
- 3.1.3 Parts of the site are within an area at risk of flooding and within 20m of a watercourse. There are existing field drains along the southern, western and eastern boundaries of the site. These boundaries are also defined by hedgerows and trees. The northern boundary of the site is open and currently undefined.
- 3.1.4 There is sporadic development in the local area including isolated dwellings and farmsteads along Keelings Road to the north, but these are at a distance of at least approximately 750m from the application site.
- 3.1.5 Planning permission is sought for the erection of a 19 MW Solar PV Array, comprising ground mounted solar PV panels, with co-located 5 MW battery energy storage system (BESS), vehicular access from Keelings Road, internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers, substation compound buildings and cabling route to the point of connection.
- 3.1.6 The solar farm would have a 40 year lifespan following which the development would be decommissioned, equipment removed and the site restored to agriculture.
- 3.1.7 The solar panels would be mounted off frames which would be 2.6m in height. The panels would be covered with high transparency solar glass which would have an anti-reflective coating. The panels would be dark grey/blue in colour.
- 3.1.8 The solar PV panels would cover 18.64ha. of the site. The BESS would utilise 0.14ha of the site and the site compound, 0.07ha. The Distribution Network Operator (DNO) compound would occupy 0.1ha.
- 3.1.9 Boundary treatments would include 2.2m high security fencing with timber posts and galvanised steel wire mesh.
- 3.1.10 The CCTV cameras would be mounted on posts 4.5m in height and be positioned along the boundaries of the site at around 50m intervals.
- 3.1.11 The 12no. transformers would measure 3.4m x 2.2m and be 3.2m in height. Within the compound there would be 4no. battery storage units (measuring 12.2m x 2.4m with an overall height of 3.9m), 2no. battery inverters (measuring 6.1m x 2.4m with an overall height of approximately 3.4m), auxillary LV switchroom (measuring 6.2m x 4m with an overall height of 3.5m), 33kv private switchgear (measuring 3m x 6m and 3.3m in height), DNO switchgear (measuring 5.2m x 5.4m and 4.3m in height) and three storage containers.

- 3.1.12 The proposed access to the site would utilise an existing agricultural access off Keelings Road. It is stated that this would not need to be improved to accommodate construction vehicles. An access track linking the application site and Keelings Road would be constructed which would be approximately 1.2km in length and 4m in width.
- 3.1.13 The connection to the grid would be in an adjacent field parcel to west via underground cables. Parking would be available within the compound area in the north-western corner of the site for maintenance vehicles. There would be no external lighting except for during the construction period and for the DNO switchgear which would be motion activated.
- 3.1.14 Retention of existing trees on field boundaries and additional tree and hedgerow planting along with species rich grassland under the panels are proposed. A native hedge with trees is proposed along the currently open/unenclosed northern boundary of the application site.
- 3.1.15 Surface water would be disposed of via a number of swales and an attenuation basin in the south-western corner of the site. Foul sewage would be removed from the site and treated by regulated welfare contractors.
- 3.1.16 In support of the application, it is stated that the solar farm would produce enough energy to power 4,751 homes.
- 3.1.17 There would be job opportunities both during the construction period and once the solar farm is operational (for maintenance).
- 3.1.18 In terms of community engagement, it is understood that the applicant engaged with Asheldham and Dengie Parish Council and Ward Members before the previous application was submitted. There has also been a public exhibition and feedback forms have been available on the project website.
- 3.1.19 The application is supported by the following documents:
- Planning design and access statement
  - Transport Statement (December 2022) including Construction Traffic Management Plan
  - Arboricultural impact assessment (February 2023)
  - Flood risk assessment and outline drainage strategy (October 2023)
  - Preliminary ecological appraisal (November 2022)
  - Biodiversity net gain assessment (November 2022) – the proposal will deliver a net biodiversity area gain of 247% and a linear habitat gain of 17.71%
  - Breeding bird survey (September 2022)
  - Wintering bird survey (September 2022)
  - Archaeological desk based assessment (December 2022)
  - Landscape and visual appraisal (December 2023)
  - Noise impact assessment (November 2022)
  - Statement of community involvement (December 2022)
  - Agricultural land classification report (May 2022)
  - Community Infrastructure Level (CIL) form (December 2023)
  - Geophysical survey report (December 2022)
  - Solar photovoltaic glint and glare study (August 2022)
  - Heritage Statement (September 2022)

- Information to inform Habitats Regulations Assessment (HRA) (August 2023)
- Flood Risk Sequential Test (December 2023)
- Farmland bird mitigation strategy (FBMS)

3.1.20 Reference is also made in the application to the applicant being willing to create a Community Benefit Fund of £19,000 with Essex Community Foundation which could be used as a grant to support local projects within the Dengie Parish.

3.1.21 The submission of the current application follows planning permission having been refused for the same description of development on the same site (reference 23/00244/FULM) for the following reasons:

1. *The application site includes land within Flood Zones 2 and 3 and so has a medium/high probability of flooding. The proposal is for 'essential infrastructure' but the proposal fails the Sequential Test as it has not been demonstrated that there is no land at lower risk of flooding within the District which could be developed as proposed. Furthermore, the development would also fail the Exceptions Test as, whilst the development would provide wider sustainability benefits to the community, it is not considered these would be sufficient to outweigh the flood risk and it has not been demonstrated satisfactorily that the development will be safe for its lifetime and not increase flood risk elsewhere. Therefore, the proposed development is unacceptable and contrary to the NPPF, the National Planning Practice Guide and Policies S1 and D5 of the Maldon District Approved Local Development Plan.*
2. *The development, as a result of its location, nature and extent, would cause harm to the character and appearance of the site and its surroundings including 'less than substantial harm' to the setting of a grade II listed building (Church of St James), contrary to Policies S1, S8, D1, D3 and D4 of the approved Maldon District Local Development Plan and the NPPF. The less than substantial harm to the significance of a designated heritage asset is not outweighed by the public benefits of the proposal.*
3. *It has not been demonstrated that the development would not cause harm to waterbird assemblages associated with the nearby designated nature conservation sites (in particular, the SSSIs and SPAs) and so the proposal could have an adverse impact on nature conservation, contrary to Policies S1, S8, D1, D4 and N2 of the approved Maldon District Local Development Plan and the NPPF.*

3.1.22 The current application seeks to address these concerns through the submission of additional/revised information:

- Landscape – Landscape and Visual Assessment (LVA), Landscape General
- Arrangement Plan, Landscape Softworks Plan and Northern Boundary Section
- Flood Risk – Flood Risk Assessment and Outline Drainage Strategy and Sequential Test
- Ecology - Farmland Bird Mitigation Strategy and Habitat Regulation Assessment

3.1.23 The changes include relocating the proposed substation and changes to the finished floor level of the solar panels located within Flood Zone 3 along the eastern, southern, and western extent of the site. Proposed surface water drainage details for the solar panels have also been provided.

### **3.2 Conclusion**

- 3.2.1 The principle of the proposed development of the site is considered to be acceptable. There would be some harm caused to the character and appearance of the site and the surrounding area, including 'less than substantial harm' to a heritage asset. However, no harm would be caused to the amenity of local residents beyond the construction period which could be limited through the imposition of conditions. The proposal would also not be unacceptable in relation to highway safety/access/parking once operational and impacts during construction could be limited through the imposition of conditions. It has been demonstrated that the development would not have an adverse impact on nature conservation and no objection is raised in relation to flood risk and drainage.
- 3.2.2 Weighing the benefits of the proposal as set out in the report against the harm the development would cause, it is recommended that planning permission is approved subject to the imposition of conditions.

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

### **4.1 National Planning Policy Framework 2023 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 85-89 Building a strong, competitive economy
- 96-107 Promoting healthy and safe communities
- 108-117 Promoting sustainable transport
- 123-130 Making effective use of land
- 131-141 Achieving well-designed and beautiful places
- 157-179 Meeting the challenge of climate change, flooding and coastal change
- 180-194 Conserving and enhancing the natural environment
- 195-214 Conserving and enhancing the historic environment

### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- Policy S1 Sustainable Development
- Policy S7 Prosperous Rural Communities
- Policy S8 Settlement Boundaries and the Countryside
- Policy E1 Employment
- Policy E4 Agricultural and Rural Diversification
- Policy D1 Design Quality and Built Environment
- Policy D3 Conservation and Heritage Assets Development
- Policy D2 Climate Change & Environmental Impact of New Development
- Policy D4 Renewable and Low Carbon Energy Generation

- Policy D5 Flood Risk and Coastal Management
- Policy N1 Green Infrastructure Network
- Policy N2 Natural Environment, Geodiversity and Biodiversity
- Policy N3 Open Space, Sports and Leisure
- Policy T1 Sustainable Transport
- Policy T2 Accessibility
- Policy I1 Infrastructure and Services

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Renewable and Low Carbon Technologies Supplementary Planning Document (SPD) (2018)
- Climate Change Act 2008 (2050 Target Amendment) Order 2019

## **5. MAIN CONSIDERATIONS**

5.1.1 The main issues which require consideration as part of the determination of this application are: the principle of the development, the impact of the development on the character and appearance of the area including the impact on heritage assets, any impact on the amenity of the occupiers of existing residential properties, highways/access/parking/aviation, flood risk and nature conservation.

### **5.2 Principle of Development**

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.2 Policy D4 of the Maldon District Local Development Plan (LDP) supports the delivery of large-scale renewable and low carbon energy projects in principle, provided adverse social, economic and environmental impacts have been minimised to an acceptable level. Likewise, paragraph 157 of the NPPF seeks to ensure that the planning system supports the transition to a low carbon future in a changing climate and that it should help to support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF goes on to state that when determining planning applications for renewable and low carbon development, Local Planning Authorities' (LPA) should: 'a) 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 b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.'

- 5.2.3 Having regard to the above, it is not necessary for the applicant to demonstrate a need for the proposal or for the selection of the site to be justified. However, the site selection process is relevant to the assessment of this development in relation to flood risk (see below) and it is noted that, as part of the application, it is explained that potential sites were assessed in relation to grid connectivity, site size, land availability and sunlight but that it was concluded that the application site is the only viable location for a solar farm in the area.
- 5.2.4 Policy D4 states that: 'Development proposals will be approved where it can be demonstrated, to the Council's satisfaction, that the development will not have an adverse impact, either individually or cumulatively, on the following: 1) The purpose or function of internationally, nationally or locally designated sites of protected wildlife or landscape areas; 2) Heritage assets and the setting of heritage assets within the landscape; 3) Landscape and the character of the undeveloped coast and areas, which by nature of their topography, are sensitive to development; 4) Neighbouring amenity, in respect to visual impact, flicker, vibration, glare, overshadowing, active or background noise levels and any other emissions; 5) The safety of public footpaths, bridleways, highways, avian wildlife and aviation; 6) Telecommunications including those used by the police and emergency services and navigational equipment; and 7) The best and most versatile agricultural land.'
- 5.2.5 Criteria one to five are discussed within the relevant sections of this report, below. With regard to criterion six, it is not considered that a solar farm would impact on telecommunications. In relation to criterion seven, the application has been supported by an Agricultural Land Classification Report which concludes that the site is subgrade 3b (moderate quality) agricultural land so the Best and Most Versatile land would not be used. The development would be temporary in any event.
- 5.2.6 Having regard to the above, there is clear national policy support for renewable and low carbon energy proposals. Furthermore, local policy, most notably Policy D4 supports the provision of such proposals in principle. Therefore, subject to the assessment of the proposal in relation to all other material planning considerations (as set out below) the principle of the development is considered to be acceptable.
- 5.2.7 Reference is made to Policy E5 – Tourism of the LDP in the reason given by the Ward Member for calling-in the application to Committee but this relates to applications for tourism related development and, therefore, is not considered relevant to the assessment of a proposed solar farm.

### **5.3 Design and Impact on the Character of the Area and Heritage Assets**

- 5.3.1 The application site lies outside of any defined development boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.2 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.



5.3.3 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

5.3.4 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide SPD (MDDG) (2017).

5.3.6 In addition, Policy D4 seeks to ensure that large-scale renewable and low carbon energy projects do not have an adverse impact on heritage assets or their setting within the landscape or the landscape character of the undeveloped coast and areas, which by the nature of their topography, are sensitive to development.

5.3.7 Policy D3 of the LDP states that development proposals that affect a heritage asset and/or its setting will be required to preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.3.8 The application has been supported by a Landscape Visual Impact Assessment (LVIA) and a Heritage Statement. The LVIA concludes that there would be a Moderate adverse impact during construction and at completion but there would be a slight improvement following decommissioning. From the north, from where the development would be most visible from the public domain, impacts on viewpoints

would be Negligible adverse or Minor adverse to 15 years post completion. There would be no change to longer distant views. The development would be visible from the junction of Hall Road and Keelings Road and from the grounds of Church of St James (grade II listed) but the LVIA concludes that these would be distant views so the visual effect would be Moderate adverse and that views from private properties would be highly filtered by vegetation so no harm would be caused.

- 5.3.9 Reference is made within the application to the existing wind turbines to the south of the site having already altered the rural character of the area. There are 9no. turbines, up to 125m in height, at Middlewick Farm which were granted planning permission on appeal (reference 10/00004/FUL) and which are 310m from the proposed solar farm. There is also an additional 7no. turbines at Turncole Farm which are up to 126.5m in height and are approximately 1.3km south of Middlewick Farm which were also allowed on appeal (reference 10/01070/FUL). It is suggested that the solar farm is low lying and so would be less visually prominent within landscape than these existing turbines. Reference is also made to the planning permission (reference 22/00261/FUL) which was granted for a solar farm (around 25MW) in August 2022 at Hall Farm in Hazeleigh as part of the assessment of which it was concluded that details of landscaping etc would minimise the impact of the development to an acceptable degree.
- 5.3.10 As part of the Arboricultural Survey submitted, it is noted that the removal of one category U group of trees and, depending on vehicle sizes, crown raising/reduction to 11 trees would be required. Mitigation measures are recommended to avoid compaction to a veteran tree.
- 5.3.11 The application site lies within area D8 – Dengie Drained Estuarine Marsh within the Landscape Character Assessment (2006) for the District which is identified as being open and tranquil in nature and visually sensitive to new development.
- 5.3.12 Solar Farms are not an uncommon feature within the countryside and their operation generally necessitates a rural location. Whilst the associated infrastructure such as the DNO, Customer Switchroom and Inverters will introduce more urban forms of development into the rural area, they are limited in scale and height. Furthermore, the solar arrays themselves would have a low profile and the proposed fencing would be of an open, mesh design with timber posts. In addition, existing hedgerows/trees would be retained and enhanced, and it is proposed to plant a new hedge along the site's northern boundary. The accessways would be surfaced using stone rather than concrete or tarmac.
- 5.3.13 Whilst the development would be visible from some public vantage points, these would be limited due to distance and intervening vegetation and against a backdrop of existing wind turbines to the south. These views would be reduced further as a result of the landscaping proposed. Policy D4 requires that renewable energy developments do not, cumulatively, have an adverse landscape impact. The proposed development and the existing wind turbines to the south would both be visible from some vantage points, particularly from the rising land to the north so there would be a 'cumulative' impact. However, as the proposal is for a materially different development in terms of its character and appearance (particularly its height), it is not considered that the solar farm proposed would, cumulatively, have a materially greater adverse impact on the character and appearance of the area than these turbines.
- 5.3.14 It is noted that Policy D4 seeks to ensure that large-scale renewable and low carbon energy projects do not have an adverse impact on the landscape character of the undeveloped coast and areas, which by the nature of their topography, are sensitive

to development. Whilst the development would erode the open character of the site to a degree, the Tree Consultant supports the application (subject to the imposition of a condition requiring details of tree protection) and the harm caused would be limited, predominantly localised and temporary. The site is also not located within the undeveloped coast.

5.3.15 The Tree Consultant advises that the site appears to have trees and scrub vegetation towards the boundaries of the site and access track; trees can be impacted by root severance, changes to the root environment, compaction through the movement and storage of plant, damage through harmful construction practices, contamination due to spillage of fuel or other materials, unsympathetic facilitation pruning, and direct damage to the stem and crown. They note that an Arboricultural Planning Statement (APS), Landscaping General Arrangement Plan (LGAP) and Landscape Softworks Plan (LSP) have been submitted as part of the application. The APS lists 48 individual trees, 13 groups of trees and 8 hedgerows as potentially being impacted by the proposed development. Of these trees 5 are listed as category A, 26 were category B, 37 were category C and 1 was deemed category U under guidance detailed in BS5837 (2012). Trees T1 to T23 are located near the access track to the site and are likely to be negatively impacted by any attempts to improve the site access. Of these trees T6 is a veteran tree and T12, T23 are listed as notable trees. The APS states that work to the track will be carried out without 'causing damage to or causing the worsening of growing conditions for any of the trees adjacent to the track, with particular attention to T6, T12 and T23'. It further states that part of track is to be a no dig site to protect the Root Protection Area (RPA) of adjacent trees. The APS also specifies the decompaction of the access track using equipment such as an air spade, and the installation of a biochar-compost mix and Cellweb Tree Root Protection to improve rooting conditions. This should enable the track to be installed without significant impact on the adjacent trees but details such as the use of porous surfacing and the specifications of the no dig surfacing should be included as part of a finalised Arboricultural Method Statement (AMS). A tree is to be removed as part of the development however this tree is a category U tree and thus would not be suitable for retention regardless of the proposed works due to its condition. Fencing and construction exclusion zones are to be used during works to protect the RPA of retained trees. The APS states that some crown lifting may be required over the access track but since the site is used by agricultural vehicles this may not be necessary. Work will be in line with BS3998:2010 'Tree Works' and should be included as part of a finalised AMS. T6 has a protection zone of 15x stem diameter as it is a veteran tree. Details of the services to be installed on site were not available at the time APS was written but it does state that they will be installed using guidance in NJUG Vol 4 (2007). It should be noted that the maps included in the APS have incomplete reference numbers and annotations on the maps, the keys are missing their legend text. This will have to be corrected as part of the AMS. The LGAP and LSP give details of the new planting on site and details regarding staking, watering and general aftercare. The proposed new planting in relation to trees is a mix of species such as hawthorn, dogwood, blackthorn and hazel, which are suitable for this location. Stakes and guards have been proposed for use during the establishment phase and details of watering and weed clearance have been given. The information provided is suitable for the site and should enable the new planting to establish with minimal losses. Overall, the information provided is sufficient to show the retained trees on site should be able to survive the proposed works without significant negative impacts. A finalised Arboricultural Method Statement and Tree Protection Plan will need to be conditioned as part of the Decision Notice if the application is granted.

5.3.16 Paragraph 208 of the NPPF states that less than substantial harm to designated heritage assets must be weighed against the public benefits. Furthermore, paragraph

205 of the NPPF requires “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.” The Heritage Statement concludes that there would be an impact on the setting of grade II listed Church of St James, but that this would be ‘less than substantial harm’ and at the lower end of the scale. Furthermore, it is considered that the notable public benefits of the proposal would outweigh this limited harm.

5.3.17 The Principle Conservation & Heritage Officer has advised that the scheme has the potential to impact the settings and significance of five grade II listed buildings to the north of the site (Church of St James, Dengie; Dengie Manor, Dengie; Keelings, Dengie; Landwick Farm, Dengie; Church of St Lawrence, Asheldham; a walled garden to the north of Dengie Manor, Vinnies, and The Old Granary (listed as barn approximately 90 metres north east of Dengie Manor)). They have found no reason to disagree with the conclusions of the applicant’s Heritage Statement i.e. that the proposed development would cause a negligible degree of ‘less than substantial harm’ to significance of the grade II listed church of St James Dengie. They suggest that a low level of public benefit would be sufficient to outweigh the negligible harm identified.

5.3.18 Based on the above, it is considered that the proposal complies with Policy D4 as the environmental impacts of the development have been minimised to an acceptable degree. However, the development would cause some harm to the character and appearance of the site and its surroundings as well as to the setting of a heritage asset, contrary to Policies S1, S8, D1, D3 and D4 of the LPP. It is not considered that the conclusions reached in relation to the impact on the character and appearance of the previously approved solar farm in Hazeleigh can be applied to a solar farm on a site in another part of the District which is different in character.

#### **5.4 Impact on Residential Amenity**

5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

5.4.2 One of the requirements of Policy D2 is to minimise all forms of possible pollution including air, land, water, odour, noise and light. The Policy states that any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

5.4.3 Policy D4 also requires that such proposals do not have an adverse impact on neighbouring amenity, in respect to visual impact, flicker, vibration, glare, overshadowing, active or background noise levels and any other emissions (criterion 4).

5.4.4 The application does not propose any operations that are considered to result in detrimental impacts through odour or light, particularly as no lighting other than limited motion activated lights and temporarily during construction. Furthermore, given the low height of the development and the distance to the nearest residential properties, it is not considered the development would impact on light or outlook.

5.4.5 With respect to the impacts of glint and glare, the assessment submitted concludes that there would not be a significant impact as there are no residential properties within 1km and there are only local, low trafficked roads in the vicinity of the site. It is

stated within the submitted assessment that no other receptors would be affected and no mitigation is considered necessary.

5.4.6 The development would generate a level of noise but based on the previous advice of the Environmental Health Officer, would not result in harm to the amenity of any existing residents.

5.4.7 Based on the above, no objection to the proposal is raised in relation to the impact on residential amenity, in compliance with Policies D1, D2 and D4 in this respect.

## **5.5 Access, Parking, Highway Safety and Aviation**

5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.5.2 Criterion 5 of Policy D4 requires that the safety of public footpaths, bridleways, highways, avian wildlife and aviation are assessed.

5.5.3 A Transport Statement has been submitted which also incorporates a Construction Traffic Management Plan which includes a proposed route for construction traffic. It is stated that construction would take around 6 months to complete and that the following HGV movements would be required:

- Construction site set up/demobilisation – one month at the beginning and end of the construction period – each requiring 30no. two-way movements
- Delivery of materials for accessway – 264no. two-way movements during the first three months of the construction period
- Delivery of substation and cabling – 24no. two-way movements
- Solar frames and inverters – 40no. two-way movements
- Solar panels (35,408 in number) – over a period of two months, 118no. two-way movements

5.5.3.1 In addition, with respect to staff and visitors, a maximum of 20 workers would be on site at any one time.

5.5.4 Essex County Council (ECC) Highways has advised that they have assessed the application and submitted information, visited the site, and concludes that in highway terms it is not contrary to national/local highway and transportation policy and current safety criteria. They comment that, whilst there will be a period of HGVs going to and from the site during the construction period, this is only for a temporary period, and this can be managed appropriately by the Highway Authority and when the construction is complete, the vehicle movements to the site will be minimal and there will be no detriment to the highway as a result. Consequently, the Highways Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency.

5.5.5 It is noted that an existing vehicular access would be used, an area for off-street parking and turning would be provided within the site and the development would be a significant distance from any public highway. There would be potential impacts during construction given the number of HGV movements which would be generated

but these would be spread over a six month period and the Construction Management Plan submitted would minimise any adverse impact on the local highway network.

5.5.6 In relation to impacts on aviation, it is stated that the solar panels would be designed to minimise glint and glare through the addition of an anti-reflective coating. Therefore, no objection is raised in this regard.

5.5.7 Based on the above, it is considered that the proposal is acceptable with respect to highway safety / access / parking / aviation issues, subject to the imposition of conditions. As a result of the nature and location of the proposal, the development would not have an impact on the safety of public footpaths or bridleways or avian wildlife.

## 5.6 Flood Risk and Drainage

5.6.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.

5.6.2 The Environment Agency (EA) has advised that their maps show the site lies within fluvial and tidal Flood Zones 3b, 3a, 2 and 1 and is defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having up to a high probability of flooding. The proposal is classified as a 'essential infrastructure' development, as defined in Annex 3: Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

5.6.3 In terms of the Exception Test in accordance with paragraph 164 of the NPPF, it needs to 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.

5.6.4 As part of the Flood Risk Sequential Test submitted, nine potentially developable sites were analysed. The conclusions of the report is that the application site is the only viable location in the area and there are no suitable alternative sites for the development proposed that meet all the identified search criteria on land at a lower risk of flooding. It is stated that the alternative sites 'failed to meet the criteria' which were the size of site, sunlight, financial viability, environmental constraints and being reasonably available; solar farms need to be a minimum size and no more than 2km from a grid connection point to be viable. As part of the site selection process, sites smaller than 30ha. were automatically discounted as these were not of sufficient size to 'comfortably accommodate the proposal and all the associated infrastructure'. It is stated that the grid connection location north-west of the application site is the only one available within the District and has suitable connection capacity (the three other connections which exist are being pursued for other solar/BESS development and have no further capacity). Two potential sites for rent were identified but they 'failed to meet the basic requirements' for the development and so were discounted. Four other potential sites were identified but also discounted, as follows:

- **Landwick Farm, Dengie** - discounted as part of the site is within Flood Zone 3, the site is split into two parcels and the landowner did not respond to the letter sent so the land is unavailable.

- **Northwycke Farm, Southminster** - discounted as part of the site is within Flood Zone 3, the site is Grade 2 Best and Most Versatile (BMV) Agricultural Land, the cable route would require a river crossing and a potentially longer route with multiple land easements, the site lies east of two Scheduled Monuments and the landowner did not respond to the letter sent so the land is unavailable.
- **Stows Farm, Tillingham** - discounted as a significant part of the site lies outside the 2km radius of the grid connection point and so is unsuitable due to costs, there would be a requirement for 'material engineering works' and the connection would, potentially, be unreliable. Also, there is a potentially longer cable route required with multiple land easements, the development would be visible from Tillingham Conservation Area and the landowner did not respond to the letter sent so the land is unavailable.
- **Turncole Farm, Dengie** - discounted as the site is within Flood Zone 3, the cable route would require a river crossing and potentially longer route with multiple land easements, the site covers a Grade II listed building and includes some Grade 2 BMV agricultural land, the site abuts a PRoW and is 'significantly visible from public vantage points' and the landowner did not respond to the letter sent so the land is unavailable.

5.6.5 The report also advises that the application site is all within 2km of connection point, the cable connection to the grid would be feasible, straightforward and an easement has been agreed, there is a willing landowner, there would be no shading to affect output, the site is relatively open and free from surrounding built development and obstructions such as waterways, the site is Grade 3b agricultural land, the land is not in or near a sensitive or protected statutory landscape or ecological designation, the nearest Scheduled Monument is 2km away, the northern section of the site is outside the floodplain and the substation is now proposed out of the higher flood risk area within Flood Zone 1.

5.6.6 Based on the information provided, Officers conclude that the Sequential Test has been passed. Therefore, Officers have gone on to assess whether or not the development passes the Exceptions Test.

5.6.7 The FRA submitted confirms that the eastern, southern, and western extents of the site are located within an area of Flood Zone 3 (considering the presence of flood defences) while the remaining central and northern area is in Flood Zone 1. Most of the solar arrays would be located within the centre of the site and Flood Zone 1. The assessment concludes that the site has very low-medium levels of flood risk and proposes mitigation measures. It is noted that the substation has been located in an area of Flood Zone 1 and has a finished floor level of 300mm above the design flood level (undefended 1 in 200 year plus climate change). As such, the substation will not be at risk of tidal flooding, the main source of risk to the site given that it is more sensitive in nature. With regard to safe access/egress, the northern centre section of the site is located outside of the floodplain and so could be used as safe muster point should the site experience flooding. The site is at very low/low risk of flooding from surface water (except for a strip of the western site boundary), groundwater, fluvial and other sources. The proposed development will only alter the impermeable area on site by a diminutive amount, resulting in a negligible increase in surface water runoff. The solar panels will not increase the impermeable area on-site, and therefore will not increase the volume of surface water runoff. Sustainable Urban Drainage System (SuDS) measures are proposed in the form of a drainage pond in the south western corner of the developed site and swales along the edges of the site. Taking flood defences into account, the site would not be expected to flood up to and including the 1 in 1000 year event but flood depths of up to 1.82m would be expected

in a breach event 1 in 200 year tidal event (a residual 'medium' risk) but not including climate change. It is recommended that the sensitive electrical equipment on these panels in these areas will be raised 300mm above the defended 1 in 200 year plus climate change tidal event, to a minimum level of 4.73m AOD. Cable route to connection to electricity network within Flood Zone 3 and at high risk of surface water flooding but below ground and so would not be affected.

5.6.8 In terms of the Exception Test, in support of the application it is stated that the development proposed will result in increased employment during its construction and through the provision of maintenance services to the site and so benefit the local economy. The development will also facilitate the production and use of sustainable energy, which will deliver a significant contribution to the reduction of a carbon dioxide emissions. The development would also be unmanned and would only be visited for routine maintenance purposes thereby reducing the risks to human health. The development would either be designed to remain operational during times of flooding or be able to be remotely shut down and restarted following such an event. The applicant's agent concludes that the proposal therefore would provide wider sustainability benefits to the wider community that outweigh flood risk and the FRA demonstrates that the development will be safe for its lifetime without increasing flood risk elsewhere.

5.6.9 The EA raises no objection. They have advised that the key points to note from the submitted FRA are:

#### Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences.
- The substation has been proposed in Flood Zone 1, with a minimum floor level of 4.73m AOD, which is above the 1 in 200 year plus climate change flood level of 4.43m AOD (plus 300mm freeboard).
- The western, southern and eastern extents of the solar panel arrays are within the design flood extent. All sensitive electrical equipment on these panels in these areas will be raised 300mm above the defended 1 in 200 year plus climate change tidal event, to a minimum level of 4.73m AOD.
- This proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 0.5% (1 in 200) annual probability including climate change flood event. A Flood Evacuation Plan has not yet been proposed.
- Compensatory storage is not required.

Guidance on Safety of Building - Flood Resilient Construction, Safety of inhabitants - Safety of Building and Safety of Inhabitants - Emergency Flood Plan is also provided.

5.6.10 Based on the information submitted and the consultation response from the EA, it is considered that the Exceptions Test has been passed.

5.6.11 With respect to surface water drainage, the SuDS team at ECC has raised no objections subject to the imposition of conditions. These conditions could be imposed if planning permission were to be granted for the proposal. In the absence of any objection from this statutory consultee, there is no reason to conclude that the surface water drainage scheme proposed would be unsatisfactory.



5.6.12 Based on the information submitted and the specialist advice received, it is concluded that the development would be acceptable from a flood risk perspective, in compliance with Policies S1 and D5 of the approved Maldon District LDP and the NPPF.

## **5.7 Nature Conservation**

5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.

5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.

5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).

5.7.4 Criterion 1 of Policy D4 requires that development proposals do not have an adverse impact on the purpose or function of internationally, nationally or locally designated sites of protected wildlife or landscape areas.

5.7.5 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.

5.7.6 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

5.7.7 The Preliminary Ecological Appraisal (PEA) submitted states that the site is dominated by arable fields, with grassy field margins and intact native species-poor hedgerows with scattered broadleaved trees. The Appraisal identifies that there is potential on site for nesting birds, both in the trees and hedgerows and on the ground in arable fields and grassy margins. The site also provides suitable habitat for sheltering and hibernating reptiles and mammals, including Badger. In addition, there is potential on site for bat species to utilise linear features for foraging and commuting, with mature trees in hedgerows providing suitable bat roost features. The Bird Surveys identify that species are of only local importance. Precautionary measures and ecological enhancement measures (including a Landscape Ecological Management Plan (LEMP), provision of bird boxes and enhancement of the existing hedgerows and additional planting) are recommended. The Breeding Bird Survey finds that the proposals support breeding habitats including arable land and hedgerows featuring scattered trees and ditches. The Wintering Bird Survey recommends that, due to the scale of the proposed solar park, monitoring should be carried out to inform future proposals which could be secured through a suitably worded planning condition. In response to the Wintering Bird Survey recommendations, a 25m wide wildflower grassland buffer is included to the north of the proposed hedgerow to provide a sufficient area for skylark nests to off-set impacts on skylarks.

- 5.7.8 The FBMS submitted advises that the site supported six farmland bird species including two territories of skylark. A third skylark nesting habitat was identified beyond the northern boundary of the site. The general recommendations are for works involving vegetation removal or ground works to take place outside of the breeding season (March–August inclusive) or, if this cannot be arranged, a suitably experienced ecologist should undertake a check for nests no more than 24 hours prior to any clearance being undertaken. Also, with respect to Cetti's Warbler, prior to any works commencing on site, suitable habitats on site will be surveyed by an ornithologist and appropriate buffers will be established around any nesting habitat to prevent disturbance from construction activities. An area totalling 1.5 ha beyond and along the northern boundary of the application site is identified as compensatory skylark territory for all three identified. Future monitoring for a period of five years is also recommended. Other recommendations relating to the other farmland birds include installation of starling nest boxes, trimming hedgerows on site and creation of grass margins around arable fields.
- 5.7.9 Based on the Biodiversity Net Gain Assessment submitted, it is predicted that the development would result in 17.71% biodiversity net gain in linear habitats and 247% net gain in area habitats.
- 5.7.10 Natural England (NE) have raised no objections to the proposal as the surveying seems to show that minimal usage of the proposed solar farm area is used by the species. They commented in response to the previous application that the impact of the development on the waterbird assemblage had not been assessed as part of the documents submitted and this is one of the main features of all of the nearby Sites of Special Scientific Interest (SSSIs) and Special Protection Areas (SPAs). The following nature conservation designations are associated with the River Crouch: SSSI (Crouch and Roach Estuaries), Ramsar Site (Crouch and Roach Estuaries Mid Essex Coast Phase 2), Special Protection Area (Crouch and Roach Estuaries Mid-Essex Coast Phase 3), Marine Conservation Zone (Blackwater, Crouch, Roach and Colne Estuaries), Special Area of Conservation (Essex Estuaries) and Special Protection Area (Outer Thames Estuary). NE advised that clarification should be sought and that the impact of the development on waterbird assemblages is included in the Council's Habitats Regulations Assessment (HRA). The current application is supported by information to inform Habitats Regulations Assessment (HRA) which concludes that the development would result in no significant likely effects. The Council will need to complete a HRA, in consultation with NE, before and if planning permission is granted for the development proposed.
- 5.7.11 ECC Ecology have raised no objection subject to securing ecological mitigation and enhancement measures which could be secured through the imposition of conditions if planning permission were to be granted.
- 5.7.12 Based on the above and subject to the completion of a HRA, it is not considered that the development would have an adverse impact on nature conservation interests subject to the imposition of conditions and the skylark compensatory measures proposed are secured. Subject to this, it is considered that the proposal complies with Policies S1, S8, D1, D4 and N2 of the LDP and the NPPF, and has overcome the third reason planning permission was previously refused for the development.

## **5.8 Other Material Considerations**

- 5.8.1 Archaeology: Essex County Council Archaeology has raised no objections subject to the imposition of conditions. On the basis of this specialist advice, no objection to the proposal is raised in relation to archaeology, in compliance with Policy D3 of the LDP.

5.8.2 Community Benefit Fund: the applicant has offered to create a Community Benefit Fund of £19,000, if planning permission were to be granted.

## 5.9 Planning Balance and Sustainability

5.9.1 The starting point for decision making is the adopted development plan. The most relevant policies of the Development Plan relating to this application is Policy D4 which is considered to be up-to-date and consistent with the content of the NPPF. Policies S1, S8, D1, D5 and N2 are also relevant to the assessment of the development the subject of this application.

5.9.2 The proposal would result in some conflicts with Policy D4 as a result of the landscape and heritage impacts of the development. However, these impacts must be weighed against any environmental, economic and/or social benefits of the development.

5.9.3 As part of the application, the agent suggests the weighting which should be applied to the benefits of the proposal and the harm which would be caused, as follows:

### Benefits

- Clean energy generation – the proposal will export 19 MW of clean, renewable energy per year to the local distribution network, enough to power 4,751 households. Substantial weight.
- Additional BESS Capacity – the proposal will have the capacity to store up to 5 MW of clean, renewable energy generated by the solar array and reinforce the local grid network. Moderate Weight.
- Climate Change – The proposal will make a significant contribution towards tackling climate change. Substantial weight.
- Energy security – The proposal will contribute towards the security of energy supply in Maldon through the provision of local renewable energy. Substantial weight.
- Job creation – The proposal will provide long and short-term job opportunities in the local area and will support the diversification of an existing agricultural enterprise. Moderate weight.
- Net biodiversity gains – The proposal will have a positive impact on the local environment by delivering net gains in biodiversity. Substantial weight.

### Harm

- Landscape Harm (including cumulative) – impact accepted but all existing tree and hedgerows will be retained and suitable buffers applied to avoid more adverse effects. Limited weight.
- Heritage Harm to the setting of the Church of St James – Negligible impact, less than substantial at the lowermost end of the scale. Limited weight.

5.9.4 In addition, there would be a positive impact in social terms as a result of the proposed creation of a Community Benefit Fund of £19,000 but there is no indication that the level of community fund is fairly and reasonably related to the scale and kind of development, it is not necessary to make the proposal acceptable in planning terms and would not meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended). Therefore, while it would be of benefit to the community, it is not a determining factor in the overall balance in this case and can, therefore, carry no weight.

- 5.9.5 With regard to the three elements of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, particularly during the construction phase, but more limited during the operational phase. The development would also create employment opportunities, more so during the construction period. However, this benefit is likely to be limited as very few personnel would be required during the operational phase and the employment created during construction would be temporary.
- 5.9.6 In relation to the environmental role, the proposal would deliver a renewable energy project which would have significant environmental benefits as it would help to limit climate change. Given that both National and Local Policy support the provision of renewable energy sites, it is considered that the benefits of the solar farm would carry significant weight in the planning balance.
- 5.9.7 However, the proposal would have adverse impacts on the character and appearance of the area and a heritage asset (although it is acknowledged that this would be temporary and could be minimised with additional planting which could be secured by condition).
- 5.9.8 It has been demonstrated that the development is acceptable from a flood risk perspective and that it would not have an adverse impact on nature conservation.
- 5.9.9 No significant adverse impacts in relation to drainage or highway safety/ access/ parking have been identified.
- 5.9.10 Given the notable benefits, including those to the public, associated with the development, it is considered that these are sufficient to outweigh the harm the development would cause. As a result, it is recommended below that planning permission is approved, in this case, subject to the imposition of conditions.
- 5.9.11 A number of the conditions recommended are 'pre-commencement' conditions. Confirmation from the applicant that they would have no objection to the imposition of these conditions if planning permission were to be granted has been sought (15.02.2024). The recommendation made is on the basis that no objections are raised.

## **6. ANY RELEVANT SITE HISTORY**

- **23/00244/FULM** – Erection of a 19 MW Solar PV Array, comprising ground mounted solar PV panels, with co-located 5 MW battery energy storage system (BESS), vehicular access from Keelings Road, internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers, substation compound buildings and cabling route to the point of connection. Refused 03.07.2023
- **22/00176/SCR** - EIA Screening Request for a proposed solar PV array on land at Keelings Road, Southminster, CM0 7JF - EIA not required 22.07.2022.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	No response.	
Southminster Parish Council	<p>Recommends refusal for the reasons:</p> <ol style="list-style-type: none"> <li>1 The application site includes land within Flood Zones 2 and 3 and so has a medium/high probability of flooding whilst the development would provide wider sustainability benefits to the community, it is not considered these would be sufficient to outweigh the flood risk and it has not been demonstrated satisfactorily that the development will be safe for its lifetime. It must be noted that part of site was recently flooded following a sustained period of rain fall and that in addition Asheldham Brook to the South burst its banks. It is therefore considered the proposed development is unacceptable and contrary to the NPPF, the National Planning Practice Guide and Policies S1 and D5 of the Maldon District Approved Local Development Plan.</li> <li>2 The proposed development is set on a north south incline which as a result will mean that it would be more visually intrusive than if it was on level ground. The view from the South towards the North includes the Asheldham and Dengie Ridge which was a continuous Roman settlement. To the West of the ridge is an Ancient Hill Fort. The middle of ridge includes the 13th Century Church of St James and several listed buildings. The ridge forms the highest point on the Dengie Marshes and therefore has significant visual, historical, and social bearing and must be protected. It is considered that the development, as a result of its location, nature, and extent, would cause harm to the character and appearance of the site and its</li> </ol>	Noted – these issues are discussed above.

Name of Parish / Town Council	Comment	Officer Response
	<p>surroundings including nearby residential properties contrary to Policies S1, S8, D1 and D4 of the approved Maldon District Local Development Plan and the associated policies of the NPPF.</p> <p>3 It has not been demonstrated that the development would not cause harm to waterbird assemblages associated with the nearby designated nature conservation sites (in particular, the SSSIs and SPAs) the applicant has not considered the old reservoir lake adjacent to the scheme which provides for many bird species including over wintering birds. It should be noted that the proposed site has been grazed by swans for many years. It is considered that the applicant has not conducted its ecological report against this evidence. Therefore, the proposal would have an adverse impact on nature conservation, contrary to Policies S1, S8, D1, D4 and N2 of the approved Maldon District Local Development Plan and the NPPF.</p> <p>4. The permanent removal of verges and hedges to facilitate construction vehicles entering and leaving the site is considered unacceptable due to the loss of habitat to a variety of wild animals and birds, contrary to Policies S1, S8, D1, D4 and N2 of the approved Maldon District Local Development Plan and the NPPF.</p>	
Tillingham Village Council	No response.	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
SuDS Team at Essex County Council	No objection subject to the imposition of conditions.	Noted – the conditions recommended could be imposed if planning permission were to be granted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No objection.	Noted –refer to section 5.6 of report.
Natural England	The advice provided in their previous response (09 May 2023 NE reference number 429656) applies equally to this resubmission. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.	Noted – refer to section 5.7 of report.
Essex County Council Highways	No objection subject to the imposition of conditions (a detailed phasing strategy, provision of the access proposed, a Construction Traffic Management Plan and a Route Mitigation Plan).	Noted - refer to section 5.5 of report.
Essex County Council Archaeology	In the absence of an archaeological evaluation report, the geophysical survey has established that there is a large-scale archaeological landscape present on the site. The details of the archaeology, specifically its date and significance, are not as yet fully understood. Whilst archaeological fieldwork has been undertaken and Roman features identified (Mark Baister pers. comm.), the report for this phase of fieldwork has not been submitted. Archaeological deposits are both fragile and irreplaceable. It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given the National Planning Policy Framework.	Noted - refer to section 5.8 of report.
Essex Police Designing Out Crime	Neither object nor support this application but would like to provide the comment below to be taken into consideration in determining this application: Maldon's Core Strategy, states that a high priority is placed on doing all they can to reduce crime. It further states that one of Maldon's key objectives is to reduce the fear of crime. The NPPF also supports the need to create safe and secure environments. Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which are places that are safe and	Noted – a condition could be imposed if planning permission were to be granted requiring further details in relation to security of the site.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 95 of the NPPF states that Planning policies and decisions should promote public safety and take into account wider security. It should be noted that other parts of the country have seen an exponential rise in crime in relation to solar farms with everything from solar panels to cabling and ancillary equipment being targeted. In view of this they would like to see greater consideration given to the security of the site. With regards to the suitability of the proposed security provision there is insufficient detail provided to enable us to provide a meaningful comment on this application.</p>	
Historic England	No advice provided.	Noted.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	<p>No objections. The noise assessment carried out by RSK Acoustics concludes that in a worst-case scenario, with all plant operating continuously at maximum capacity, the noise generated by the development will at isolated noise sensitive receptors exceed the representative background levels in external areas. It does however identify that absolute levels do not exceed WHO guidelines for external amenity space and predicted internal levels are likely to be acceptable. They are satisfied that the guidance in BS4142 has been correctly applied where it states that, where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night. The reality is that the prediction is conservative, and that noise emitted will be lower than modelled as the plant will not all</p>	Noted – refer to section 5.4 of report.



Name of Internal Consultee	Comment	Officer Response
	run continuously.	
Tree Consultant	Support, subject to the imposition of conditions.	Noted - refer to section 5.3 of report.
ECC Ecology	<p>No response. No objection subject to securing ecological mitigation and enhancement measures. They agree that the site is not functionally linked to the Dengie SPA and Ramsar site based on the information provided by the applicant.</p> <p>.</p> <p>The Farmland Bird Mitigation Strategy (RSK ADAS, December 2023) outlines that an area of 1.5ha of tussocky grassland will be created offsite, directly to the north which will provide adequate mitigation for the loss of the two Skylark nesting territories within the red line boundary. The proposed varied hedgerow management options will benefit Yellowhammer and Linnet.</p> <p>They recommend that the Farmland Bird Mitigation Strategy (RSK ADAS, December 2023) is secured via a separate condition of any consent.</p> <p>Biodiversity Net Gain: Biodiversity Metric calculations have not been submitted to support this application. Prior to determination the following are required to clearly demonstrate that a measurable biodiversity net gain can be achieved for this development:</p> <ul style="list-style-type: none"> <li>• submission of the completed Biodiversity Metric 3.1 calculations spreadsheet used.</li> <li>• further clarification on how post-implementation condition scores can be achieved.</li> <li>• query whether Other neutral grassland in 'moderate' condition under the solar panels will be able to reach this habitat type.</li> <li>• clarification of what type of grassland is proposed surrounding the solar panels.</li> <li>• query whether the 1.5ha of tussocky grassland outlined within</li> </ul>	<p>Refer to section 5.7 of report. The conditions recommended could be imposed if planning permission were to be granted.</p>

Name of Internal Consultee	Comment	Officer Response
	<p>the FBMS has been included, as this should be off-site habitat creation.</p> <p>The finalised measures could be secured as part of this application or implemented as a pre-commencement condition of any consent.</p>	
<p>Principle Conservation &amp; Heritage Officer</p>	<p>The scheme has the potential to impact the settings and significance of five grade II listed buildings to the north of the site. The application is accompanied by a Heritage Statement by Pegasus Group which provides a rigorous assessment of the significance of the listed buildings and the impact of the proposals. Having studied the submitted documents and visited the site, they find no reason to disagree with the conclusions of the applicant's Heritage Statement on this occasion. The impact of the proposal on the significance of the grade II listed buildings can be summarised as follows:</p> <p>Church of St James, Dengie has architectural, artistic, historic and archaeological interest as a small parish church dating from the 14th century. The application site is visible in the distance from outside the front of the church, and the church can be seen in the distance in views from the application site. There is no known historical or functional relationship between the church and the application site. The application site makes a minimal but positive contribution to its wider rural and arable setting. The 'accurate visual representations' submitted as part of the Landscape Visual Impact Assessment indicate that the appearance of the solar array would be a minor change to the wider setting of the church. The Heritage Statement draws attention to the appeal decision for the wind turbines at Turncole Farm (refs APP/X1545/A/12/2174982, 2179484 and 2179225). The 126.5 metres tall turbines which are prominently visible from Keelings</p>	<p>Refer to section 5.3 of report.</p>

Name of Internal Consultee	Comment	Officer Response
	<p>Road were judged by the inspector to pose a 'negligible' degree of harm to the setting of the Church of St James. As a less noticeable change to the landscape, the proposed solar array will cause less harm to the listed church than the wind turbines.</p> <p>Dengie Manor, Dengie has architectural interest as an example of an 18th-century farmhouse. It has historic interest for its association with the aristocratic Fanshawe family. The principal elevation of the house faces south, looking in the direction of the application site. The trees now along the southern boundary of Dengie Manor largely screen views between the application site and the house, although some intervisibility occurs through gaps between the trees. Maps show there were trees planted along this boundary from at least the 19th century. The application site is arable land which was farmed by Dengie Manor (then known as Dengie Hall) at the time of the 1839 Tithe survey. There is therefore a historical connection between the site and this listed building. However, the contribution of the application site to the listed building's setting and significance is effectively neutral due to the intervening distance and vegetation. It is anticipated that the proposal will have no detrimental impact on the listed building's significance.</p> <p>The heritage significance of Keelings, Dengie principally derives from its architectural interest as a good example of a multi-phased historic farmhouse. Its principal elements are a late-medieval timber-framed cross-wing, an early-17th-century timber-framed hall range, and a fine late-Georgian front range of red brick. It has remarkable 17th-century carved decoration inside the house. Views from the listed building of the application site, and vice versa, are largely screened by intervening trees. The application site makes a neutral</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>contribution to the listed building's setting and the proposal will have no detrimental effect on the listed building's significance.</p> <p>Landwick Farm, Dengie has architectural interest as a Georgian farmhouse. Views between the application site and the farmhouse are very limited due to the topography and intervening vegetation. The application site makes a neutral contribution to the listed building's significance, and the proposal will have no detrimental effect on the listed building's significance.</p> <p>Church of St Lawrence, Asheldham has architectural, historic and archaeological interest as a 14th century parish church which in recent years was converted to a youth hostel. There is an oblique view of the application site in the distance from outside the church, but the contribution of the site to the listed building's significance is judged to be neutral to the distance and intervening vegetation. The proposal will have no detrimental effect on the listed building's significance.</p> <p>There are three further grade II listed building to the north of those identified above: a walled garden to the north of Dengie Manor, Vinnies, and The Old Granary (listed as barn approximately 90 metres north east of Dengie Manor). The significance of these listed buildings would not be impacted by the proposed development because of the distance and intervening structures and vegetation between them and the application site.</p> <p>In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the settings of listed buildings. As identified above, the proposed development would cause a negligible</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>degree of 'less than substantial harm' to significance of the grade II listed church of St James Dengie. In accordance with paragraph 202 of the NPPF, such harm must be weighed against the public benefits of the proposal. Paragraph 199 of the NPPF requires that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'.</p> <p>The decision maker must give the harm identified appropriate weight in the planning balance. It is not for me to undertake that planning balance, but a low level of public benefit would be sufficient to outweigh the negligible harm identified.</p>	

#### 7.4 Representations received from Interested Parties

7.4.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Removal of 150 acres of good agricultural land when should be more self sufficient – loss of work for agricultural workers in Dengie	Refer to section 5.2 of report.
Blot on landscape detracting from some of the listed buildings close to the site; view brings tourism to Dengie	Refer to section 5.3 of report.
Loss of land for migrating birds	Refer to section 5.7 of report
Should be fitted to building roofs instead	Noted.
Harm caused for 20 years	Noted.

#### 8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site location plan 0200-05 issue 06
  - Planning layout 0201-01 issue 14
  - Transformer station detail 1643-0207-00
  - Mounting system 0206-00
  - Fence details 0205-01

- CCTV detail 0204-00 issue 02
- Compound layout 0201-20
- DNO switchgear 0208-74
- 33kv private switchgear 0208-50
- Access road sections 0209-10
- Welfare container detail 0207-41 issue 02
- Spares contain detail 0207-40
- Battery inverter station 0207-28
- Battery storage unit detail 0207-27
- Aux Low Voltage (LV) switchroom details 0207-03
- Aux transformer detail 1643-0207-02
- D-L-40001 rev B northern boundary section
- D-L-30001 revE landscape softworks plan
- D-L-10001 revE landscape general arrangement
- Transport Statement (December 2022) including Construction Traffic Management Plan
- Arboricultural impact assessment (February 2023)
- Noise impact assessment (November 2022)
- Solar photovoltaic glint and glare study (August 2022)

REASON: To ensure the development is carried out in accordance with the details as approved.

3. The soft landscape works shall be carried out in accordance with D-L-40001 rev B northern boundary section, D-L-30001 revE landscape softworks plan and D-L-10001 revE landscape general arrangement. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the first operation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: In the interest of the character and appearance of the site, surrounding countryside in accordance with Policies S1, D1, and D4 of the approved Maldon District Local Development Plan and guidance contained within the NPPF.

4. If use of the hereby approved development should cease for the purposes of energy generation for a concurrent period exceeding six months or more, all the equipment and structures hereby approved shall be removed from the land and the site reinstated to its former condition. In any case, the Panels, associated structures, and infrastructure shall be removed at the latest by the 31 March 2064. Prior to the removal of any panels and equipment a scheme (to include timescales) for the reinstatement of the site to agricultural land alongside any retained ecological habitat areas shall be submitted to and approved in writing by the local planning authority. The site shall be reinstated in accordance with the approved details.

REASON: In the interest of the character and appearance of the site, surrounding countryside and nearby heritage assets in accordance with

Policies S1, D1, D3 and D4 of the approved Maldon District Local Development Plan and guidance contained within the NPPF.

5. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON: In the interests of the historic environment in accordance with Policy D3 of the approved Maldon District Local Development Plan and the NPPF.

6. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON: In the interest of the historic environment in accordance with Policy D3 of the approved Maldon District Local Development Plan and the NPPF.

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and outline drainage strategy (October 2023) and the following mitigation measures detailed within the FRA and the following information:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to the 1/1 yr greenfield discharge for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The mitigation measures shall be fully implemented prior to the solar farm becoming operational and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution in the interests of flood risk and preventing pollution in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.

8. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing

by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: In the interests of flood risk and preventing pollution in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.

9. Prior to the first operation of the development a 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. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.  
REASON: in the interests of surface water flood risk in accordance with Policy D5 of the approved Maldon District Local Development Plan and NPPF.
10. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the local planning authority.  
REASON: in the interests of surface water flood risk in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.
11. The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.  
REASON: in the interests of surface water flood risk in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.
12. Prior to first operation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.  
REASON: To conserve protected and Priority species in accordance with Policies D4 and N2 of the Maldon District Local Development Plan and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).
13. The solar panels hereby approved shall be of an anti-glare design.  
REASON: To avoid detrimental impacts of neighbouring amenity and visual amenity, in accordance with Policies D1, D4 and T1 of the Maldon District Local Development Plan.
14. No development shall take place until a detailed phasing strategy has been submitted to and approved in writing by the Local Planning Authority. The phasing strategy shall specify details of the construction programme and any overlaps that have been identified with other consented major developments likely to give rise to significant levels of construction traffic on the local highway network. Should any overlaps in construction programme be identified then the phasing strategy shall also specify any alternative construction management measures that will be put in place to manage conflicts that may arise during the period of overlap in construction



programme(s). The development shall be carried out in accordance with the approved phasing strategy.

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety, in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.

15. No development shall take place until the access arrangements as shown on drawing no. 111228-10-01 (dated 01 Nov 2022) have been provided, including clear to ground visibility splays with dimensions of 2.4 metres by 215 metres in either direction, as measured from and along the nearside edge of the carriageway. The access and associated vehicular visibility splays shall be retained free for the life of the development.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.

16. No development shall take place, including any ground works, until a detailed Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Local Planning Authority. The final approved CTMP shall generally accord with the submitted CTMP dated 01 Dec 2022. The detail within the CTMP shall include:
- a. Details of any other scheduled development and associated construction traffic in the area during the construction programme;
  - b. Details of the expected traffic levels during the construction period and operational periods of the Development, including numbers of expected HGVs, LGVs, minibuses, cars and their likely distribution across the construction and operational phases of the development;
  - c. Detailed final proposed construction traffic routing plan for construction vehicles which, where necessary, shall coordinate traffic with cumulative development identified within an approved Phasing Strategy (no. 1 above);
  - d. Full details of temporary traffic management / banksmen control / mitigation / delivery timing restrictions required in connection with the construction traffic routing and co-ordination between nearby planned development;
  - e. On-site parking and turning arrangements;
  - f. Loading and unloading of plant and materials;
  - g. Storage of plant and materials used in constructing the development;
  - h. Wheel and underbody cleaning facilities for vehicles;

The approved Construction Traffic Management Plan shall be fully adhered to throughout the construction period.

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety, in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.

17. No development shall take place, including any ground works, until a detailed Route Mitigation Plan based on the principles contained in the Construction Traffic Management Plan, has been submitted to, and approved in writing by the Local Planning Authority, and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be implemented and adhered to throughout the construction period.

REASON: To ensure construction traffic is managed on the highway network in the interests of highway safety, in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.

18. No development shall take place until an inspection of the route to be used by construction vehicles in connection with the development has been carried out

by the applicant, the scope and methodology of which shall be agreed in advance with the Highway Authority and include appropriate evidence. The route should then be inspected regularly during construction with any damage arising from construction traffic being dealt with expediently. On completion of the development any damage to the highway resulting from construction traffic movements generated by the application site shall be identified in a remediation plan and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Highway Authority.

REASON: To preserve the integrity and fabric of the highway, in the interests of highway safety, in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.

19. No development shall take place until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree protection plan
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: In the interests of the character and appearance of the area, in accordance with Policies S8, D1, D3 and D4 of the approved Maldon District Local Development Plan and the NPPF.

20. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (RSK ADAS, November 2022), wintering Bird Survey (Temple, September 2022), Breeding Bird Survey (Temple, September 2022), and Farmland Bird Mitigation Strategy (RSK ADAS, December 2023) submitted.

REASON: To conserve protected and Priority species, in accordance with Policies D4 and N2 of the approved Maldon District Local Development Plan and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

21. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) 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.

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.

REASON: To conserve protected and Priority species, in accordance with Policies D4 and N2 of the approved Maldon District Local Development Plan and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

22. No development shall take place unless and until a Biodiversity Net Gain Plan has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the biodiversity metric as applied in the area in which the site is situated at the relevant time. The content of the Biodiversity Net Gain Plan should include the following:
- a) Proposals for the on-site biodiversity net gain;
  - b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
  - c) Proposals for any off-site biodiversity net gain provision;
  - d) A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The development shall be implemented in full accordance with the requirements of the approved Biodiversity net Gain Plan.

REASON: To allow the development to demonstrate measurable biodiversity net gains and allow the local planning authority to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

23. No development shall take place, including ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to measure the success of the compensation strategy outlined within the Farmland Bird Mitigation Strategy (RSK ADAS, December 2023). The content of the Strategy shall include the following:
- a) Aims and objectives of monitoring to match the stated purpose.
  - b) Identification of adequate baseline conditions prior to the start of development.
  - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
  - d) Methods for data gathering and analysis.
  - e) Location of monitoring.

- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

**REASON:** In the interests of nature conservation, in accordance with Policies D4 and N2 of the approved Maldon District Local Development Plan and to allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

24. Prior to the commencement of the beneficial use of the solar farm hereby permitted, details of site security measures shall be submitted to and approved in writing by the local planning authority. The solar farm shall be operated in accordance with the approved details.

**REASON:** In the interests of the minimisation and prevention of crime, in accordance with the NPPF.

#### **INFORMATIVES**

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- 2 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- 3 Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.