

**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**DISTRICT PLANNING COMMITTEE**  
**13 JULY 2022**

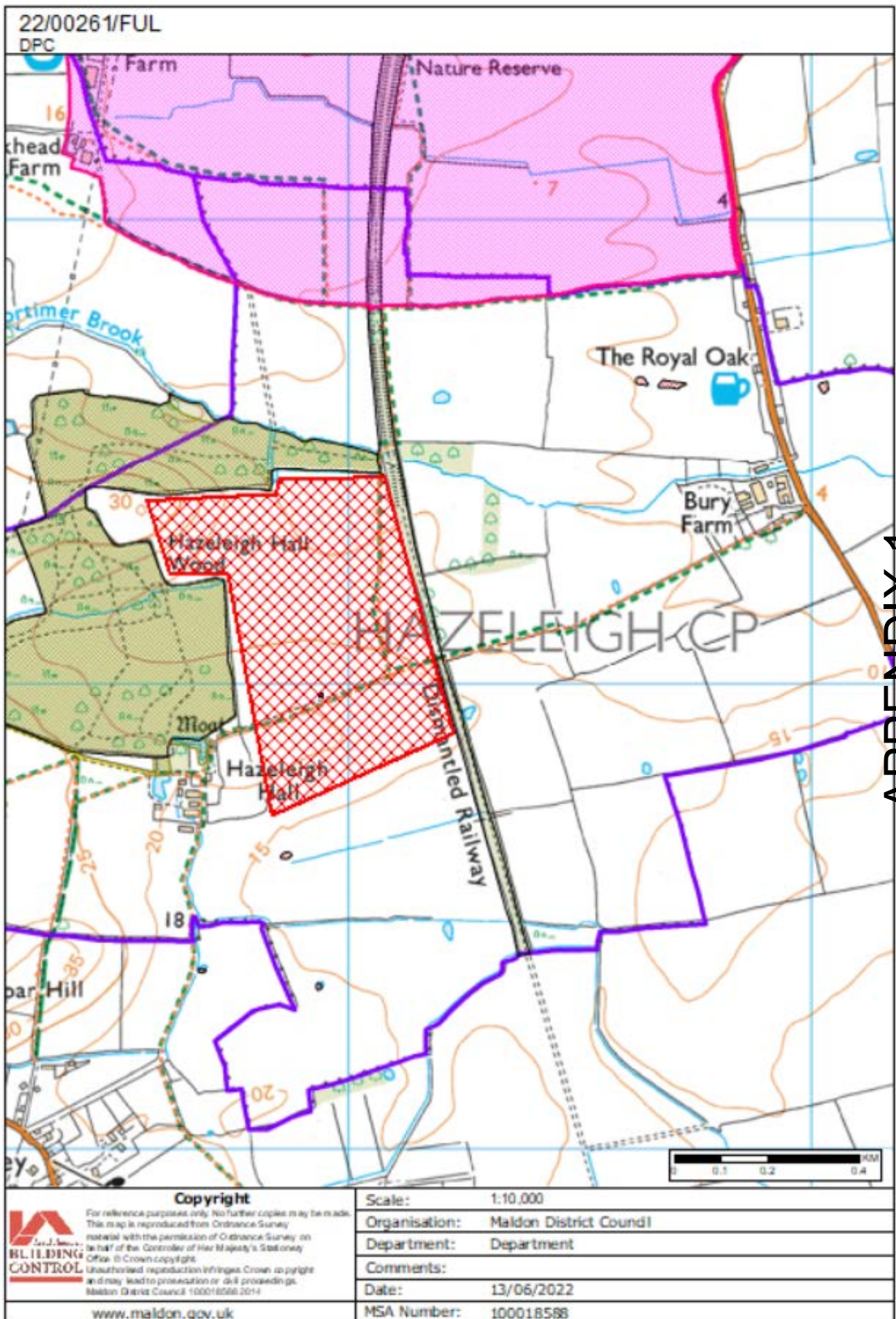
<b>Application Number</b>	<b>22/00261/FUL</b>
<b>Location</b>	Hall Farm Land at 583941 203977, Hazeleigh Hall Lane, Hazeleigh
<b>Proposal</b>	The construction and operation of a solar photovoltaic farm and associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping.
<b>Applicant</b>	Mr James Hartley-Bond – Low Carbon Solar Park 1 Limited
<b>Agent</b>	Mr N Bowen – DWD Property and Planning
<b>Target Decision Date</b>	EOT 20.07.2022
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>HAZELEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Proposal is a 'development of strategic interest' as defined under the Scheme of Delegation

**1. RECOMMENDATION**

**APPROVE** subject to the conditions set out in section 8.

**2. SITE MAP**

Please see below.



### 3. **SUMMARY**

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

##### Application site

- 3.1.1 The application site, an agricultural field, measures approximately 36 hectares. It lies approximately 370m to the south of the South Maldon Garden Suburb, 2.6km to the west of the settlement boundary of Woodham Mortimer and 1.1km from the settlement boundary of Purleigh to the south. Access to the site is taken from the southern side of Maldon Road, along a private track that also serves Woodham Mortimer Primary School, a commercial business and the surrounding farm/agricultural land.
- 3.1.2 The site lies within the countryside and is bound by an Ancient Woodland and Local Wildlife Site (LWS) Hazeleigh Hall Wood on its northern and western boundaries. To the east is Maldon Wycke, another LWS and beyond that is agricultural land and Farnbridge Road. To the south is additional open countryside/agricultural land. The southwest boundary of the site lies immediately to the east of Hazeleigh Hall where there are three Grade II Listed Buildings, Hazeleigh Hall, a granary and a threshing barn. Hazeleigh Hall, and Church House Farm, also located to the southwest corner of the site, are the closest residential properties to the main area of the site.
- 3.1.3 There are two public rights of way (PRoW) that cross the site, one that runs north to south (Footpath no.2), just south of the centre of the site, and the other runs east to west (Footpath no.3), along the eastern boundary.
- 3.1.4 The surrounding area predominantly consists of agricultural fields bounded by hedgerows and interspersed with woodland blocks. There is sporadic built form consisting mainly of residential dwellings and agricultural buildings.

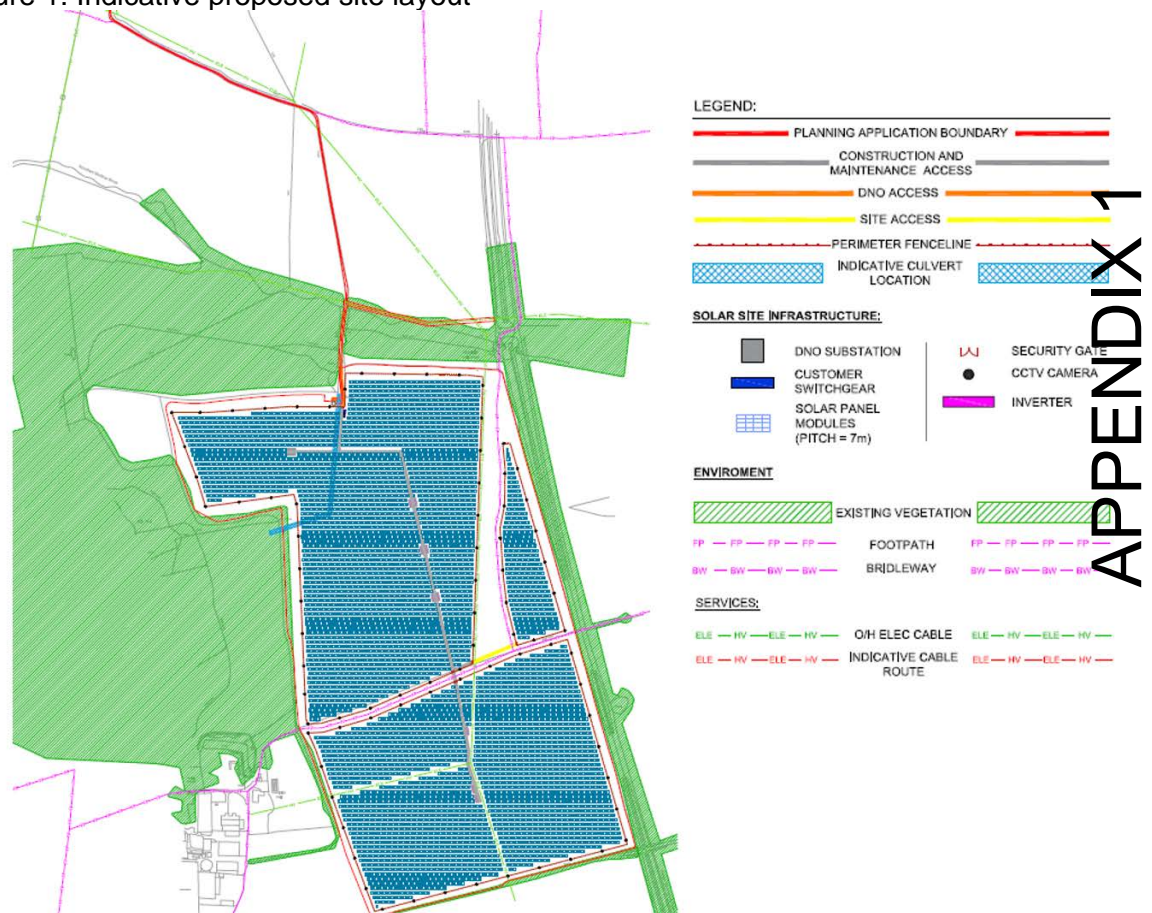
##### Proposal

- 3.1.5 Planning permission is sought for the construction of a Solar Photovoltaic (PV) Farm, which would generate approximately 25 MW of electricity, which could power around 8,000 homes. The Solar Farm is proposed to operate for 40 years, in which the solar panels and other infrastructure would be removed, and the site restored to its current state.
- 3.1.6 An image of the indicative layout is shown below, which shows:
- Rows of solar panels running east to west. Each panel would have a maximum height of 2.8m, with a 26.5 degree tilt. There would be a gap of approximately 3-4m between each row of arrays and each array would be mounted on a frame, to be installed using spiked foundations of approximately 1-2m deep. The panels are mounted in four horizontal rows, one fixed directly above the other. At their lowest edge the arrays would be approximately 0.9m from the ground and up to approximately 2.8m at the highest edge.
  - Nine Inverters with containers which measure 3m in height, 12.2m in width and 2.5m in depth. Each would be placed on a hardcore base.
  - A Distribution Network Operator (DNO) substation within the northwest part of the site, which would have a mono-pitch roof measuring a maximum height of 4.1m and a minimum height of 3.2m. It would have a width of 8m and a depth of 6m. This would be erected on a hardcore base.



- Customer Switchroom within the north of the site, which would measure 3m in height, 12m in width and 4m in depth and would feature a satellite dish on the side elevation and would be erected on a hardcore base.
- Internal access tracks for both construction and maintenance access.
- 2m high mesh wire stock fence, with mammal gates and wooden support posts.
- CCTV cameras around the perimeter of the development zones of solar panels. They would be on poles of 3-4m in height, spaced at approximate 50m intervals.
- Cable positioning.
- A minimum buffer of 15m between the Ancient woodland, LWS's and the perimeter fencing.
- Access through the site to serve the public footpaths.

Figure 1: Indicative proposed site layout



3.1.7 The proposal also includes native hedgerow planting along the perimeter of the public footpaths and a native tree belt along the southern boundary and the southern part of the western boundary. There would be no lighting of the site during night-time hours. Furthermore, the site would be retained in agricultural use for the life of the proposed development, with the majority of the site being planted with a combination of pasture-mix grassland, and wildflower meadow, including land underneath and between the panels.

- 3.1.8 As stated above, at the end of the development's lifespan (40 years) the solar panels and other infrastructure would be removed, and the site restored to its current state.
- 3.1.9 Notwithstanding the above, the supporting Planning Statement states that the proposal seeks design flexibility as it has not been possible to fix the design at this stage, namely relating to the layout of the structures forming part of the proposal, include the precise layout of the site and the height of the solar panels. Therefore, the design has been based on a worst-case scenario in terms of the height of the solar panels, and the approach to the solar panels relates to development zones rather than a defined layout. This would allow the developer to optimise the layout of the solar farm rather than requiring it to be built to a precise layout.
- 3.1.10 The above approach adopts the principles of the 'Rochdale Envelope Approach'. The Rochdale Envelope Approach is an acknowledged approach to assessing renewable energy schemes and allows for a degree of flexibility following the granting of planning permission to allow the developer/contractor to optimise the layout and design of the solar panels for maximum energy generation.
- 3.1.11 The proposed development zones define where certain infrastructure should be located within the site, but there is flexibility in terms of the layout within each zone. Each zone is outlined within plan DZ-01 Rev 10. The submitted Design and Access Statement (DAS) states that the infrastructure that is permitted to only be located within each zone is as follows:
- Development Zone 1 – solar panels, inverters, DNO substation and customer switchroom.
  - Development Zone 2 – solar panels and inverters; and
  - Development Zone 3 – solar panels and inverters.
- 3.1.12 The construction phase is expected to last approximately 16 weeks during the hours of 07:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturdays. During the operation phase, there will be the requirement for occasional maintenance of the solar panels and other infrastructure. It is expected that no more than 4 cars/vans would visit the site each week, less than one a day.
- 3.1.13 In October 2020 the Local Planning Authority (LPA) issued a Screening Opinion (20/00839/SCR) stating that the proposed Solar Farm would not result in likely significant effects which would warrant the submission of an Environmental Impact Assessment (EIA) as part of this planning application. Furthermore, the developable area as part of the planning application is smaller than that submitted of the Screening Opinion due to the larger buffers around the public footpaths and the LWS's. Therefore, an EIA has not been submitted as part of this application and is not considered a requirement.

## 3.2 Conclusion

- 3.2.1 The proposed development would result in some adverse impacts to the existing landscape and nearby heritage assets. However, the impacts would be reduced to a moderate/minor level at year 15 of the development and the development is only proposed for a 40-year period, when the land will be put back to its original state. Likewise, any impacts on the existing PRoW are restricted to the construction phase and can be dealt with suitably by conditions and any adverse ecological impacts could be suitably dealt with through mitigation to be secured by conditions. The development would, however, deliver a net biodiversity gain and would provide a source of renewable energy which is supported by national and local policy.

Therefore, in balancing the benefits against the adverse impacts of the development, it is considered that the benefits would outweigh the harm.

#### 4. **MAIN RELEVANT POLICIES**

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

##### 4.1 **National Planning Policy Framework 2021 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
- 54-58 Planning Conditions and Obligations
- 92 – 103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 126-136 Achieving well-designed places
- 152 – 169 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189- 208 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and Low Carbon Energy Generation
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (VPS)

#### 5. **MAIN CONSIDERATIONS**

##### 5.1 **Principle of Development**

- 5.1.1 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 152 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 158 of the NPPF goes on to state that when determining planning applications for renewable and low carbon development, local planning authorities 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<sup>54</sup>. 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.'

5.1.2 Having regard to the above, it is not necessary for the Applicant to have demonstrated a need for the proposal. Likewise, there is not a requirement for a sequential test to be undertaken. However, the application has been supported by an 'Alternative Site Assessment', which found that there were no more feasible alternative sites in the surrounding area.

5.1.3 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.'*

5.1.4 Points one to five will be discussed within the relevant sections of this report. In regard to point six, it is not considered that the proposal will impact on telecommunications as at the time of writing this report neither the emergency services or Stow Maries Aerodrome have raised concerns on this basis and they were consulted as part of the application.

5.1.5 In order to address criteria seven, the application has been supported by an Agricultural Land Quality report (18 December 2020). The report states that 93% of the site is subgrade 3b agricultural land quality with the remaining 7% as 'other land.' Therefore, evidencing that the site does not provide the best and most versatile agricultural land in accordance with criteria 7 of the Policy D4.

5.1.6 Having regard to the above, there is clear national policy support for renewable or low carbon energy proposals. Furthermore, local policy, most notably Policy D4 also supports the provision of such proposals in principle. Therefore, subject to other material considerations the principle of development is considered acceptable.

## 5.2 Landscape and Visual Impact

- 5.2.1 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.
- 5.2.2 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 local design standards, style guides in plans or supplementary planning documents”.*
- 5.2.3 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:
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - Height, size, scale, form, massing and proportion;
  - Landscape setting, townscape setting and skylines;
  - Layout, orientation, and density;
  - Historic environment particularly in relation to designated and non-designated heritage assets;
  - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 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.
- 5.2.6 The application has been supported by a Landscape Visual Impact Assessment (LVIA) which notes that the site is located within landscape character area E2 – Tillingham and Latchingdon Coastal Farmland as defined by the Maldon Landscape Character Assessment, which has the following key characteristics:
- Gently undulating arable farmland behind the coastal marshland, locally quite steep.
  - Heavy clay soils and lighter sandy loamy soils where sand and gravel deposits overlie clay.
  - Distinctive long hedgerow boundaries running on parallel axes are a common feature, thought to be the result of ancient planned enclosure.
  - Dutch elm disease has made elm loss noticeable in hedgerows.
  - Right-angled bends in lanes reflect ancient field pattern.



- Settlement pattern follows underlying soils - sand and gravel formations on a ridge between Bradwell and Burnham - elsewhere settlement on slopes in clay areas.

5.2.7 There are no national or local landscape designations within a 3.0km radius of the site. Visual receptors within this are include:

- Settlements – the town of Maldon, the village of Purleigh and the smaller hamlets of Woodham Mortimer, Hazeleigh, Cocks Clarks, Rudley Green and Farther Howe Green.
- Individual residential properties – scattered cottages and farmsteads.
- Long distance recreational routes – St Peter's Way footpath.
- Visitor attractions – Maldon Wycke Nature Reserve, New Hall Vineyard.
- Local public rights of way – footpaths, bridleways and Byways Open to All Traffic (BOATs).
- Public highways – including the A414, B1018, B1010 and a network of minor roads.

5.2.8 The submitted LVIA includes a Zone of Theoretical Visibility (ZTV) for the proposed development, which indicates that the proposal would potentially be visible across several parts of the study area, mainly across the central, eastern and northeastern parts, but would be predominantly screened by intervening topography from much of the western portions of the study area. The ZTV is based on bare topographical data and does not consider screening effects of minor topographic features, vegetations such as woodland and hedgerows, and built structures and therefore, the LVIA states that the ZTV over-emphasises the extent of visibility in a well vegetated landscape such as the application site. Furthermore, the LVIA states that ZTV does not consider the scale of the development and how the low elevation of solar developments can be effectively screened by vegetation. However, it is stated that the ZTV was effective in identifying key viewpoints. Six viewpoints were identified as shown in the table below taken from the LVIA:

Vp	Viewpoint Name	NGR	Distance to proposed development	Landscape Character Area	Visual Receptor
1	Footpath southwest of site	583651 203554	0.24km	F6 - Woodham Wooded Farmland	Walkers
2	Bridleway north of Spar Hill	583353 203465	0.56km	F6 - Woodham Wooded Farmland	Horse riders & Walkers
3	B1018 east of site	585197 203925	0.96km	D5 - Mundon Drained Estuarine Marsh	Motorists
4	Bridleway west of Maldon	583707 205758	1.3km	F6 - Woodham Wooded Farmland	Horse riders & Walkers
5	Limebrook Way, southern edge of Maldon	585127 205383	1.43km	D5 - Mundon Drained Estuarine Marsh	Residents, Motorists
6	All Saints Church, Purleigh	584119 202058	1.59km	E2 - Tillingham & Latchingdon Coastal Farmland	Church goers, Walkers

- 5.2.9 The LVIA demonstrates that in the majority of cases the viewpoints and photographs contained within the LVIA illustrated that the screening effects of local vegetation, combined with the gently undulating topography would vastly reduce the areas where the development would be visible from compared to what was found within the ZTV. Furthermore, the effects after 15 years once landscaping has matured would be reduced to moderate/minor or no effects. The predicted effects on visual amenity from the stated viewpoints are shown below.

Vp	Viewpoint Name	Distance from Proposed Development	Predicted Effects on Visual Amenity
1	Footpath southwest of site	0.24km	Initially – walkers – major/ moderate effects
			15 years post construction – walkers – no effects
2	Bridleway north of Spar Hill	0.56km	Initially – horse riders & walkers – moderate effects
			15 years post construction – horse riders & walkers – moderate/ minor effects
3	B1018 east of site	0.96km	Motorists – minor/ negligible effects
4	Bridleway west of Maldon	1.3km	Horse riders & walkers – minor effects
5	Limebrook Way, southern edge of Maldon	1.43km	No impacts
6	All Saints Church, Purleigh	1.59km	Church goers – minor effects Walkers – moderate/ minor effects

- 5.2.10 In relation to the more immediate landscape character impacts, the proposal would introduce a noticeable addition within parts of the landscape immediately in and surrounding the site. However, the proposal would be of limited height, would not feature extensive areas of hardstanding and would be screened by good levels of mature vegetation, particularly to the north and west where the ancient woodland lies, and from the eastern side of Maldon Wycke. Therefore, restricting the impacts largely to the immediate area of the site. The most notable impacts would be on views from the footpath to the southwest of the site in the initial period where impacts were found to be major/moderate. However, the impacts would be reduced over a 15-year period once the vegetation has matured. Furthermore, views from the footpaths running through the site would be reduced by the proposed native hedgerow planting along the footpaths, and the proposed planting between and under the solar arrays would also assist in softening the impacts of the development. Also, there is a native tree belt proposed along the south and southwestern portion of

the western boundary which in the long term would assist in mitigating the visual impacts from the neighbouring residential receptors.

- 5.2.11 In terms of the overall design of the development, whilst the overall layout and specific dimensions of the solar panels are unknown at this stage, the proposed solar arrays are of a standard design for the type of development proposed and are becoming fairly common features of the countryside. Whilst the associated infrastructure such as the Distribution Network Operator (DNO), Customer Switchroom and Inverters will introduce more urban forms of development into the rural area, they are of a fairly limited scale and none of the proposed structures will exceed a single storey height. Furthermore, the proposed fencing is open, therefore any views between vegetation will be across the landscape and the landscaping scheme seeks to maintain the existing character of the site as much as possible through the proposed planting both around and within the site. Therefore, whilst the development will undoubtedly erode the open character of the site to a degree and will result in undesirable impacts in the short term, subject to conditions securing the final layout and design, including materials and surface treatments and landscaping conditions, in accordance with Policy D4 it is considered that the environmental impacts of the development have been minimised to an acceptable degree.
- 5.2.12 Notwithstanding the above, 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. Therefore, the landscape impacts will need to be weighed against the benefits of the development within the planning balance section below.

### **5.3 Impact on the Historic Environment**

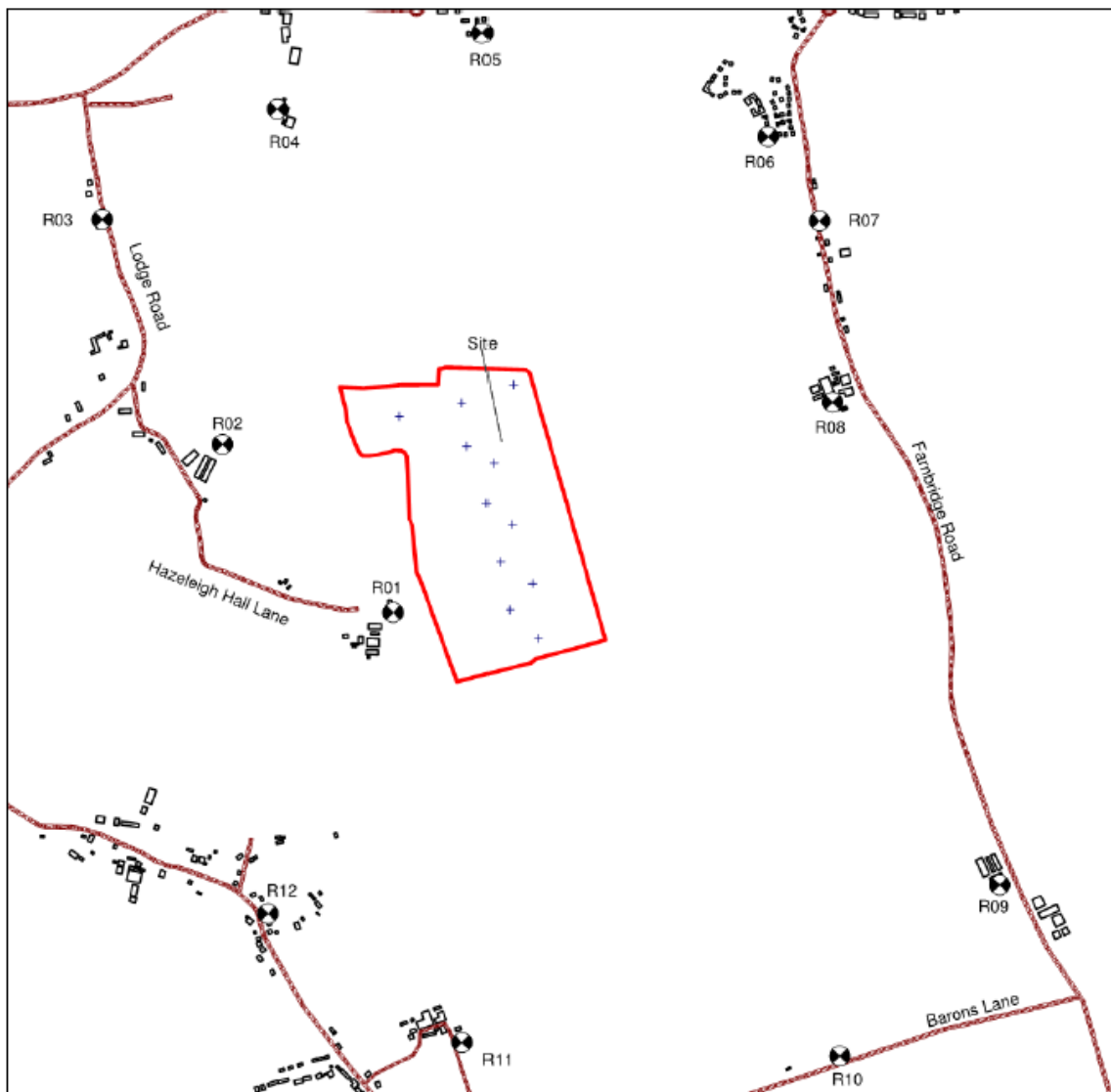
- 5.3.1 Policy D3 of the LDP states that development proposals that affect a heritage asset and/or its setting will be required to preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Likewise, Policy D4 seeks to ensure that large-scale renewable and low carbon energy projects will not have an adverse impact on heritage assets and the setting of heritage assets within the landscape.
- 5.3.2 As stated in section 3, the application site is located to the east of Hazeleigh Hall where there are three grade II listed buildings, Hazeleigh Hall, a granary and a threshing barn. As part of the Hazeleigh Hall Farm the land has a historical connection which reinforces its relationship with the house and the site therefore, can be considered to form part of the wider setting of the house. There are long views of the house from the application site and from the footpath that crosses it, but these are heavily filtered by mature vegetation, and there appears to be no intervisibility between the granary and the application site. Furthermore, there are not considered to be views from the house and the application site that are key to an appreciation of the listed buildings significance. Therefore, while the application site forms part of the listed buildings' wider setting, its contribution to the significance of the buildings is limited.
- 5.3.3 Further to the above, the solar array is likely to be visible from one or two windows at the first floor of Hazeleigh Hall and some long views of Hazeleigh Hall and the barn from the application site itself would be affected, the views are not considered to be particularly important views in terms of the building's significance.

- 5.3.4 Considering the above, the proposed development would result in a degree of harm by eroding the agricultural character of the listed buildings' wider setting. However, the harm would be 'less than substantial' and is likely to be quite minor overall, as a result of the distance and intervening vegetation which separates the listed buildings from the application site and the scale and nature of the proposal.
- 5.3.5 Paragraph 202 of the NPPF states that less than substantial harm to designated heritage assets must be weighed against the public benefits. Furthermore, paragraph 199 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." Considering the minor degree of harm that would likely result from the development, it is considered likely that the adverse impacts would be outweighed by the public benefits associated with the development. However, this will be addressed further in the planning balance.
- 5.3.6 The development also has the potential to impact on archaeological remains due to its proximity to the medieval manorial hall and church complex. A track from this complex bisects the proposed development area and may form a focus for any associated medieval activity. Fieldwork to the north on the Maldon Wycke has excavated Roman and Saxon settlement sites, demonstrating the potential of the area.
- 5.3.7 As archaeological deposits are both fragile and irreplaceable the development, if permitted, should be preceded by a programme of archaeological investigation. Therefore, full archaeological conditions should be imposed if the development is to be approved.

#### **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 The application does not propose any operations that are considered to result in detrimental impacts through odour or light, particularly as no lighting is proposed at the site during night hours. Furthermore, given the low-level height of the development and distance from the nearest residential properties, it is not considered to impact on light or outlook. Also, the DAS notes that by their nature solar panels are designed to absorb light and the metal frame will be treated to avoid glint and glare. Furthermore, the Applicant has advised in an email dated 30<sup>th</sup> June 2022 that the Solar Panels to be used are anti-glare solar panels. Therefore, the proposal is not considered to pose significant issues associated with glint and glare, subject to a condition securing these types of solar panels. However, there are potential noise impacts resulting from the development.

- 5.4.3 Hazeleigh Hall and Church House Farm are the closest residential receptors to the development, adjacent to the southwest corner of the site. However, the Noise Impact Assessment (NIA) submitted with the application considers 12 sensitive receptor locations around the site as identified by the black and white circles in the figure below.



- 5.4.4 The NIA demonstrates that noise intrusion within nearby dwellings during both daytime and night-time periods demonstrates that noise from the proposal is expected to be within the BS 8233/WHO noise intrusion criterion at all existing receptors with windows opened or closed. During the daytime residential receptors are predicted to experience a noise level change of no greater than 0.1dB and of no greater than 0.5dB at night if the solar farm were fully operational. The NIA states that this is unlikely and would be within the No Observed Adverse Effect Level.
- 5.4.5 Having regard to the above, and following consultation with Environmental Health, noise impacts from the inverters are not expected to result in adverse impacts on health or quality of life by way of noise. Therefore, given these findings it is not considered that mitigation would be needed through the imposition of conditions.

## 5.5 Access, Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment. Similarly, policy D1 of the approved LDP seeks to 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 The application will be accessed via the existing access to Brookhead Farm on the southern side of the A414, which will be the predominant access. The proposal will also impact on several existing public footpaths which run through the proposed site and the proposed access.
- 5.5.3 In terms of vehicle movements, the application has been supported by a Transport Management Plan that notes there will be a minimal increase in traffic volumes on the adjacent highway network during the operational phase. The construction phase is considered to result in a temporary increase in traffic on the A414 Maldon Road, for a 16-week period. However, the impacts would be fairly minor as the increase in vehicle movements would be around 42 vehicle movements per day, which is considered to have a de minimis impact on highway capacity. Therefore, subject to the provision of a Construction Management Plan, which can be secured via a condition, following consultation with the LHA there is no objection in relation to highways impacts.
- 5.5.4 In terms of the impacts on the public footpaths, the application has been supported by a public right of way management plan to mitigate any impact to the public footpath. The management plan includes mitigation measures to secure the safety of the PRoW users during the construction period, which largely relate to the use of Banksman to control the movement of vehicles and pedestrians in and around the PRoW during deliveries. The LHA have been consulted and are content with this approach, subject to conditions securing the provision of the Banksman during the construction period.
- 5.5.5 The Essex Bridleway Association have also provided comment that construction works should be undertaken during working hours, avoiding early mornings, evenings and weekends when the Bridleway is more likely to be in use. As stated in paragraph 3.1.12 the construction phase is expected to last approximately 16 weeks and will take place during the hours of 07:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturdays. Whilst the 7am start and Saturday working is not necessarily within traditional working hours, given the temporary nature of the construction phase, and that the works will not take place during evening hours, or Saturday afternoons and Sundays, it is not considered that the impacts will be so demonstrable on the users of the Bridleway to be reasonable enough to impose a condition reducing the construction hours further.
- 5.5.6 Regard is also to the proximity of the site to Stow Maries Aerodrome, but given the statement within the DAS, which states that the solar panels have been designed in a way as to not cause significant glint and glare, there is no objection in this regard.

## 5.6 Impact on Ecology and Biodiversity

- 5.6.1 Policy N2 of the LDP states that "All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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." Conservation and enhancement of the natural environment is also a requirement of the NPPF.



- 5.6.2 As stated above, the application site is bound by an Ancient Woodland and Local Wildlife Site (LWS) Hazeleigh Hall Wood on its northern and western boundaries and Maldon Wycke, another LWS to the east. The proximity of the site to the LWS, Woodland and surrounding undeveloped land provides an opportunity for impacts on protected or priority species. The impacts on each species will be discussed below:

#### Wintering Birds

- 5.6.3 The application has been supported by a Wintering Birds Briefing Note, which accurately describes the site as unsuitable for the Blackwater Estuary Special Protection Area (SPA) qualifying features and those of the Ramsar assemblage. Therefore, the request for a survey and assessment of likely impacts would be considered unreasonable. The site is not considered to be functionally linked land for the SPA and Ramsar site and therefore, they are not considered to be likely significant effects resulting from the development in this regard.

#### Bats

- 5.6.4 There are habitats on site and adjacent to the site which have suitability for community Bats. Any security lighting should be infrared in the interest of protecting bats. This includes Hazeleigh Woodland Ancient Semi-Natural Woodland and a designated Local Wildlife Site (LoWS) (Ma24) which forms the north and western boundary of the site, and Maldon Wycke LoWS Ma35 which contains Lowland Mixed Deciduous Woodland, forms the eastern boundary. Therefore, any security lighting should include infrared to avoid light spillage into the adjacent LWS and associated woodland which could impact on commuting, foraging and roosting bats which are European Protected Species. If infrared lighting is not possible then the Local Planning Authorities Ecological Consultant recommends that bat activity surveys should be undertaken following Bat Conservation Trust guidelines. This can be secured via a condition.

#### Great Crested Newts

- 5.6.5 The Applicant has confirmed their intention to join the Essex District Level Licencing (DLL) scheme for Great Crested Newts for the proposed development and submitted an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration under the Natural England District Level Licence (DLL) scheme prior to determination of the application. However, a copy of the GCN District Level Licence should be secured by a condition and it is expected that the development should meet good practice guidelines.

#### Reptiles

- 5.6.6 The updated reptile survey by Cherryfields (June 2022) notes that three species of reptile, the Common Lizard, Slow Worm and Grass Snake, have been found in the boundary habitats on site so trapping and translocation will be required prior to the commencement of the development. The submission states that the reptiles will be fenced out of the construction zone and relocated to the field edges that are being retained and they are currently using, including the woodlands not being affected by the proposed works. This form of mitigation can and should be secured via a condition.

### Farmland Birds including Skylark (Priority Species)

- 5.6.7 The submitted ecological information states that development will involve securing offsite mitigation for Skylarks as they were confirmed to be nesting on the site. The LPA's Ecological Consultant states that eight plots should be secured for a period of ten years. It is considered that this can be secured via a condition.

### Conclusions

- 5.6.8 Having regard to the above and having considered the comments made by the LPA's Ecological Consultant, it is considered that the submitted information provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats, and with appropriate mitigation measures secured, it is considered the development can be made acceptable in accordance with Policy N2. However, in addition to the conditions discussed above, the mitigation measures in the updated reptile survey (Cherryfields June 2022) should be secured by a condition and a Construction Environmental Management Plan for Biodiversity should also be secured in this way, demonstrating that both on site habitats, and off-site habitats will be protected during the construction process.

### Net Biodiversity Gain

- 5.6.9 The Biological Impact Assessment (BIA) (Cherryfield Ecology, February 2022) submitted as part of the application, advises the proposed development will result in a +53.63% net gain in Habitat Units and a +28.26% net gain in Hedgerow Units on site. The LPA's Ecological Consultant advised that they support these BNG calculations and recommend that long term management is secured as a condition of any consent to match the time needed to deliver the promised BNG. Therefore, a condition in relation to this should be attached to any permission.
- 5.6.10 In view of the above it is considered that the development would provide a suitable net biodiversity gain and would mitigate any ecological impacts to an acceptable degree in accordance with Policy N2.

## **5.7 Arboricultural Impacts**

- 5.7.1 The application site is bound by an ancient woodland on its northern and the northern end of the western boundary. The application was supported by an initial Arboricultural Impact Assessment (AIA), but the Council's Arboricultural Consultant raised concerns over the potential pressures to prune and manage the trees on the edge of the woodland due to shadow cast and debris from the trees. Following these comments, the Applicant submitted a note dated 26 May 2022 and updated the plans to include a 15m buffer between the fence line and the ancient woodland. The note states these measures will prevent the need for pruning of the trees, although this would have been unlikely and is not common practice for solar farms adjacent to woodlands.
- 5.7.2 Following the submission of the updated note the Council's Arboricultural Consultant outlines that the findings of the AIA include acceptable measures that could be put in place to provide adequate protection of the trees. Therefore, subject to a condition securing the mitigation within the AIA which requires an Arboricultural Method Statement providing more detail about how the trees will be protected when implementing the proposal, there is no objection in relation to the impacts on the adjacent ancient woodland.

## 5.8 Flood Risk and Surface Water Drainage

- 5.8.1 The majority of the site is located within Flood Zone 1, with the very northeast corner of the site being located within Flood Zones 2 and 3. As the proposed is classified as 'Essential Infrastructure' in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance, the proposal is required to pass the Sequential and Exception tests. The application was supported by an initial Flood Risk Assessment (FRA), which the Environment Agency raised objection to because it did not correctly identify the Flood Zones within the site or use the Sequential Approach in the siting of the development. Following this a further FRA was submitted dated April 2022, which correctly identifies the Flood Zones within the site.
- 5.8.2 The updated FRA specifies that all of the associated infrastructures has been sequentially sited within Flood Zone 1. Therefore, it is considered that the Sequential Test is passed.
- 5.8.3 In terms of the Exception Test in accordance with paragraph 164 of the NPPF, it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.8.4 In terms of the wider benefits to the community, as will be discussed in the section below, the proposal will create significant benefits in terms of providing renewable energies that provide social benefits through its assistance in combating climate change. Given that none of the areas in Flood Zones 2 or 3 will be developed, it is considered that the flood risk is small and would be outweighed by those benefits. Likewise, all sensitive electrical equipment has been proposed above flood levels and therefore will remain dry during a 1% (1 in 100) annual probability event. Having regard to this, that the development will be unlikely to result in a significant increase in flood risk and that the development will not be habitable or accessible by the public and will largely operate unmanned it is considered that the Exception Test has been passed.
- 5.8.5 In relation to surface water the Lead Local Flood Authority (LLFA) initially raised an objection to the application on the lack of a land management plan to keep land in good condition, as not doing so could increase run-off and due to a lack of information relating to the suitability for infiltration at the site. However, following the updates to the FRA the LLFA were satisfied that the proposal would not result in unacceptable surface water flood risks subject to conditions requiring a robust soil, and/or land management plan to keep land in good condition to be submitted and approved by the LPA and conditions requiring maintenance arrangements and yearly maintenance logs. Considering the comments made by the LLFA, there is no objection on the basis of surface water flood risks subject to the imposition of the suggested conditions.
- 5.8.6 Considering the above, the proposal is considered to be in accordance with Policy D5 of the LDP.

## 5.9 Planning Balance and Sustainability

- 5.9.1 The starting point for decision making is the adopted development plan. The most relevant policy 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. Whilst the proposal would result in some conflicts with Policy D4 as a result of the landscape and heritage impacts of the development, these impacts must be weighed against the environmental, economical and social impacts of the development.

- 5.9.2 With regard to the 3 tests 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. Although, these benefits are likely to be fairly minimal.
- 5.9.3 In social terms the proposal would impact on the ease of using the PRoW in and around the site during the construction phase, although this would be for a limited period of 16 weeks. However, crossing over into the environmental arm of sustainability, the proposal would deliver a renewable energy project which would have social benefits in terms of helping 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 and would outweigh these short-term impacts.
- 5.9.4 In environmental terms, the proposal would have adverse impacts on the landscape and minor adverse impacts on the neighbouring listed buildings, although the most severe impacts would be for the short term whilst vegetation matures, and the site itself would be returned to its current state after 40 years. Therefore, in the grand scheme of time, the impacts would be considered temporary. Furthermore, although the development would pose some detrimental ecological impacts, it has been suitably demonstrated that these impacts can be mitigated. In addition, the proposal would result in a net biodiversity gain, providing a richer and more varied ecological habitat in comparison to the existing agricultural field. Therefore, whilst great weight should be given to the listed buildings conservation, given the minor and temporary degree of harm posed to the heritage assets, the landscape and that any ecological harm can be suitably mitigated, the resultant harm of the development is considered to be outweighed by the notable public benefits of the proposal and its assistance in combating climate change.
- 5.9.5 Further to the above, it is noted that Policy D4 requires any adverse social, economic and environmental impacts to have been minimised to an acceptable level. The proposal includes mitigation in the form of landscaping, highways management and ecological management in order to reduce the adverse impacts to an acceptable level.
- 5.9.6 Having considered the significant benefits that would arise from the proposal and weighed this against the harm arising from landscape, heritage and highways impacts, it is considered that the significant benefits of the development would outweigh the cumulative harm that would arise from the development.

## **5.10 Other Matters**

- 5.10.1 On the 29<sup>th</sup> June 2022 Supplementary Guidance on the Essex Design Guide website was published called 'Solar Farm Guidance Principles'. Officers have had a regard to the guidance in the consideration of the application. However, as the Local Planning Authority have not adopted the Maldon District Design Guide and it is not considered that the guidance requires any additional information which would have a substantial bearing on the above assessment, it is not necessary to comment on the guidance further.

## 5.11 Pre-commencement Conditions

- 5.11.1 Pre-Commencement conditions are recommended and approval for the use of the use of these conditions has been approved by the Applicant's Agent in correspondence received on 30.06.2022.

## 6. ANY RELEVANT SITE HISTORY

- 6.1 **20/00893/SCR** - EIA screening request for proposed solar farm and associated infrastructure – EIA not required.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish/Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer and Hazeleigh Parish Council	Concerns over noise pollution and ecological impacts. The public footpaths should be maintained at appropriate widths, so they do not become over saturated and unusable as a result of the proposed hedgerows	Addressed at sections 5.4 and 5.6
Purleigh Parish Council	Object – <ul style="list-style-type: none"> <li>- loss of valuable agricultural land contrary to Policy D2 due to impacts on the environment. Better and more sustainable approach would be to require all new dwellings to have solar panels</li> <li>- Development in the open countryside contrary to S1 and H4</li> <li>- Impacts on adjacent listed building</li> </ul>	Addressed at sections 5.1, 5.2 and 5.3 although it should be noted that Policy H4 is a housing policy and is not relevant to this proposal.
Braintree District Council	No comment	Noted
Chelmsford City Council	No response received	Noted
Colchester Borough Council	No response received	Noted

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Bridleway Association	<p>Potential to impact upon Bridleway (PRoW 248-5) between Spar Land and Hazeleigh Hall Lane due to its proximity to the site. Construction and/or operation of the solar farm and its infrastructure may result in additional works traffic in the vicinity of the immediate lanes</p> <p>A Travel Plan should be provided and seek for vehicles to avoid early morning movements, evenings and weekends so that traffic impacts working hours when lanes are less quiet</p>	Addressed at section 5.5
Archaeology	<p>Proposal has potential to impact on archaeological remains due to its proximity to the Medieval Manorial Hall and Church Complex.</p> <p>A track from the complex bisects the proposed development area and may form a focus for any associated medieval activity.</p> <p>Fieldwork to the north on Maldon Wycke has excavated Roman and Saxon settlement sites, showing the potential of the area.</p> <p>Full archaeological conditions are imposed</p>	Addressed at section 5.4
Anglian Water Services	No comment to make	Noted
Cadent Gas Network	No response received	Noted
Campaign to Protect Rural Essex	No response received	Noted
Local Highway Authority	No objection subject to conditions requiring a construction management plan, suitable visibility splays, repairs from any highway damage, securing the ease of passage of the PRoW's, securing a buffer strip either side of the	Noted and addressed at section 5.4



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	PRoW's and securing banksman.	
UK Power Networks	No response received	Noted
Essex County Fire and Rescue	No objection – more detailed consideration will be given at the building regulations stage.  Water supplies for firefighting may be necessary for the development and the Applicant/Agent should contact the consultee direct	Noted
Historic England	No comment	Noted
Natural England	No objection – the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes	Noted and addressed at section 5.6
Essex and Suffolk Water	No apparatus in the area of the proposed development. Therefore, no objection	Noted
Essex Wildlife Trust	No response received	Noted
Forestry Commission	No response received	Noted
National Grid	No response received	Noted
RSPB	No response received	Noted
Lead Local Flood Authority	Holding objection placed on 22 March 2022.  Objection removed on the 1 June 2022 due to updated flood risk information.  Three conditions are proposed relating to a land management plan, a maintenance plan and yearly logs for the maintenance plan	Noted addressed at section 5.8
Society for the Protection of Ancient Buildings	No response received	Noted
Stow Maries Aerodrome	No response received	Noted
Environment Agency	Holding objection placed on the 24 May as the proposal does not correctly identify the Flood Zones within the site or use Sequential Approach in the siting of the development.  Objection removed on the 20 May 2022 on the basis of updated information.	Noted and addressed at 5.8

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>All of the infrastructure is sited within Flood Zone 1.</p> <p>All sensitive electrical equipment would remain dry during the 1% (1 in 100) annual probability flood level event.</p> <p>Compensatory storage is not required for solar panel installation but would be beneficial</p> <p>Refuge would be provided above the predicted flood levels information should be submitted to the LPA to provide certainty that the buildings will be constructed to withstand water pressures associated with flood water.</p> <p>The EA do not usually comment on the adequacy of flood emergency response. The FRA has been considered in relation to the likely duration, depths and velocities and flood hazard rating against the design flood event for the development which indicates there will be a danger to most people (e.g. there will be danger of loss of life for the general public)</p> <p>The Sequential and Exception tests are the responsibility of the LPA.</p>	

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection - the application site is a field immediately to the east of Hazeleigh Hall where there are three grade II listed buildings; Hazeleigh Hall, a granary and a threshing barn.	Addressed at section 5.4

Name of Internal Consultee	Comment	Officer Response
	<p>The significance of these listed buildings also derives partly from their relationship with one another as a group, and partly from their isolated rural setting, including a moat, the site of the demolished parish church, the adjacent woodland and surrounding arable fields.</p> <p>The application site forms part of the listed building's wider setting but the site's contribution to the significance of the listed buildings is limited.</p> <p>The solar array is likely to be visible from one or two first-floor windows at Hazeleigh Hall. Some of the long views of Hazeleigh Hall and the barn from the application site itself would be affected. However, these views are not particularly important ones in terms of the buildings' significance.</p> <p>The proposal would result in a degree of harm by eroding the agricultural character of the listed buildings' wider setting. The harm would be less than substantial, and quite minor overall, due to the distance and intervening vegetation which separates the site from the listed buildings.</p> <p>The minor degree of harm would be outweighed by the notable public benefits</p>	
Environmental Health	No objection	Noted
Ecology	<p>Comments of 18<sup>th</sup> March 2022 included a holding objection due to insufficient information upon designated sites.</p> <p>Comments of 17<sup>th</sup> June 2022 – Since the comments provided in March the Great Crested Newt Impact Assessment, Conservation Payment</p>	Addressed at section 5.6

Name of Internal Consultee	Comment	Officer Response
	<p>Certificate counter signed by Natural England, updated Reptile Survey Report have been reviewed along with the previous submitted reports.</p> <p>No objection subject to securing ecological mitigation and biodiversity enhancements.</p> <p><u>Wintering Birds</u></p> <p>The wintering birds briefing note accurately describes the site as unsuitable for SPA qualifying features and those of the Ramsar assemblage.</p> <p>It is not considered that the site is functionally linked land for the Blackwater Estuary Special Protection Area (SPA) &amp; Ramsar site and advise that the LPA can record a Habitats Regulations Assessment (HRA) screening decision for no likely significant effect for this project.</p> <p><u>Bats</u></p> <p>Any security lighting should be infrared in the interest of protecting bats.</p> <p><u>Great Crested Newts</u></p> <p>The Applicant has confirmed the intention to join the Essex District Level Licencing (DLL) scheme for Great Crested Newt for the proposed development and submitted an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration under the Natural England District Level Licence (DLL) scheme prior to determination of the application.</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>A copy of the GCN District Level Licence should be secured via a condition.</p> <p><u>Reptiles</u> It is planned to fence reptiles out of the construction zone and relocated to the field edges that are being retained and they are currently using, including the woodlands not being affected by the proposed works.</p> <p><u>Farmland Birds</u> Offsite mitigation for Skylarks should be secured in the form of 8 plots for a period of ten years.</p> <p>This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species &amp; habitats and, with appropriate mitigation measures secured, the development can be made acceptable.</p> <p>The mitigation measures in the updated reptile survey should be secured by a condition and a Construction Environmental Management Plan for Biodiversity should also be secured.</p> <p>The Biological Impact Assessment (BIA) (Cherryfield Ecology, February 2022) advises the proposed development will result in a +53.63% net gain in Habitat Units and a +28.26% net gain in Hedgerow Units on site. We support these BNG calculations and recommend that long term management is secured as a condition of any consent to match the time needed to deliver the promised BNG.</p>	

Name of Internal Consultee	Comment	Officer Response
Arboriculture	<p>Response dated 19 April 2022 raised concerns in relation to gaps in the submitted information regarding how the trees in the adjacent ancient woodland could impact on some of the development area from shadow cast, which could put pressure on the trees to be pruned.</p> <p>The trees are currently able to develop without the need for such management and do not cause conflict.</p> <p>The Plan TRR/P section 3 showed a crossed hatched corridor/area running adjacent to the access and ending in the wood. It was unclear what it was and what its purpose was.</p> <p>Insufficient information to demonstrate that the trees in the ancient woodland will not be directly impacted by the proposal and result in pressures to undertake management works that could impact on its current management and benefit in relation to wildlife and ecology.</p> <p>Potential to be addressed with amendments to the layout of the panels to address the issues and with a management plan.</p> <p>Additional/revised information was submitted on the 26 May 2022. The Arboriculturists response of 9 June 2022 stated that the information provides more confidence that the ancient woodland will not impact on the solar farm in terms of construction, shadow cast and future usage.</p> <p>The AIA outlines how the trees could be impacted and adequate protection measures.</p>	Noted and addressed at section 5.7



Name of Internal Consultee	Comment	Officer Response
	A condition is recommended requiring an arboricultural method statement that provides more specific details on how the trees will be protected in line with the AIA.	

#### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received to date.

#### 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 solar panels/solar array hereby permitted shall not exceed the limits contained within the approved Development Zone Plan Reference LCS033-DZ-01 rev 10  
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 No development shall commence until full details (which must be within the parameters set out in the submitted Planning Design and Access Statement dated June 2022 Ref 15115 and completed by DWD Property & Planning) of the final layout, locations and dimensions, design, materials and colour (where appropriate) to be used for the panel arrays, inverters, substation, control building, switch room, CCTV cameras, fencing and any other components of the scheme shall be submitted to and approved in writing by the LPA. The development shall only be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the use.  
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 Maldon District Local Development Plan and guidance contained within the NPPF.
- 4 Full details of the provision and subsequent retention of both hard and soft landscape works, including the boundary planting, on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
  - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
  - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
  - 3) Details of the aftercare and maintenance programme.  
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.

- 4) **Hard landscape works:** Details of hard surfacing, with materials finishing and edgings. The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

REASON: In the interest of the character and appearance of the site, surrounding countryside in accordance with Policies S1, D1, and D4 of the MDLDP and guidance contained within the NPPF.

- 5 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 December 2065. 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 LPA. 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 MDLDP and guidance contained within 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 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 LPA 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 MDLDP.

- 7 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 MDLDP.

- 8 No development shall commence until a Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority to include the following:

- a. The parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody washing facilities

- e. construction traffic routing
- f. construction signage and traffic management measures

The development shall be carried out in accordance with the approved Plan.

REASON: In the interest of the highway safety in accordance with Policies S1, T1 and T2 of the MDLDP.

- 9 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 102 meters west and 2.4 metres by 122 meters west as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.  
REASON: In the interest of the highway safety in accordance with Policies S1, T1 and T2 of the MDLDP.
- 10 Prior to the commencement of any work on the site a joint inspection of the local road (A414) and the public right of way network which is to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority.  
REASON: In the interest of the highway safety in accordance with Policies S1, T1 and T2 of the MDLDP.
- 11 The public's rights and ease of passage over public footpath's No.23 (Woodham Mortimer), No.41 (Maldon) and No's. 2, 3, 7, 8 (Hazeleigh) shall be maintained free and unobstructed at all times.  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies S1, T1 and T2 of the MDLDP.
- 12 Prior to the commencement of the development a minimum 2.5m wide unobstructed buffer strip shall be left on both sides of the adopted routes of public footpaths No.2 and No.3 (Hazeleigh) to allow for grow of vegetation without obstructing the footpaths. The applicant or any successor in title will be responsible for the maintenance of the buffer strips.  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies S1, T1 and T2 of the MDLDP.
- 13 During the construction phase of the development, banksman shall be present whilst vehicle cross public footpaths No.7, No.8 (Hazeleigh), No.23 (Woodham Mortimer), No.41 (Maldon).  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies S1, T1 and T2 of the MDLDP.
- 14 As detailed within TN01, during the construction phase of the development banksman shall be present when vehicles route along public footpath No.23 (Woodham Mortimer). The banksmen shall be located at either end of footpath No.23's shared alignment with the access track. The banksman shall ensure no construction vehicles use the footpath when PROW users are present.  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies S1, T1 and T2 of the MDLDP.
- 15 No works shall take place until a scheme to provide an enforceable and robust soil, grass, and/or land management plan to keep land in good condition has been submitted to, and approved in writing by, the LPA. The scheme shall subsequently be implemented as approved.

- REASON: in the interests of surface water flood risk in accordance with Policy D5 of the MDLDP.
- 16 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 LPA. 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 MDLDP.
- 17 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 LPA.  
REASON: in the interests of surface water flood risk in accordance with Policy D5 of the MDLDP.
- 18 The development hereby approved shall be carried out in accordance with the details set out in the submitted Flood Risk Assessment and Drainage Strategy, April 2022, and shall be fully implemented and in place prior to the first operation of the development hereby approved and retained for the lifetime of the development.  
REASON: in the interests of flood risk in accordance with Policy D5 of the MDLDP.
- 19 Prior to the commencement of development a detailed Arboricultural Method Statement providing specific detail on how the trees in and around the site will be protected during the construction of the development shall be submitted to and approved in writing by the LPA.  
REASON: In the interest of the character and appearance of the site, surrounding countryside in accordance with Policies S1, D1, and D4 of the MDLDP and guidance contained within the NPPF.
- 20 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the updated Reptile survey report (Cherryfield Ecology, June 2022), the Ecological Assessment Revision A (Landscape Science Consultancy, January 2022) and Addendum Report (Cherryfield Ecology, June 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
REASON: To conserve and enhance protected and Priority species in accordance with Policy N2 of the 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).
- 21 Any works which will impact the breeding / resting place of Great Crested Newts, shall not in in any circumstances commence unless the LPA has been provided with a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead.  
REASON: To conserve protected species in accordance with Policy N2 of the 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 s17 Crime & Disorder Act 1998.
- 22 Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be 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) to include retained trees and Priority habitat (River Pant).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

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 Policy N2 of the 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).

23 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 LPA. 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 LPA.

REASON: To conserve protected and Priority species in accordance with Policy N2 of the 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).

24 "A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the first operation of the development hereby permitted. This should detail management measures to achieve the objectives of the BNG calculations outlined within the Biological Impact Assessment (BIA) (Cherryfield Ecology, February 2022). The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and biodiversity implemented so that the development still delivers the fully functioning objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

- 25 REASON: To conserve protected and Priority species in accordance with Policy N2 of the 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). No development shall commence until a Skylark Mitigation Strategy, to secure 12 skylark mitigation plots to compensate for the losses or displaced territories arising from the development, has been submitted to and approved in writing by the Local Planning Authority.

The Skylark Mitigation Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed Skylark nest plots;
- b. Detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c. Locations of the Skylark plots in nearby agricultural land by appropriate maps and/or plans;
- d. Persons responsible for implementing the compensation measure.

No development shall commence until the approved Skylark Mitigation Strategy has been implemented to the satisfaction of the Local Planning Authority, and thereafter all features shall be retained for a minimum period of 10 years."

- 26 REASON: To conserve protected and Priority species in accordance with Policy N2 of the 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). The Solar Panels hereby approved shall be of an anti-glare design. REASON: To avoid detrimental impacts of neighbouring amenity, visual amenity, users of the Public Rights of Way and aircraft safety in accordance with Policies D1, D4 and T1 of the Maldon District Local Development Plan.

### **Informatives**

- 1 The Applicant is advised that the archaeological work will need to comprise geophysical survey of the entirety of the development area, followed by targeted

trial-trenching and excavation or other mitigation measures in the form of revised layouts or construction methodologies if required. All fieldwork should be conducted by a professionally recognised archaeological contractor in accordance with a brief issued by this office.

- 2 The Applicant is advised that The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath's No.23 (Woodham Mortimer), No.41 (Maldon) and No's. 2, 3, 7, 8 (Hazeleigh) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the LHA. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**DISTRICT PLANNING COMMITTEE**  
11 July 2022

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 5**

<b>Application Number</b>	<b>22/00261/FUL</b>
<b>Location</b>	Hall Farm Land at 583941 203977, Hazeleigh Hall Lane, Hazeleigh
<b>Proposal</b>	The construction and operation of a solar photovoltaic farm and associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping.
<b>Applicant</b>	Mr James Hartley-Bond – Low Carbon Solar Park 1 Limited
<b>Agent</b>	Mr N Bowen – DWD Property and Planning
<b>Target Decision Date</b>	EOT 20.07.2022
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>HAZELEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Proposal is a 'development of strategic interest' as defined under the Scheme of Delegation

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Chelmsford City Council	<ul style="list-style-type: none"> <li>MDC should consider be satisfied that the development does not lead to unacceptable harm on the character and appearance of the area. Mitigation should be secured.</li> <li>Consideration should be given to impacts on neighbouring properties</li> <li>Consideration should be had to the agricultural</li> </ul>	<ul style="list-style-type: none"> <li>The comments have been noted and full consideration has been given to the material considerations raised in the assessment of the application.</li> </ul>



Name of Parish / Town Council	Comment	Officer Response
	<p>quality of the land and ecology</p> <ul style="list-style-type: none"> <li>• Consultees should be satisfied with the proposal</li> </ul>	

## 8. PROPOSED CONDITIONS

Condition number 25 has been updated as below to correct a typographical error relating to the number of Skylark Plots to be secured, which should be eight rather than twelve.

- 25 No development shall commence until a Skylark Mitigation Strategy, to secure ~~12~~ **8** skylark mitigation plots to compensate for the losses or displaced territories arising from the development, has been submitted to and approved in writing by the Local Planning Authority. The Skylark Mitigation Strategy shall include the following:
- Purpose and conservation objectives for the proposed Skylark nest plots;
  - Detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
  - Locations of the Skylark plots in nearby agricultural land by appropriate maps and/or plans;
  - Persons responsible for implementing the compensation measure.

No development shall commence until the approved Skylark Mitigation Strategy has been implemented to the satisfaction of the Local Planning Authority, and thereafter all features shall be retained for a minimum period of 10 years."

REASON: To conserve protected and Priority species in accordance with Policy N2 of the 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).

### 5.10 Other Matters

- 5.10.2 The Applicant's Agent has provided a 'fact sheet' relating to the application, including detail of the site selection, construction, and operation phases. The detail does not introduce any new or additional material considerations which have not already been considered in the assessment of the proposal and therefore does not require re-consultation. The document has been added to the online case file for public viewing.