

CIRCULATED PRIOR  
TO THE MEETING



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**DISTRICT PLANNING COMMITTEE  
23 JANUARY 2024**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 5**

<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>PURLIEGH</b>
<b>Reason for Referral to the Committee / Council</b>	Proposal is a 'development of strategic interest' as defined under the Scheme of Delegation

**3 SUMMARY**

Relevant Background Information (p15-16)

3.1.17 In this instance, the largest part of the application site falls within the administrative area of MDC. However, in the absence of alternative administrative or statutory arrangements, planning applications should be determined by the LPA. Where a development crosses two administrative areas, this could result in two different decisions being made on what is essentially one application, differing conditions being imposed on the same development or multiple Section 106's being entered into. This approach is **contrary to in accordance with** Government guidance which seeks collaborative working between LPA's. Paragraph 24 of the National Planning Policy Framework (NPPF) states that LPA's have a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. The Government clearly advocates joint working between Local Authorities and Maldon District Council (MDC) and CCC have adopted this approach on plan making and strategic matters to date. On this basis, CCC sought agreement with MDC to devolve its planning powers to the latter in a letter dated 30 June 2023, so that MDC can determine the application in its entirety. This approach is in accordance with section 101(1) of the Local Government Act 1972.

3.1.18 The element of the proposed development within CCC administrative area would only relate to the existing road access to the site. Therefore, as the majority of the development lies within the Maldon District, it is appropriate for CCC to devolve their

Development Management powers to MDC in relation to determining this planning application. MDC has consulted both **Essex Chelmsford** County Council (**Essex Chelmsford County Council (ECCC)**) and the relevant Town Council (South Woodham Ferrers Town Council) and will consider the application against MDC's Planning policies as well as CCC's.

## **5 MAIN CONSIDERATIONS**

### **5.11 Pre-commencement conditions (p33)**

- 5.11.1 Pre-commencement conditions are recommended in order to make the development acceptable in planning terms. The Developer has agreed to the imposition of these pre-commencement conditions in a letter dated 16 January 2024.

## **8 PROPOSED CONDITIONS (P39)**

5. **Following the first operation/commission of the site**, if **the** 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 2068. 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.
- 18 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 **agreed under condition 17**. 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.