MINUTES of
DISTRICT PLANNING COMMITTEE
12 MARCH 2024

PRESENT

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	M G Bassenger, J Driver, A Fittock, A S Fluker, J C Hughes, K Jennings, A M Lay, W J Laybourn, S J N Morgan, C P Morley, M G Neall, N G F Shaughnessy, R H Siddall, N D Spenceley, P L Spenceley, N J Swindle, M E Thompson and L L Wiffen

1. CHAIRPERSON'S NOTICES

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S J Burwood, D O Bown, M F L Durham CC, L J Haywood, N R Miller, W Stamp CC, E L Stephens, J C Stilts and S White.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 23 January 2024 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor A S Fluker declared an other registerable interest regarding Agenda Item 5 23/01236/FULM - Land to the South of Keelings Road, Dengie, Essex, as he owned Keelings, the property mentioned in the report. Councillor Fluker added that he also knew the landowner who was engaged in business with Southminster Parish Council of which he was a Member. Due to this he would address the Committee at the appropriate time after which he would leave the Council Chamber and take no further part in the meeting.

Councillor C P Morley declared a non-pecuniary interest regarding Agenda Item 5 in that he knew the landowner and he would not take part in the voting for that item.

5. 23/01236/FULM - LAND TO THE SOUTH OF KEELINGS ROAD, DENGIE, ESSEX

Application Number	**23/01236/FULM**
Location	Land to the South of Keelings Road, Dengie, Essex
Proposal	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
Applicant	BSR Energy
Agent	Mr Dale Greetham – ADAS Planning
Target Decision Date	21.03.2024
Case Officer	Kathryn Mathews
Parish	**DENGIE**
Reason for Referral to the Committee / Council	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)

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

Prior to the debate opening, Councillor A S Fluker, having called in the application, made an opening statement. He raised various concerns regarding the development including the proposed screening of the site, the impact of construction traffic to the immediate and surrounding areas and he asked Members to consider imposing a condition that required the developer to repair damaged grass verges at the end of the construction period.

Councillor Fluker proposed to refuse the application contrary to the Officer's recommendation on the basis that it was contrary to Policies S1, S8, D1, and D4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework. There was no seconder.

At this point in accordance with his earlier declaration, Councillor Fluker left the Chamber and did not return.

The Chairperson moved the recommendation of approval as set out in the Officer's report and this was duly seconded.

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

- Case Officers had visited the site to assess the impact to the countryside and Essex County Highways visited the site for them to assess the access to the site.

- The applicants undertook a detailed landscaping visual impact assessment and Officer's found that it was acceptable.

- A condition to have the developer repair damaged grass verges could be imposed but would be difficult to enforce due to it being outside of the application site.

- The landscape would be restored after 40 years which was the life of the project.

There being no further discussion the Chairperson put his earlier proposal to the Committee and upon a vote being taken this was agreed.

RESOLVED that the application be **APPROVED** subject to the following 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:
    - 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)
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.
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.
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.

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.

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.

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. 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.

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.

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.

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, lsolux 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.

13. The solar panels hereby approved shall be of an anti-glare design.
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.
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.
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.
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.

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.
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
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.
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.
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.

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.

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.

There being no other items of business the Chairperson closed the meeting at 8.13 pm.

K M H LAGAN
CHAIRPERSON