



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

**to
DISTRICT PLANNING COMMITTEE
3 SEPTEMBER 2025**

Application Number	24/00901/FULM
Location	Solar Farm At 596892 196989 Marsh Road, Burnham-on-Crouch
Proposal	Construction and operation of a solar farm and battery energy storage system (with a power generation capacity up to 25.5 MW), together with all associated works, equipment, necessary infrastructure and landscaping.
Applicant	One Planet Developments Limited
Agent	Mr Arfon Hughes - Mango Planning & Development Ltd
Target Decision Date	10.09.2025 (Time Extension agreed with the Agent)
Case Officer	Chris Purvis
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Development - Solar energy proposal

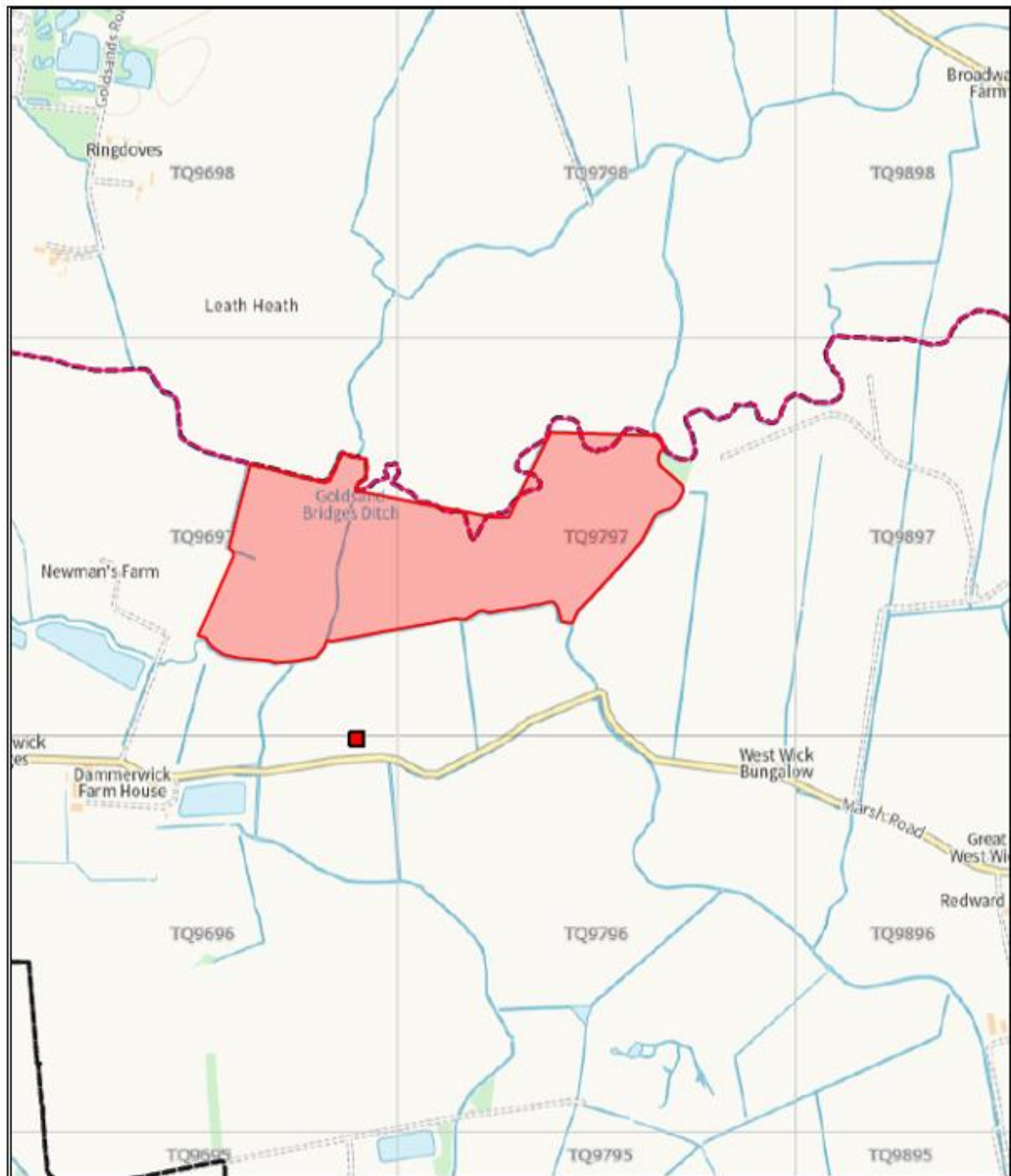
1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.

24/00901/FULM – Solar Farm At 596892 196989 Marsh Road
Burnham on Crouch



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site comprises of an area of land measuring 43 hectares to the north of Marsh Road, Burnham-on-Crouch. The landscape is flat and is used for agricultural purposes comprising of two field units separated and bound by hedging. The ground level across the site is between 0.87m and 2.9m AOD (Above Ordnance Datum). The site is located 1.5km east of Burnham-on-Crouch and 1.9km south west of Southminster.
- 3.1.2 Approximately 450 metres to the south west of the site is a Grade II listed building called Dammerwick Farm House. 650m to the south west of the site is Brook Farm House and 320m to the west is a Grade II listed Newman's Farm. To the north east of the site is the Turncole Farm Wind Farm which was allowed on appeal in February 2014 and is built and operational.

Description of the Proposal

- 3.1.3 Full planning permission is sought for the construction and operation of a solar farm and Battery Energy Storage System (BESS) with a power generation capacity up to 25.5 MW (Megawatt), together with all associated works, equipment, necessary infrastructure and landscaping.
- 3.1.4 The applicant has advised that the solar farm part of the development would export up to 17MW which is enough to power 6,600 homes. Permission is sought for a period of 40 years and after which the land will be cleared and restored to arable use.
- 3.1.5 The solar panels would be photovoltaic panels that absorb daylight and convert that into electricity. Each panel would be 2.38m x 1.3m with a depth of 35mm. They would be attached to a fixed metal mounting frame at 25 degrees at 1.55m above ground level and would be no higher than 3.5m. The mounting frames are either screwed or pushed into the ground. The panels would be laid out in rows east to west and would face south. The distance between each row would be between 3m and 5m. The panels would be connected to a network of medium voltage power stations (transformer and inverters), 13 in total. A spare parts container and welfare cabin is proposed, with each measuring 12.2m long by 2.6m high by 2.45m wide.
- 3.1.6 The BESS is proposed for storing electricity when demand does not match supply and would export electricity to the local grid in periods of high demand. The BESS would consist of 12 battery containers each measuring 12.19m long by 2.9m high by 2.5m wide, 12 power conversion system units measuring 3.7m long by 2.35m high by 2.0m wide and 6 medium voltage transformers measuring 2.44m long by 2.98m high by 2.52m wide. The BESS would be housed on a raised platform at 3.44m AOD to provide resilience in the event of flooding.
- 3.1.7 A water tank would be provided for fire safety.
- 3.1.8 The Distribution Network Operator, who own and operate the electricity distribution network, delivering power from the national transmission system to homes and businesses, would install a 33kV (kilovolt) substation on site. This would measure 6.70m long by 6.67m high by 6.19m wide. A security system is required to prevent unauthorised access into the solar farm and to protect it. This would consist of a two-metre high deer fence installed within the site demise and pole mounted security

cameras located around the fence perimeter. The security cameras would employ infra-red technology, and no external site lighting is required. An attenuation pond is proposed in the compound to support the drainage of the site.

- 3.1.9 Access to the site is proposed from two points off Marsh Road to the south. The western Solar Panel array would be accessed via an existing lane at the western end of the site. The eastern array, the BESS and other facilities would be accessed via a new track linking to Marsh Road further east.
- 3.1.10 Underground cabling is proposed to be installed to connect the development to the grid and would run southwards, through Dammerwick Farm, to an existing substation on the eastern edge of Burnham-on-Crouch.

3.2 Conclusion

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

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) 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
- D5 Flood Risk and Coastal Management
- E1 Employment
- E6 Skills, Training and Education
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document (SPD) (2018)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Design Guide (MDDG) (2017)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

4.4 Burnham-on-Crouch Neighbourhood Development Plan (2017) (BoCNDP)

- PI.7 Marsh Road Railway Bridge
- PI.11 Transport Network Improvements
- EN.2 New Development and Flood Risk
- EN.3 Enhancement of Natural Environment
- EN.4 Renewable Energy

5. MAIN CONSIDERATIONS

5.1 The main considerations for this application are as follows:

- Principle of the Development and Need for Renewable Energy
- Design and Impact on the Character of the Area
- Access, Parking and Highway Safety
- Flood Risk and Drainage
- Ecology and Biodiversity
- Impact upon Residential Amenity
- Glint and Glare

- Heritage Impacts
- Aviation
- Other Matters

5.2 Principle of Development

- 5.2.1 The application site does not fall within any designation on the approved Maldon District Local Development Plan (LDP) Proposals Map.
- 5.2.2 Policy S1 refers to the presumption in favour of sustainable development, as established in the NPPF, and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.2.3 From the NPPF, paragraph 8 c), the environmental objective, requires sustainable development to mitigate and adapt to climate change including moving to a low carbon economy, and although not stated in this paragraph, this would apply to renewable energy schemes.
- 5.2.4 The application site lies outside of any defined settlement boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance. S8(m) provides for other development proposals that are in compliance with policies in the LDP, neighbourhood plans and other local planning guidance. It therefore follows that if the development is in accordance with policy D4 Renewable and Low Carbon Energy Generation, as set out below, and the intrinsic character and beauty of the countryside is not adversely impacted upon then the development can be considered acceptable in principle.
- 5.2.5 The Council's Renewable Energy and Low Carbon Technologies SPD has a role in providing technical guidance for planning applications, giving direction and clarity on delivering projects in accordance with Policy D2 and D4 of the LDP. Section 5.4 addresses solar energy.

Need for renewable energy

- 5.2.6 Policy D4 of the 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.
- 5.2.7 The NPPF, through paragraph 161, seeks to ensure that the planning system supports the transition to net zero by 2050, which includes supporting renewable and low carbon energy and associated infrastructure.
- 5.2.8 Paragraph 168 of the NPPF states that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;
- b. recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;
- c. in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

5.2.9 Having regard to the above, it is not necessary for the applicant to demonstrate a need for the proposal or for the selection of the site to be justified.

5.2.10 Policy D4 states that: 'Development proposals will be approved where it can be demonstrated, to the Council's satisfaction, that the development will not have an adverse impact, either individually or cumulatively, on the following:

- 1) The purpose or function of internationally, nationally or locally designated sites of protected wildlife or landscape areas;
- 2) Heritage assets and the setting of heritage assets within the landscape;
- 3) Landscape and the character of the undeveloped coast and areas, which by nature of their topography, are sensitive to development;
- 4) Neighbouring amenity, in respect to visual impact, flicker, vibration, glare, overshadowing, active or background noise levels and any other emissions;
- 5) The safety of public footpaths, bridleways, highways, avian wildlife and aviation;
- 6) Telecommunications including those used by the police and emergency services and navigational equipment; and
- 7) The best and most versatile agricultural land.'

5.2.11 Criteria 1) to 5) are discussed within the relevant sections of this report, below. With regard to criterion 6), it is not considered that a solar farm would impact on telecommunications.

5.2.12 Policy EN.4 from the BoCNDP supports development of renewable energy proposals subject to the following criteria:

- They preserve or enhance the character and appearance of the conservation area;
- They take account of the setting of the Town within the Dengie Peninsula;
- They do not have an unacceptable detrimental effect on the integrity of a listed building or its setting; and
- They do not have an unacceptable detrimental effect on the amenities of residential or other properties in the site's locality.

5.2.13 With regard to the above criteria, the proposal would not impact upon the character and appearance of the Burnham-on-Crouch conservation area nor affect the setting of the town. Consideration of the impact upon any listed buildings or their settings, and impact upon the amenities of residential or other properties in the site's locality are both considered below.

Loss of Agricultural Land

- 5.2.14 NPPF paragraph 187 b) recognises the wider benefits of the best and most versatile agricultural land and footnote 65 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. In relation to this and criterion 7) of policy D4, the application has been supported by an Agricultural Land Classification Report assessing in total 93.2 hectares of land, of which 13.9 hectares is grade 3a and 79.3 hectares is grade 3b. The majority of the agricultural land is classified as grade 3b land which is not the Best and Most Versatile land and therefore there is no conflict with criteria 7) of policy D4 nor paragraph 187 b) of the NPPF. The development would be temporary in any event, albeit over a long time period of 40 years.

In conclusion to this section

- 5.2.15 Having regard to the above, there is clear national policy support for renewable and low carbon energy proposals. Furthermore, local policy, most notably policies D4 of the LDP and EN.4 of the BoCNDP support the provision of such proposals in principle. Therefore, subject to the assessment of the proposal in relation to all other material planning considerations (as set out below) the principle of the development is acceptable.

5.3 Design and Impact on the Character of the Area

- 5.3.1 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.

- 5.3.2 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, at paragraph 131 and 139 respectively, that:

‘The creation of high quality, beautiful and sustainable 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’.

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’.

- 5.3.3 The principle has been reflected in policy D1 of the approved LDP which seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

- e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG SPD (2017).
- 5.3.5 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.

Layout / Scale / Appearance

- 5.3.6 The layout plans show that the majority of the field parcels within the red line of the application site would be occupied by the south facing solar array that would be laid out in lines from east to west. Around the edges of the site the existing hedgerow boundaries would be enhanced through additional scrub and planting. Also, within the site a wetland and pond edge grassland would be created in the eastern side of the site and another grassland would be formed in the western side of the site. The applicant's Landscape Strategy Plan shows that no existing trees or hedgerows would be removed with the development designed around the few trees within the site. The Council's Tree Consultant raises no objections subject to a condition requiring existing trees / hedges / shrubs to be protected and retained.
- 5.3.7 An existing overhead cable route runs through the site in a north to south direction and as a result there is buffer zone where no solar panels are proposed. Towards the north central part of the site the BESS would be located and adjacent to that would be a fire attenuation pond.
- 5.3.8 The layout is typical of a solar array and raises no objections. The solar panels would be no higher than 3.5m high so there would be issues with regard to the scale and appearance of this development in this flat but open landscape, that also includes a number of nearby wind turbines, and isolated farms and buildings.

Landscape and Visual Impact

- 5.3.9 In this location the landscape is flat and used for agricultural purposes comprising of two field units separated and bound by hedging. The ground level across the site is between 0.87m and 2.9m AOD so is low lying and is typical of the landscape character of this location. The District Landscape Character is identified through the Maldon District Landscape Character Assessment (2006) as within D8 Dengie Drained Estuarine Marsh which includes the following key characteristics:
- Low drained land immediately behind sea wall defences.
 - Mostly arable farmland on former reclaimed marsh intersected by linear ditches and dykes.
 - Absence of trees except around farmsteads.
 - Sense of huge sky, sound of birds, tranquillity, and panoramic views across the marshland and out to sea.
 - Isolated farms; restricted access provided by a very few lanes; absence of settlements.

- 5.3.10 Paragraph 5.4.20 of the Renewable and Low Carbon Technologies SPD requires a Landscape and Visual Impact Assessment (LVIA) to be submitted with all planning applications for solar farms to assess the likely landscape and visual impacts of the proposal. The applicant's LVIA has assessed the impact in reference to the D8 Dengie Drained Estuarine Marsh and the effect would *'cause direct but only locally discernible physical changes to the landscape character of this LCA [Landscape Character Area]'* which is considered in the LVIA to have a medium sensitivity to the change.
- 5.3.11 The LVIA considers the landscape has a low sensitivity to the proposed development. At site level, the LVIA identifies that significance of effect of the proposed development on 'Land Use' would be a slight adverse impact due to changing the arable field to a field that contains energy infrastructure (wind farms), and a neutral level of significance to the landform within the site. The impact to the landscape character of the study area, as a result of the proposed development, and after the mitigation measures have matured, would be seen to have a neutral significance of effect.
- 5.3.12 In terms of the impact upon visual amenity, there are only a limited number of publicly accessible vantage points that view of the site and with the planned planting this would help mitigate the impact upon visual receptors with the LVIA identifying that there would be a neutral effect for walkers of a short section of footpath and for vehicle users along Hall Road and Marsh Road.
- 5.3.13 The LVIA concludes that *'the proposed development will result in a small number of residual landscape and visual effects which will be confined to a relatively small area of countryside within the study area. The slight adverse effect on the 'land use within the development site should be weighed against the twin benefits of providing renewable energy and a biodiversity net gain'.*

Conclusion to this section

- 5.3.14 Taking account of the policy position, and in particular the reference to policy D4, as identified through the assessment of the LVIA, the proposed development would have a slight adverse impact that would lessen to a natural impact once mitigation measures have matured in the form of planting. It is therefore appropriate in its setting, in accordance with policy EN.4 of the BoCNDP. This will need to be balanced against the benefits of the scheme and with regard to the requirements of policies S8, D1 and D4, and the guidance within the NPPF.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 Criterion 5 of Policy D4 requires that the safety of public footpaths, bridleways, highways, avian wildlife and aviation are assessed.
- 5.4.3 From the BoCNDP policy PI.7 for the Marsh Road Railway Bridge seeks the introduction of traffic signals to allow for safe traffic flows with a pedestrian/cycle

footway to one site. Policy PL.11 for Transport Network Improvements seeks to deliver a range of projects but none are relevant to this development/site.

- 5.4.4 The construction phase would give rise to traffic generation and the application includes a Construction Traffic Management Plan (CTMP) which explains the access arrangements, construction traffic routing, site compound and internal routing, road condition surveys and proposed mitigation measures.
- 5.4.5 Access to the site would be provided via Marsh Road and two access points would be utilised, with a new eastern access and use of the existing western access. Both these access points can accommodate articulated HGVs (Heavy Goods Vehicles) for the delivery materials and site equipment. The applicant explains that the intention is for vehicles to arrive and depart from the western access only which is currently used by large agricultural vehicles. Temporary traffic signage would be put in place during the construction phase.
- 5.4.6 There is a Public Right of Way (PRoW) running alongside the western access route to the site, but this would not be stopped up and would remain open during the construction work with a Banksman present for safety reasons. The solar farm would include a cable connection to the substation in Burnham-on-Crouch and the applicant has explained that this could result in the temporary diversion of footpath FP26 for a short period of time whilst the cable is laid. Any temporary diversion proposals would need to be secured through an application under section 257 of the Town and Country Planning Act and is therefore a separate process to this planning application.
- 5.4.7 The proposed construction route to the site would be from the A130 through South Woodham Ferrers and into the District via the B1010 to Burnham. At the junction with the B1021 the route would then head north and then right onto Marsh Road. Temporary traffic signage would be put in place during the construction phase. After the construction phase the operational phase would involve limited vehicle activity other than servicing and maintenance of the site.
- 5.4.8 The proposal would result in a site compound being set up near to the access points and would have approximately 40-50 construction workers on site a day. The proposed construction hours are Monday to Friday 08:00-18:00 and between 08:00 and 13:30 on Saturdays.
- 5.4.9 The CTMP explains that there would be a maximum of 30 HGV deliveries per week (250 HGV movements during the construction phase) and 52 movements of construction vehicles. The total number of vehicle movements over a 24 week period would be 1,250 movements.
- 5.4.10 The operational phase of the development, that is when the solar farm has been built and is producing electricity, would not generate any significant levels of traffic movements as there would be no staff present on site other than when maintenance work is carried out which would be twice a month.
- 5.4.11 The CTMP sets out the mitigation measures that includes signage, a construction compound, wheel wash facilities, a road sweeper, spaying of land to minimise dust and a Banksman. All of this mitigation can be secured through a planning condition.
- 5.4.12 Essex County Council (ECC), as the Local Highways Authority, was consulted on the application and have no objections subject to conditions requiring a CTMP, the eastern access to be provided as shown, no unbound material, before and after survey of Marsh Road and no obstructions to existing public footpaths 15 and 26.

- 5.4.13 The submitted glint and glare assessment considered the potential impact on Tillingham Airfield (5.5km to the north), West Newland Farm Airfield (5.4km to the north) and Barling Airfield (8.1km to the southwest). It concluded that the proposed development would have a low impact on aviation activity. The agent has confirmed that Southend Airport is 12km from the site and beyond the normal assessment distance for a glint and glare assessment. This would ensure compliance with criteria 5 of policy D4. Southend Airport was consulted however no response has been received.
- 5.4.14 Based on the above, it is considered that the proposal is acceptable with respect to highway safety / access / parking / aviation issues, subject to the imposition of conditions having regard to planning policies T2, D1 and D4 of the LDP, policy Pl.7 of the BoCNDP, and the guidance within the NPPF / PPG.

5.5 Flood Risk and Drainage

- 5.5.1 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. From the BoCNDP policy EN.2 refers to new development and flood risk. The PPG on Flood Risk and Coastal Change also provides guidance for consideration.
- 5.5.2 The tables within the PPG on Flood Risk and Coastal Change identify that solar farms fall within 'essential infrastructure' within Table 3 (Flood Risk Vulnerability Classification) and Table 2 (Flood Risk Vulnerability and Flood Zone Incompatibility) identify that for 'essential infrastructure' the Exception Test is required, and that essential infrastructure should be designed and constructed to remain operational and safe in times of flood. Before the Exception Test is applied the Sequential Test needs to be undertaken.
- 5.5.3 The application is accompanied by a Flood Risk Assessment (FRA) which has been updated through the application process. The FRA identifies that the site levels range from 0.87m to 2.09m AOD. The FRA identifies that the site is at risk from multiple flooding sources including surface water flooding and tidal flooding. The FRA explains that the biggest risk of flooding is from tidal flooding as this site forms part of the former drained marshland environment at the eastern end of the Dengie peninsular.

The Sequential Test

- 5.5.4 Paragraph 173 of the NPPF requires a sequential risk based approach to individual applications and paragraph 174 of the NPPF identifies that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 5.5.5 As required by the PPG consideration needs to be given to the catchment area of the type of development proposed. The catchment area for this type of development can be considered to be the whole District as there are no imperative spatial reasons why a solar farm has to go on this site. However, there are non-flood related

considerations as to why this site has been chosen. Those factors relate to the operation of the development and its ability to provide a connection to the national grid for electricity transmission.

- 5.5.6 In terms of 'reasonably available sites' as identified in the PPG, there are no sites identified in the current LDP for solar farm developments and therefore this development needs to be considered as a windfall site. The applicant's Flood Sequential Test document explains that a search area including and around Burnham-on-Crouch was considered for this development and there are reasons why other sites were not considered including flood risk, grade 1 and 2 agricultural land, and because a cable would have had to cross the branch railway line. As a result, the site subject of this application was considered as the most suitable for the development.
- 5.5.7 The proposed development of this scale needs to be located outside of an existing settlement within the District given its land coverage and the need to minimise any impact upon nearby amenity. This location, on the former drained marshland environment at the eastern end of the Dengie peninsula, provides a generally level flat landscape that can accommodate a solar farm of this scale. The proposal would contribute to the Government's aims of increase renewable and clean energy production. Therefore, there are wider sustainability benefits to this proposal of providing renewable energy to the grid for the benefit of homes and businesses across the Maldon District and beyond.
- 5.5.8 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Based on the above assessment there are no reasonably available sites available, therefore consideration has to be given to the positive factors of this site providing renewable energy to the grid. For these reasons it is considered that the Sequential Test is past.

Exception Test

- 5.5.9 Following application of the Sequential Test and the outcome that there are no reasonably available alternative sites the next step is to consider the 'Exception Test'. For the Exception Test to be passed paragraph 178 of the NPPF requires 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.*
- 5.5.10 For part a) the reasons stated in the 'Sequential Test' assessment above demonstrate that the proposed development can provide '*wider sustainability benefits to the community that outweigh flood risk*' for this part of the Exception Test to be passed.
- 5.5.11 For part b) the FRA explains that all critical electrical equipment (DNO Substation / Customer Switchgear / MV Power Station / Inverters) and the Battery Energy Storage Equipment has been designed above 3.44m AOD to ensure this meets the requirements of the Environment Agency. All lower parts of the solar panels would be below the 3.44m flood level but the upper section of the solar panel would be above this flood level and all associated equipment would be either above the flood level or would be equipment designed to be protected during continuous immersion in water

depths beyond 1m. The FRA states that the solar panels are weather/water resistant and the cabling from the solar panel would be routed from the top edge of the panel and therefore be above all outline flood levels/depths. The FRA states that the slow nature of tidal flooding can allow workers on site access west along Marsh Road and the site would be signed up to the Environment Agency flood information.

5.5.12 The Environment Agency has no objections to the proposed development as all critical electrical equipment has been designed above 3.44m AOD, which is above the 1 in 200 year probability flood level including upper end allowance for climate change. The Environment Agency identifies that the site is also at risk from reservoir flooding, but such an event is unlikely as reservoirs are managed and maintained regularly by the Environment Agency. The Emergency Planner has not provided a response to the consultation but given the use of the site, once operational, would have no or only a few people present when maintenance work is taking place it is considered that a planning condition requiring a Flood Warning and Evacuation Plan is necessary.

5.5.13 For the reasons stated above it is considered that the Exception Test is passed.

Surface Water Drainage

5.5.14 The proposal would include surface water drainage features swales and an attenuation pond. The attenuation pond would also be used for fire safety. The Lead Local Flood Authority (LLFA) have no objections to the proposed development subject to planning conditions requiring a surface water drainage scheme to be submitted for approval, details of ways to minimise off site flooding, a maintenance plan, yearly logs of maintenance carried out, and a requirement for details of soil management plan to be approved.

Conclusion to this section

5.5.15 The proposal is considered acceptable with regard to the Sequential and Exception Tests and the proposed drainage is acceptable subject to planning conditions. On this basis the proposal in terms of flood risk and drainage is acceptable having regard to the requirements of policy D5 of the LDP and the policies and guidance in the NPPF/PPG.

5.6 Ecology and Biodiversity

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

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

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

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

- 5.6.5 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.6.6 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.6.7 BoCNDP policy EN.3 seeks enhancement of the natural environment and reflects the requirements of local and national planning policy.

On site Ecology

- 5.6.8 In terms of onsite ecology, the application includes an Extended Phase 1 Habitat Survey from March 2022 and this was updated in 2023, an extended Habitat Survey from June 2024, overwintering bird surveys undertaken between October 2021 and March 2022. The site is cropland and considered to be negligible ecological value but there are hedgerows that have habitat importance; ditches for potential water voles, warbler and grass snake; and skylarks at the site. An updated location plan provided during the course of the application shows land edged blue which is land controlled by the applicant and it is proposed that this land is used for a skylark mitigation scheme, which can be secured through a planning condition. The overwintering bird surveys demonstrate that the site is not of significant importance to overwintering wetland birds and no impact upon habitat is likely. There are no impacts expected to protected species and the assessments do not require any further survey work to be undertaken.
- 5.6.9 The Ecological Impact Assessment recommends the following measures:
- Creation of a 10 metre buffer around water courses
 - Installation of wood log piles within buffer zones alongside ditches
 - Enhancement of grassland habitat
 - Grassland Management - Either by grazed pasture management or annual 'hay' cut meadows management.
 - Fencing designed to allow passage of small mammals
 - The provision of bird boxes
- 5.6.10 The above measures can be secured through a planning condition.

European Designated Sites

- 5.6.11 As the site is located close to internationally and nationally designated sites the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI), Ramsar site, Special Area of Conservation (SAC) and a Special Protection Area (SPA) within a 1km radius of the site, as well as other designations within a 5km radius of the site, these European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').
- 5.6.12 In considering the European site interest, the Local Planning Authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat

Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including SPAs and Ramsar sites. Of particular relevance to this application, regulation 63 of the Habitats Regulations requires, inter-alia, that:

Before deciding to give any permission for a plan which:

- (a) is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site*

The competent authority must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

5.6.13 In addition to this planning application report and working with the Place Services Ecology Advisor the Local Planning Authority has produced a Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained below:

- Stage 1 is to identify whether the proposals are directly connected with or necessary to site management for conservation;
- Stage 2 (Screening for Significance of Likely Effects) is necessary to examine if the proposals, in the absence of mitigation are 'likely to have a significant effect' on the internationally important features of the European sites, either alone or in combination with other plans or projects;
- Stage 3 (Appropriate Assessment) is if 'likely to have significant effects' on a European site were to occur solutions should be established to avoid or have a lesser effect on European sites.

5.6.14 The HRA has used the ecological surveys provided by the applicant's ecological consultant and consideration to the consultation responses relating to the SPA to carry out the screening exercise in producing the HRA. The applicant's Ecological Impact Assessment demonstrates that the proposal would not impact, either individually or cumulatively on the purpose or function of internationally, nationally or locally designated sites or upon protected species.

5.6.15 On such basis the information provided in the application is sufficient to demonstrate through a HRA that no adverse effect to the integrity of European sites, including functionally linked land. The Local Planning Authority has therefore formally determined that, on the basis of the information available, the proposed development will not have a likely significant impact on a European site either alone or in combination with other plans or projects.

Biodiversity Net Gain

5.6.16 Turning to Biodiversity Net Gain (BNG) the Ecological Impact Assessment identifies that the proposal would result in an increase in habitat units of 221.66%, an increase in hedgerow units by 13.79% and an increase in water units by 11.52%. This is stated an improvement that exceeds the statutory requirements of BNG.

Consultee Comments

5.6.17 The Place Services Ecology Advisor has no objection subject to conditions requiring a Construction Environmental Management Plan for biodiversity, Farmland Bird Compensation Strategy and details about biodiversity enhancement layout, an optional condition regarding wildlife sensitive lighting design, and habitat

management and monitoring plan, plus a biodiversity net gain condition. Natural England also have no objections to the proposal.

Conclusion to this section

- 5.6.18 Based on the above the proposal does not raise any objections and mitigation is proposed that can be secured through planning conditions to ensure compliance with policies S8, D1, N1 and N2 of the LDP, policy EN.3 of the BoCNP, and the NPPF / PPG.

5.7 Impact on Residential Amenity

- 5.7.1 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).
- 5.7.2 One of the requirements of Policy D2 is to minimise all forms of possible pollution including air, land, water, odour, noise and light. The Policy states that any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.7.3 Policy D4 also requires that such proposals do not have an adverse impact on neighbouring amenity, in respect to visual impact, flicker, vibration, glare, overshadowing, active or background noise levels and any other emissions (criterion 4).
- 5.7.4 There are six residential properties within the site's vicinity. These are shown in the aerial photograph below:



Proposed development site and surrounding area (image taken from page 11 of the InAcoustic Noise Assessment Report)

- 5.7.5 The above aerial photograph shows the application site, outlined in red, and the nearest residential properties which are identified as NSRs (Noise Sensitive Receivers). The three dwellings to the west (NSR1, NSR2 and NSR3) are between 300 and 700m from the site boundary. NSR4 and NSR5 are approximately 600m and 1,100m from the site boundary respectively. NSR6 is approximately 1,500m from the site's boundary.
- 5.7.6 The application does not propose any operations that are considered to result in detrimental impacts through odour or artificial light, particularly as no lighting other than temporary limited motion activated lighting would be in use during the construction period. Furthermore, given the low height of the development and the distance to the nearest residential properties, it is not considered the development would obstruct day/sun light or outlook to those residential properties.
- 5.7.7 The application is supported by a Glint and Glare assessment, which is a report to consider unwanted reflection of the sun's rays by the face of a reflective surface to consider impacts in relation to solar reflections from solar panels towards nearby residential amenity, and, depending on the nature of the surrounding area, road safety, railway operations and infrastructure, and aviation activity. The assessment concludes that there would be no or a low impact upon residential amenity. This is due to the distance of the dwellings and existing mitigation from intervening vegetation and buildings. It is stated within the submitted assessment that no other receptors would be affected, and as such no mitigation is considered necessary.
- 5.7.8 The application is supported by a Noise Assessment, and this explains that the development would generate a level of noise however, the levels do not exceed the measured background levels. Based on the advice of the Environmental Health Officer, this would not result in harm to the amenity of any existing nearby residents.
- 5.7.9 Based on the above, no objection to the proposal is raised in relation to the impact on residential amenity, in compliance with policies D1, D2 and D4 of the LDP and EN.4 of the BoCNP in this respect.

5.8 Heritage Impacts

- 5.8.1 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. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.8.2 Policy D4 seeks to ensure that large-scale renewable and low carbon energy projects do not have an adverse impact on heritage assets.
- 5.8.3 Policy EN.4 of the BoCNDP seeks to ensure renewable energy projects do not have an unacceptable detrimental effect on the integrity of a listed building or its setting.
- 5.8.4 Approximately 450 metres to the south west of the site is a grade II listed building called Dammerwick Farm House. 650m to the south west of the site is Brook Farm House and 320m to the west is a Grade II listed Newman's Farm. The applicant's Historic Environment Desk Based Assessment identifies the proposal would not lead

to any harm to the setting of these listed buildings. The nearest Conservation Area is in Burnham-on-Crouch and is sufficiently distant to ensure no harm to this heritage asset as confirmed by the Council's Conservation Officer who raises no objections.

- 5.8.5 With regard to the historic landscape considerations, the proposal would result in change to the character and appearance of the site but none of the existing hedgerows or trees would be removed in terms of impact upon the historic landscape character of this location.
- 5.8.6 In terms of archaeology, the applicant's Historic Environment Desk Based Assessment has identified that the site has the potential to contain Iron Age / Romano-British activity relating to salt production, but no visible evidence was recorded at the site which as agricultural field has been subject to regular ploughing. That Assessment concludes that no further archaeological work is required but Place Services Archaeology have recommended planning conditions for trial trenching and mitigation, completion of a programme of archaeological evaluation, details of excavation and preservation strategy, a post excavation analysis with report ready for deposition at the local museum. If included as planning conditions Place Services Archaeology have no objections to the application.
- 5.8.7 Based on the above, the proposal accords with policies D3 and D4 of the LDP and EN.4 of the BoCNP and guidance in the NPPF.

5.9 Other Matters

- 5.9.1 In terms of fire risk, the application includes a Fire Strategy identifying requirements on site in the event of a fire. The Essex Fire Service require details of a designated safe access route for fire appliances to be provided and this can be secured through a planning condition. Further consultation has been undertaken following the operational challenges presented by the limited Fire Safety legalisation in regard to BESS. Model conditions have been agreed with the fire services and, unless additional concerns are raised, can be imposed.

5.10 Planning Balance and Sustainability

- 5.10.1 The starting point for decision making is the adopted development plan. The most relevant policy of the LDP relating to this application is Policy D4 which is considered to be up-to-date and consistent with the content of the NPPF. Policies S1, S8, D1, D5 and N2 are also relevant to the assessment of the development the subject of this application along with the relevant policies as stated above from the BoCNDP.
- 5.10.2 The proposal would result in some conflicts with Policy D4 as a result of the landscape impacts of the development. However, these impacts must be weighed against any environmental, economic and/or social benefits of the development.
- 5.10.3 As part of the application, the agent suggests the weighting which should be applied to the benefits of the proposal and the harm which would be caused, as follows:

Benefits

- **Clean energy generation** – the proposal would export 17 MW of clean, renewable energy per year to the local distribution network, enough to power 6,600 households. Substantial weight.
- **Additional BESS Capacity** – the proposal will have the capacity to store the renewable energy generated by the solar array and reinforce the local grid network. Moderate Weight.

- **Climate Change** – The proposal will make a significant contribution towards tackling climate change. Substantial weight.
- **Energy security** – The proposal will contribute towards the security of energy supply in Maldon through the provision of local renewable energy. Substantial weight.
- **Job creation** – The proposal will provide long and short-term job opportunities in the local area and will support the diversification of an existing agricultural enterprise. Moderate weight.
- **Net biodiversity gains** – The proposal will have a positive impact on the local environment by delivering net gains in biodiversity. Moderate weight.

Harm

- **Landscape Harm (including cumulative)** – impact accepted but all existing tree and hedgerows will be retained, and suitable buffers applied to avoid more adverse effects. Limited weight.
- **Residential harm** has been considered above and assessments carried out have found that there would be none or limited impact from the development, the latter of which would be mitigated by existing intervening vegetation and buildings. As such no detrimental residential harm would occur as a result of the development.

5.10.4 With regard to the three elements of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, particularly during the construction phase, but more limited during the operational phase. The development would also create employment opportunities, more so during the construction period. However, this benefit is likely to be limited as very few personnel would be required during the operational phase and the employment created during construction would be temporary.

5.10.5 In relation to the environmental role, the proposal would deliver a renewable energy project which would have significant environmental benefits as it would help to limit climate change. Given that both National and Local Policy support the provision of renewable energy sites, it is considered that the benefits of the solar farm would carry significant weight in the planning balance.

5.10.6 However, the proposal would have adverse impacts on the character and appearance of the area.

5.10.7 It has been demonstrated that the development is acceptable from a flood risk perspective and that it would not have an adverse impact on nature conservation.

5.10.8 No significant adverse impacts in relation to drainage or highway safety / access / parking have been identified.

5.10.9 Given the significant benefits, including those to the public, associated with the development, it is considered that these are sufficient to outweigh the harm the development would cause. As a result, it is recommended below that planning permission is approved, subject to the imposition of conditions.

6. **ANY RELEVANT SITE HISTORY**

6.1 Relevant planning history:

Application No.	Description	Decision
23/00669/SCR	EIA (Environmental Impact Assessment) Screening Opinion request for construction and operation of a solar farm together with all associated works, equipment and necessary infrastructure and ancillary battery storage.	EIA not required
20/00892/SCR	Request for screening opinion under regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for proposed solar farm.	EIA not required

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No response	None
Southminster Parish Council	Recommend the granting of planning permission	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	No response	Noted
Cadent Gas	No objection	Noted
Environment Agency	No objection as all critical electrical equipment has been designed above 3.44m AOD, which is above the 1 in 200 year probability flood level including upper end allowance for climate change	See section 5.5 of the Assessment
Essex County Fire and Rescue Service	No objection subject to the site being designed for a safe access route for fire appliances and the proposed conditions for a fire risk emergency response and a fire risk management plan	See section 5.9 of the Assessment
Essex County Council Highways	No objections subject to conditions requiring a construction traffic management plan, eastern access to be provided as shown, no unbound material, before and after survey of Marsh Road and no obstructions to existing public	See section 5.4 of the Assessment

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	footpaths 15 and 26.	
Essex County Council Sustainable Drainage Systems (SUDS) team	No objection subject to conditions requiring a surface water drainage scheme to be submitted for approval, details of ways to minimise off site flooding, a maintenance plan, yearly logs of maintenance carried out, and a requirement for details of soil management plan to be approved	See section 5.5 of the Assessment
Essex Police	No objection and welcome the opportunity for Secured By Design and for appropriate security fencing	Noted and condition for security fencing recommended
Essex Wildlife Trust	No response	Noted
Natural England	No objection	Noted
Place Services – Archaeology	No objection subject to conditions requiring trial trenching and mitigation, completion of a programme of archaeological evaluation, details of excavation and preservation strategy, a post excavation analysis with report ready for deposition at the local museum	See section 5.8 of the Assessment
Ramblers Association	No objection but footpaths (26 and 15) should be kept open	Noted and a recommended condition is included for this
Southend Airport	No response	Noted
UK Power Networks	No response	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objections	Noted
Emergency Planner	No response	See section 5.5 of the Assessment
Place Services - Ecology	No objection subject to conditions requiring a Construction Environmental Management Plan for biodiversity, Farmland Bird Compensation Strategy and details about biodiversity enhancement layout, option condition regarding wildlife sensitive lighting design, and habitat management and	See section 5.6 of the Assessment

Name of Internal Consultee	Comment	Officer Response
	monitoring plan for biodiversity net gain	
Place Services – Tree Consultant	Support subject to conditions requiring existing trees/hedges/shrubs to be protected and retained	See section 5.3 of the Assessment
Environmental Health	No objections	Noted

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of nine site notices posted at eye level on telegraph poles and posts around and adjacent to the site in December 2024. Notice was also given by way of a newspaper advertisement posted in the Maldon and Burnham Standard on 12 December 2024.

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 **One response** received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
Road could be subject to heavy traffic that would affect access to farmhouse	See section 5.4 of the Assessment which considers the highway impacts of the development
Water pipe to property would be under western part of the development	Any impact upon utilities to a private property is a civil matter between the landowners
The fibre broadband cable running under the western side of the concrete access road would need protecting	Any impact upon utilities to a private property is a civil matter between the landowners
Request replacement hedging where there is a 50m gap in the hedge on the west of the planned development	Planning conditions shall secure a landscape strategy and retention of hedgerows at the site for visual amenity and character reasons
The hedge would need to be allowed to grow much taller than 2 metres	Planning conditions shall secure a landscape strategy and retention of hedgerows at the site for visual amenity and character reasons
Object the westward expansion of the solar farm	The plans show the extent of the solar farm no further expansion is planned with this application

8. **PROPOSED CONDITIONS**

- The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- The grant of planning permission shall expire 40 years from the date of when electricity is first exported from any of the solar panels to the electricity grid

("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority within 1 month of its occurrence.
REASON: To ensure the development is carried out in accordance with the details as approved as a 40 year planning permission.

3. 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 date of 40 years from the First Export Date, in accordance with the details as required in condition 3. Prior to the removal of any panels and equipment a scheme (to include timescales) for the reinstatement of the site to agricultural land alongside any retained ecological habitat areas shall be submitted to and approved in writing by the Local Planning Authority. The site shall be reinstated in accordance with the approved details.
REASON: In the interest of the character and appearance of the site and surrounding countryside in accordance with policies S1, D1 and D4 of the approved Maldon District Local Development Plan and guidance contained within the NPPF.
4. No development shall commence until fencing/ground protection to protect the trees/hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which are set out in the Arboricultural Impact Assessment and Method Statement (11835_AIA.001 November 20024). Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected.
REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policies D1 and N2 of the approved Maldon District Local Development Plan and guidance contained within the NPPF.
5. The soft landscape works shall be carried out in accordance with the Landscape Strategy Plan drawing no. 098 210 Rev B. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the first operation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: In the interest of the character and appearance of the site, surrounding countryside in accordance with policies S1, D1 and D4 of the approved Maldon District Local Development Plan and guidance contained within the NPPF.
6. Site construction shall be carried out in accordance with the submitted Construction Traffic Management Plan dated July 2024.
REASON: To ensure that on-road parking of construction vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway, in the interests of highway safety and in accordance with policy T2 of the approved Maldon District Local Development Plan.

7. Prior to the commencement of the development, the proposed eastern vehicle access shall be provided as shown in the Construction Traffic Management Plan Drawing 2307-036/PL01 and shall be maintained and retained during the course of the construction phase of the development.
REASON: To allow vehicles to enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan.
8. No unbound material shall be used in the surface treatment of the proposed eastern vehicular access within 20 metres of the highway boundary on Marsh Road.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan.
9. Prior to commencement of the development, a before and after condition survey to identify defects to the highway on Marsh Road shall be undertaken and the developer will repair any damage caused by construction traffic (repairs shall be undertaken in accordance with the approval of the Local Highway Authority) within 6 months of the First Export Date or approval from the Local Highways Authority if later.
REASON: In order to protect the integrity of the local highway network and in the interests of highway safety and in accordance with policy T2 of the approved Maldon District Local Development Plan.
10. The public's rights and ease of passage over public footpath nos 15 and 26 (Burnham-on-Crouch Parish) 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 policy T2 of the approved Maldon District Local Development Plan.
11. The development hereby permitted shall be carried out in accordance with the proposed mitigation measures as set out in the Flood Risk Assessment (dated 30 June 2025). The mitigation measures shall be fully implemented and then maintained and retained prior to the solar farm becoming operational.
REASON: In the interests of flood risk and preventing pollution in accordance with policy D5 of the approved Maldon District Local Development Plan and the NPPF.
12. No development except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - For the BESS area, limiting discharge rates to a maximum of 1l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- All sensitive infrastructure to be raised above the flood levels or details of the flood mitigation measures to be provided.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. A minimum of one stage of treatment will be required exclusively for the BESS Area.
- 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to the solar farm becoming operational.

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

13. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.
REASON: In the interests of minimising flood risk and preventing pollution in accordance with policy D5 of the approved Maldon District Local Development Plan and the NPPF.
14. 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 shall be 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 shall be provided.
REASON: In the interests of minimising surface water flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan and NPPF.
15. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: In the interests of minimising surface water flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan and the NPPF.

16. The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. REASON: Soil compaction can cause increased run-off from the site. Therefore, a soil management plan should show how this will be mitigated against. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This is requirement is to ensure accordance with policy D5 of the approved Maldon District Local Development Plan and the NPPF.
17. Prior to the first operational use of the development, a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures within the Flood Warning and Evacuation Plan [FWEP] shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter. REASON: To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy D5 of the approved Maldon District Local Development Plan and the NPPF.
18. 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, in line with the Ecological Impact Assessment & Biodiversity Net Gain Assessment (Windrush Ecology, January 2025). 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.

REASON: To conserve protected and Priority species 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 (as amended) and in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

19. Prior to the commencement of development, a finalised Farmland Bird Compensation Strategy shall be submitted to and approved by the Local Planning Authority to compensate the loss or displacement of any Farmland

Bird territories identified as lost or displaced, in line with the Skylark Mitigation Scheme (One Planet, April 2025). This shall include provision of offsite compensation in nearby agricultural land, prior to commencement. The content of the Farmland Bird Compensation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- b) methodology for the compensation measures;
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Compensation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (as amended) and in accordance with policies D4 and N2 of the Maldon District Local Development Plan and the NPPF.

20. Prior to any works above ground level, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Landscape Strategy Plan (Steele Landscape Design, November 2024) shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Layout shall include the following:
 - a) detailed designs or product descriptions for biodiversity enhancements; and
 - b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to first operational use of the solar farm and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended) and in accordance with policies D4 and N2 of the Maldon District Local Development Plan and the NPPF.

21. Prior to first operation of the development, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - c) All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To conserve protected and Priority species in accordance with policies D4 and N2 of the Maldon District Local Development Plan and allow

the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

22. Prior to first operation of the development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local authority, this shall include:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the Local Planning Authority; and
 - e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

23. 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 and the applicant shall submit a Post Excavation Assessment within 6 months of the date of completion of the archaeological fieldwork for record sharing purposes.

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

24. Prior to the commencement of the beneficial use of the solar farm hereby permitted, details of site security measures shall be submitted to and approved in writing by the Local Planning Authority. The solar farm shall be operated in accordance with the approved details.
REASON: In the interests of the minimisation and prevention of crime, in accordance with the NPPF.
25. Prior to the first operation of the development details of the designated safe access route for fire appliances shall be submitted to and approved in writing by the Local Planning Authority. This safe access route shall be maintained and retained at all times during the lifetime of the solar farm.
REASON: In the interests of fire safety and highway safety in accordance with in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan and the NPPF.
26. Prior to the commencement of the development a Fire Risk Management Plan (FRPM) should be submitted to and approved in writing by the Local Planning Authority. The FRMP should include details relating to potential emergency response implications, including (where relevant):
- The proposed management of the fire hazards and risk at and to the facility.
 - Any safety issues for emergency responders responding to any emergencies at the facilities.
 - How safe access to and within the facility will be achievable for emergency vehicles and responders, including to key site infrastructure and fire protection systems.
 - Details of proposed fire detection and suppression systems (e.g. water supply) on site.
 - Details of any natural and built infrastructure, and on-site processes that may impact or delay effective emergency response.
The development shall be constructed and operated in accordance with the FRMP until such a time that the site ceases for the purposes of energy generation as set out in Condition 3 of this permission.
- REASON: In the interests of safety and protection of the local environment; to reduce the risk of fire and to facilitate an effective and safe emergency response.
27. Prior to the commencement of the development a Fire Emergency Response Plan (FERP) shall be submitted to and approved in writing by the Local Planning Authority. The FERP shall include details of (where relevant):
- How the emergency services will be alerted in the case of an emergency
 - A facility description, including infrastructure details, operations, number of personal and operating hours.
 - A site plan depicting key infrastructure including:
 - Site access points and internal roads
 - Firefighting facilities (including water tanks, pumps, booster systems, fire hydrants, fire hose reels);
 - drainage
 - neighbouring properties.
 - Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eye-

wash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.

- A list of dangerous goods stored on site.
- Site evacuation procedures.
- Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, grassfire and bushfire.

The development shall be constructed and operated in accordance with the FERP until such a time that the site ceases for the purposes of energy generation as set out in Condition 3 of this permission.

REASON: In the interests of safety and protection of the local environment; to reduce the risk of fire and to facilitate an effective and safe emergency response.

APPLICATION PLANS / DOCUMENTS:

Application plans:

- OPL012-EL-01rev 6 BESS and Substation Contextual Elevation Plan 1:100@A1 20.6.25 OPL012-EL-02rev 6 BESS and Substation Contextual Elevation Plan 1:100@A1 20.6.25 OPL012-PL00-rev 6 Existing Site & Topography plan 1:2000@A0 26.4.24
- OPL012-PL01-rev 11 Proposed Site Layout Plan 1:2000@A0 20.6.25
- OPL012-PL03-rev 7 Site Location Plan 1:2500@A0 08.5.24
- OPL012-PL02-rev 8 BESS Layout Plan 1:250@A1 20.6.25
- OPL012-SD-01-rev 4 Spare Parts Container 1:100@A3 27.1.25
- OPL012-SD-02-rev 4 Welfare Container 1:100@A3 27.1.25
- OPL012-SD-03-rev 4 Customer Switchgear 1:100@A3 3.2.25
- OPL012-SD-04-rev 3 PCS 1:50@A3 26.4.24
- OPL012-SD-05-rev 3 Battery Container 1:100@A3 26.4.24
- OPL012-SD06-rev 3 Fence and Security Gate (BESS) 1:50@A3 26.4.24
- OPL012-SD07-rev 2 CCTV Camera and Pole 1:25@A3 26.4.24
- OPL012-SD08-rev 2 Standard Drawing: Access Track 1:25@A3 26.4.24
- OPL012-SD09-rev 3 MV Transformer 1:25@A3 26.4.24
- OPL012-SD11-rev 3 Water Tank 1:100@A3 26.4.24
- OPL012-SD12-rev 5 33kV Sub Station 1:200@A3 20.6.25
- OPL012-SD13-rev 6 Solar Array Cross Section 1:50@A3 20.6.25
- OPL012-SD14-rev 4 MV Power Station 1:50@A3 20.6.25
- OPL012-SD15-rev 1 Perimeter Fence (Solar Farm) 1:50@A3 26.4.24
- 098 210 Rev B Landscape Strategy Plan

Application supporting documents:

- Plans to show the proposed development
- Planning Statement and Design and Access Statement
- Agricultural Land Classification Assessment
- Biodiversity Net Gain ('BNG') calculations
- Construction Traffic Management Plan
- Preliminary Ecological Appraisal

- Flood Risk Assessment and Sequential Test Assessment
- Fire Strategy
- Geophysical Survey Report
- Historic Environment Desk Based Assessment
- Landscape and Visual Appraisal
- Landscape Maintenance and Management Plan
- Noise Impact Assessment
- Arboricultural Impact Assessment
- Tree Survey and Tree Constraints Plan
- Solar Photovoltaic Glint and Glare Study