

Reference: 14/01278/FUL	Site: Land south of Marshfoot Road, west of St. Chad's Road (adjacent to the Gateway Academy) and land east of St. Chad's Road, south of Biggin Lane, Tilbury.
Ward: Tilbury St Chads	Proposal: Proposed solar farm comprising the installation of arrays of PV panels, central inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads.

Plan Number(s):		
Reference	Name	Received
1060618-LUD-AW-001 Rev. B	Appendix 1 – Site Location Plan – Revision 1	17.03.16
PV-100	Appendix 2 – Site Layout Plan – Revision 1	17.03.16
Appendix 3 – Revision 1	Typical Inverter Housing and Transformer	17.03.16
Appendix 4 – Revision 1	Customer Substation Layout	17.03.16
Appendix 5 – Revision 1	Camera Mounting System	17.03.16
Appendix 6 – Revision 1	Typical Boundary Fence – Metal Post and Green Wire Mesh Fencing	17.03.16
Appendix 7 – Revision 1	Typical Access Gate	17.03.16
Appendix 8 – Revision 1	Typical Cable Trench Details	17.03.16
Appendix 11 – Revision 1	PV Framework Elevations	17.03.16
Appendix 12 – Revision 1	Typical Front and Piled Front Elevation	17.03.16
Appendix 13 – Revision 1	Access Track Elevations	17.03.16
Appendix 14 – Revision 1	Traffic Management Schematic	17.03.16
1505/D004	Sites Capacities Plan – Revision 1	17.03.16

The application is also accompanied by:

- Agricultural Land Classification Impact Assessment and Sequential Test Rev. 1
- Baseline Ecological Survey Rev. 1
- Biodiversity and Habitat Management Plan Rev. 1
- Design and Access Statement Rev. 1
- Environmental Statement (ES) Rev. 1
- Flood Risk Assessment Rev. 1
- Planning Statement Rev. 1
- Supplementary Information to Support Environmental Statement
- Statement of Community Involvement Rev. 1
- Transport Statement Rev. 1

<p>Applicant: The Place Solar Ltd.</p>	<p>Validated: 9 December 2014</p> <p>Date of expiry: 21 November 2015 (Article 34 extension of time agreed with applicant)</p>
<p>Recommendation: To Refuse</p>	

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 Background

A report considering this application originally appeared on the Planning Committee agenda for the 30th April 2015 meeting. That report recommended planning permission be refused for reasons referring to:

- harm to the Green Belt;
- harm to landscape character and visual amenity; and
- flood risk vulnerability classification.

1.2 At that Committee meeting Members were provided with a verbal update by officers noting that further consultation replies and letters of representation had been received. The Committee was also advised that correspondence and revised proposals for biodiversity enhancement had been received from the applicant. As the Committee considered that there should be an opportunity to properly assess all of the further correspondence and information, determination of the application was deferred.

1.3 A further report considering the proposals appeared on the agenda for the Planning Committee meeting of 1st October 2015 recommending that, on balance, planning permission should be approved. However, shortly before that meeting an objection was received from the Environment Agency (EA) and consideration of the application was deferred. Since October 2015 the applicant has submitted further revisions to the proposals and the report below assesses the planning application as currently submitted.

1.4 Description of Proposal

In summary, the application proposes the construction and operation of a solar farm which would produce electricity for export to the National Grid. The proposals would involve development on a parcel of land generally located to the north of the built-up area of Tilbury and to the east of St. Chad's Road. The basic details of the planning application are summarised in the table below:

Gross site area	9.4 hectares
Gross site area of PV panels	Approx. 5.3 hectares
Maximum no. of PV rows	Approx. 40 rows
Power Output	5 MWp (sufficient to supply 1,070 homes)
Ancillary development	<ul style="list-style-type: none"> • 4 no. inverters / transformers compounds each measuring 10.8m (l) x 3.5m (w) x 2.9m (h) • 1 no. Distribution Network Operator (DNO) sub-station measuring 12m (l) x 2.4m (w) x 2.8m (h) • Perimeter fencing 1.8m high • CCTV columns 3m high (7 no. in total) • Internal access tracks

- 1.5 The application proposes the development and operation of a PV (photovoltaic) solar farm installation, providing up to 5MWp of electricity which would be supplied to the National Grid electricity network. The application suggests that the solar farm would generate enough electricity for an estimated 1,070 homes. Planning permission is sought for an operational period of 25 years, after which it is proposed to remove the PV installation, with all of its supporting infrastructure, and restore the land to its current state.
- 1.6 The development involves the installation of PV panels or modules in a series of rows aligned east to west, the rows are referred to as PV arrays. Detailed specifications of the panels proposed at the site have not been provided. However, a typical PV panel measures approximately 1.6m x 1m. The panels would be fixed and stationary and would not track to follow the movement of the sun. The panels would be mounted on an aluminium framework which would be assembled on-site such that the panels are tilted to face south at an angle of approximately 20° from the horizontal. The panels would be positioned between 0.4m-0.6m above ground level and to a maximum height of 2m. Each row of panels would be separated by a clear corridor measuring 2m wide. A site layout drawing suggests the site would accommodate approximately 40 rows of panels. However, the precise number of PV panels and rows on the sites would be determined at the detailed design stage taking into account topography, shading and mitigation measures. Columns supporting the frames which hold the panels will be sunk some 1.5m into the ground to provide stability against wind resistance.
- 1.7 The illustrative site layout drawing suggests that the PV arrays would be arranged on site to maintain a minimum 10m wide clear corridor to the site boundaries.
- 1.8 Each row of PV panels would be connected to an inverter which would convert DC output from the panels to AC. A total of 4 inverters are proposed and each would be housed in an enclosure measuring 10.8m (l) x 3.5m (w) x 2.9m (h). A new electricity substation would be provided close to the north-western corner of the site in order to export power from the development to the national grid. The applicant

states that connection to the National Grid will be via an underground cable linking to an existing overhead line connection adjacent to Marshfoot Road.

- 1.9 The boundaries of the site would be secured by a 1.8m high security mesh fence coloured green. At intervals around the site perimeter CCTV cameras would be mounted on top of poles, with each pole 3m in height. A total of 7 cameras would provide surveillance for the site.
- 1.10 Access to the site would be taken from a new point of access on the eastern side of St. Chad's Road, opposite the entrance to the Gateway Academy. Access tracks would be constructed within the site to be used during construction, operation and de-commissioning of the solar farm. If approved, the construction phase of development would last for 16 weeks. During operation, there would be occasional visits, every 6 months or so, to the site for security and maintenance purposes.
- 1.11 The application includes proposals for landscape and ecological enhancement including:
- hedgerow planting, enhancement and management;
 - tree enhancement and management;
 - grassland enhancement and management; and
 - wildlife enhancement.
- 1.12 Permission is sought for an operational period of 25 years. The solar farm would be decommissioned at the end of this period, with all panels and associated infrastructure (including below ground infrastructure) removed from the site. The land would then be restored to agricultural use.
- 1.13 Process
- The application proposes development subject to the EIA Regulations, therefore, the application has been accompanied by an EIA. The EIA considers the environmental effects of the proposed development during construction and also when operational and includes measures either to prevent, reduce or offset any significant adverse effects on the environment. The findings of the EIA are presented in an Environmental Statement (ES) submitted with the application. The ES is accompanied by a number of technical appendices. The contents of the EA are listed in the supporting documents section of this report.
- 1.14 The Council has a statutory duty to consider environmental matters and an EIA is an important procedure for ensuring that the likely effects of new development are fully understood and taken into account before development proceeds. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted but also facilitates the drafting

of planning conditions and legal agreements in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. It is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.

- 1.15 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose conditions and secure mitigation measures by Section 106 obligations.
- 1.16 With reference to procedure, this application has been advertised as being accompanied by an Environmental Statement, as a departure from the Development Plan and as a major development. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:
- may conflict with national policies on important matters;
 - may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
 - could have significant effects beyond their immediate locality;
 - give rise to substantial cross-boundary or national controversy;
 - raise significant architectural and urban design issues; or
 - may involve the interests of national security or of foreign Governments.

2.0 SITE DESCRIPTION

- 2.1 The site comprises a parcel of land generally located to the east of St. Chad's Road and south of Biggin Lane. The site is broadly square-shaped with an area of 9.4 hectares and a frontage to Biggin Lane of some 180m. The site has maximum dimensions of approximately 350m (measured north-south) and approximately 320m (measured east-west). The site is currently open agricultural land and comprises part of a large field bordered by drainage ditches.

- 2.7 The northern boundary of the site to Biggin Lane is largely open, with tree and shrub planting to the boundary with the adjacent riding school. The western boundary of is partly defined by hedgerow planting. The southern boundary of the site is largely open. Finally, the eastern boundary of the site is marked by a drainage ditch.
- 2.8 To the north of the site on the opposite side of Biggin Lane the site is adjoined by the Laurels and Hobhill Farm. To the north-west of the site is the Tally-Ho riding school. Open fields also adjoin the site to the south and east. To the west, the site is adjoined by St. Chad's Road (to the north) and a Traveller's site (to the south).
- 2.9 The site within the Green Belt and is low-lying, flat and open. The site is located within the Tilbury Flood Storage Area which is designated as 'Flood Zone 3b (the functional floodplain).

3.0 RELEVANT HISTORY

Application Reference	Description	Decision
57/00141/FUL	Use of land for residential purposes	Refused
13/00895/SCR	Request for screening opinion (pursuant to EIA Regulations)	Proposed development requires EIA
14/00662/SCO	Request for scoping opinion (pursuant to EIA Regulations)	Advice given
14/30139/PMAJ	Request for pre-application planning advice	Advice given

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council's website at: www.thurrock.gov.uk/planning/14/01278/FUL

PUBLICITY:

- 4.2 The application has been publicised by the display of site notices, a newspaper advertisement and consultation with relevant consultees. The proposals have been advertised as being accompanied by an Environmental Statement, as a major development and as a departure from the Development Plan. The application has been publicised on three separate occasions: firstly after the original submission in December 2014; secondly in September 2015 after the receipt of revised proposals; and finally in March 2016.

4.3 Neighbour consultation letters have been sent to 177 surrounding properties. In response to the December 2014 consultation 7 responses were been received objecting to the proposals for the following reasons:

- access to the site;
- additional traffic;
- out of character;
- overlooking;
- excessive noise;
- loss of views;
- loss of Green Belt;
- environmental pollution; and
- effect on house prices.

4.4 An additional letter of objection was received in September 2015.

4.5 Three letters has also been received from the Port of Tilbury (in response to the separate consultations) which object to the proposal on the basis that very special circumstances to override the significant harm to the Green Belt have not been demonstrated.

4.6 1 letter of support has been received and 12 expressions of support for the proposals have been received via e-mail, although no postal addresses have been provided. In addition, 13 standard pro-forma letters of support have been received from postcodes within Chadwell St. Mary.

4.7 The following consultation responses have been received.

4.8 ENGLISH HERITAGE:

Do not offer comments on this occasion.

4.9 ENVIRONMENT AGENCY:

Object to the application on flood risk grounds.

4.10 ESSEX & SUFFOLK WATER:

No objections.

4.11 ESSEX BRIDLEWAY ASSOCIATION:

No objection subject to condition.

4.12 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objections subject to condition.

4.13 ESSEX FIELD CLUB:

Object on the basis that the information in the ES and Ecological Survey are considered unfit for purpose.

4.14 NATURAL ENGLAND:

No objection.

4.15 ENVIRONMENTAL HEALTH:

No objection subject to condition.

4.16 FLOOD RISK MANAGER:

No objection subject to condition.

4.17 HIGHWAYS:

No objections, subject to conditions.

4.18 LANDSCAPE & ECOLOGY:

No objection to revised plans, subject to planning condition.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990, and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals.

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design

8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment.

5.3 Planning Practice Guidance (PPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application comprise:

- climate change
- design
- determining a planning application
- Environmental Impact Assessment
- flood risk and coastal change
- natural environment
- renewable and low carbon energy
- travel plans, transport assessments and statements in decision-taking
- use of planning conditions.

5.4 PPG states that, although the NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities (Paragraph 003, Reference ID: 5-003-20140306). This paragraph goes on to state that local and neighbourhood plans are the key to delivering renewable and low carbon energy development that has the backing of local communities. When drawing up a Local Plan local planning authorities should first consider what the local potential is for renewable and low carbon energy generation. Paragraph 005, Reference ID: 5-005-20150618 of PPG notes that Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable.

5.5 PPG sets out criteria for assessing ground-mounted solar project planning applications. The following extract is taken from the guidance (Paragraph: 013, Reference ID: 5-013-20150327):

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015;*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

The Ministerial speech referred to above sets out the (then) Government's message of *"focusing deployment on buildings and brown-field land – not green-field. Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation ... incorporating well thought out visual screening ...involving communities in developing projects and bringing them with you ... all of these will be vital in creating a sustainable future for large-scale solar PV."*

The written Ministerial statement referred to by PPG makes clear that *"any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence."*

5.6 UK Solar PV Strategy

Part 1 of the Government's (Department for Energy and Climate Change – DECC) UK Solar PV Strategy (2013) set out the four guiding principles for deployment of solar in the UK. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.
- Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

5.7 Part 2 of the DECC's UK Solar PV Strategy (2014) refers to ambitions for deployment, including large-scale ground-mounted solar PV deployment. The Strategy highlights the planning guidance for renewable energy development provided by PPG.

5.8 Local Planning Policy

5.9 Thurrock Local Development Framework (2011)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The Adopted Interim Proposals Map shows the site within the Green Belt. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock¹

THEMATIC POLICIES

- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury³
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness²
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change²
- CSTP26: Renewable or Low-Carbon Energy Generation²
- CSTP27: Management and Reduction of Flood Risk²
- CSTP33: Strategic Infrastructure Provision

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD4: Historic Environment²
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities³
- PMD6: Development in the Green Belt²
- PMD7: Biodiversity, Geological Conservation and Development²
- PMD8: Parking Standards³
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans²
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment ²
- PMD16: Developer Contributions²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

6.0 ASSESSMENT

6.1 As noted at paragraphs 1.1 to 1.3 above, reports considering the earlier proposals appeared on the Planning Committee agendas for the 30th April 2015 and 1st October 2015 meetings. However, given the passage of time since these earlier reports and the further changes to the submitted proposals, a single updated report is presented to Members of the Committee, without reliance on earlier reports as appendices.

6.2 The principal issues for consideration in this case relate to:

- i. Principle of the development and impact on the green belt;
- ii. Landscape and visual impact;
- iii. Impact on agricultural land;
- iv. Ecological implications;
- v. Impact on amenity, air quality & noise;
- vi. Impact on heritage assets & archaeology;
- vii. Highways considerations; and
- viii. Flood risk.

I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT ON THE GREEN BELT

6.3 Under this heading, it is necessary to refer to the following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;
- ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
- iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

6.4 i. whether the proposals constitute inappropriate development in the Green Belt

The site is located within the Green Belt. Paragraph 91 of the NPPF states:

“when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

It is considered that the development would impact on openness and conflict with purposes of including land in the Green Belt and therefore is considered to comprise inappropriate development in the Green Belt.

6.5 ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

Development plan policy, as expressed in the LDF Core Strategy as amended (LDF-CS), was adopted in 2015. The objectives of LDF-CS policies are consistent with national policies on Green Belt matters. LDF-CS policy CSSP4 (Sustainable Green Belt) sets out the objective of maintaining the purpose, function and open character of the Green Belt. Part 1 of this Policy relates to ‘Balancing competing demands on the Thurrock Green Belt’ and states; ‘the Council will:

- I. maintain the permanence of the boundaries of the Green Belt, excepting the proposed Urban Extension Broad Locations identified in this policy, Policy CSSP 1 and as shown on the Proposals Map;
- II. resist development where there would be any danger of coalescence; and
- III. maximise opportunities for increased public access, leisure and biodiversity.

6.6 LDF-CS Policy PMD6 (Development in the Green Belt) states that permission will only be granted for new development where it meets the requirements and objectives of PPG2. The NPPF has superseded PPG2, however the list of appropriate new buildings in the Green Belt referred to in the NPPF remains consistent with the former PPG2. Judged against the NPPF, the proposals clearly constitute inappropriate development in the Green Belt.

6.7 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

6.8 Inappropriate development is by definition harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. At paragraph 79, the NPPF states that the

fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Whilst the application proposes operation of the solar farm for a temporary period (25 years), the proposals would nevertheless comprise a substantial amount of structures, fencing etc. in an area which is free from built development. It is considered that the amount and scale of development proposed would reduce the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in consideration of this application.

- 6.9 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves as follows:
- i. to check the unrestricted sprawl of large built-up areas;
 - ii. to prevent neighbouring towns from merging into one another;
 - iii. to assist in safeguarding the countryside from encroachment;
 - iv. to preserve the setting and special character of historic towns; and
 - v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.10 With regard to point (i) above, the NPPF does not define what constitutes a 'large built-up area'. However, in this case the site is located in-between the settlements of Tilbury to the south, Chadwell St. Mary to the north and Grays / Little Thurrock to the west. These adjoining settlements could be reasonably described as 'large built-up areas', especially when considering that Tilbury and Grays are defined as regeneration areas in the LDF-CS. Consequently, it is considered that development of the site would, to a degree, represent unrestricted urban sprawl compromising this purpose of including land in the Green Belt. However, it is relevant to consider the temporary (25 year) nature of the proposals in assessing the proposals against this purpose of the Green Belt.
- 6.11 With reference to the second purpose above, the site is located in-between the built up area of Tilbury and Chadwell St. Mary and is also close to the edges of those settlements. The 'corridor' of land designated as Green Belt and arranged to the north of Tilbury provides an open 'buffer' separating Tilbury from Chadwell St. Mary. It is considered that the development of the site as proposed would result in a degree of coalescence between settlements, and the purpose of preventing the merging of neighbouring towns would be partially harmed as a result of the development proposed.
- 6.12 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open agricultural land. The term "countryside" can include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is considered that the proposals would constitute an encroachment of built development into the countryside at this

location, causing some harm to the third purpose for including land in the Green Belt.

- 6.13 Since there are no historic towns in the immediate vicinity of the site, it is not considered that that Green Belt at the site performs a function in preserving the setting and special character of an historic town.
- 6.14 The final purpose of including land within the Green Belt is 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'. Paragraph 91 of the NPPF implies that renewable energy projects could be located within the Green Belt. Nevertheless, the guidance within PPG quoted above seeks to focus large scale solar farms on previously developed and non-agricultural land. In this instance, the site is clearly a 'greenfield' location and consequently, it is considered that the proposals would not advance this Green Belt purpose.
- 6.15 In light of the above analysis, it is considered that the development proposed would, to a degree, be contrary to a number of the purposes for including land in the Green Belt as detailed at paragraph 80 of the NPPF. In addition, there would be in-principle harm by reason of inappropriate development and harm by reason of loss of openness. Substantial weight should be afforded to these factors.
- 6.16 iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

The Planning Statement submitted by the applicant to accompany the application sets out the applicant's case for development under the following headings:

- lack of alternative sites;
- temporary use;
- protection of Green Belt from encroachment;
- meeting the UK's renewable energy needs; and
- benefits of renewable energy (i.e. direct job opportunities, indirect job opportunities, increased reliability and security of energy supply, possibilities of indirect benefit through marketing, community benefit, educational opportunities, quality of life benefits, Increased biodiversity, reduction of carbon emissions, air quality improvements).

The detail of the applicant's case under these headings and consideration of the matters raised are provided in the paragraphs below.

6.17 **The applicant's case for development:**

Lack of alternative sites

The applicant's case under this heading refers to paragraph 97 of the NPPF which, under the chapter heading of "*Meeting the challenge of climate change, flooding and coastal change*", states that:

"To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They (local planning authorities) should, inter-alia, consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources."

The applicant states that the Council has not identified or allocated any sites for renewable energy projects. When considering the lack of suitable brownfield sites and the extent of the Green Belt, the applicant considers that the lack of allocated sites does not assist developers in finding sites on non-Green Belt land.

6.18 Consideration

The current position for the Council's planning policies is set out in paragraphs 5.8 to 5.12 of this report. Core Strategy Thematic Policy CSTP26 addresses the "theme" of renewable or low carbon energy generation. This policy was subject to the Focused Review (2014) and therefore can be considered as consistent with the NPPF. Although not specific to individual sites (which were to be identified through the Site Specific Policies & Allocations DPD), this Policy nevertheless states at (1.) that:

"The Council will promote and facilitate proposals for centralised renewable and low-carbon energy schemes at appropriate locations and standards, including but not exclusively at Tilbury and London Gateway."

- 6.19 Therefore, through the Core Strategy, the Council has identified two broad areas where proposals for renewable energy could be supported, subject to the detail of the individual case.
- 6.20 Both the NPPF and PPG express support for the principle of renewable energy and the contributions which can be made to reducing greenhouse gas emissions. However, this general encouragement does not override environmental protections, such as the presumption against inappropriate development in the Green Belt, and substantial weight should be given to Green Belt harm. PPG refers to *“focussing focussing large scale solar farms on previously developed and non-agricultural land”* and Policy CSTP26 identifies two brownfields locations where renewable energy proposals are encouraged.
- 6.21 In these circumstances, the applicant’s case that there is a lack of alternative sites should only carry limited weight in the balance of considerations.

6.22 Temporary Use

The applicant refers to the proposed 25 year lifespan of the development after which the solar farm will be removed and the site returned to its former use. Impacts on the Green Belt are therefore considered to be temporary in nature and reversible. The development as proposed would not lead to permanent coalescence or urban sprawl.

6.23 Consideration

The applicant is not seeking a permanent planning permission and the solar farm (if approved) would be removed after 25 years of operation. This period of time is nevertheless moderately long. In considering the proposal for a solar farm at Lower Dunton Road in 2013 (ref. 13/00543/FUL) only limited weight was placed on this factor (a temporary permission) in the balance of considerations. At appeal, planning inspectors considering solar farms in the Green Belt have weighed the temporary nature of different proposals with the overall harm to the Green Belt. In dismissing an appeal in 2014 (ref. APP/F0114/A/13/2198715) an inspector considered that, subject to a planning condition limiting operation to 25 years, a development would *“not therefore be permanent, and to that extent its overall impact on the Green Belt would be reduced. However, 25 years is a lengthy period of time, throughout which the harm caused would subsist”*. In considering a Green Belt solar farm proposal in 2012 at a site in Epping (ref. APP/J1535/A/12/2173989) the inspector considered that *“the fact that the solar park would be removed after 25 years does not change this assessment”* (of harm).

- 6.24 Therefore, as with the consideration of 13/00543/FUL, it is concluded that only limited weight should be attached to the temporary nature of the proposed development. A number of more recent recovered appeal decisions issued by the

Secretary of State have also provided some guidance on this point. In dismissing an appeal against the refusal of planning permission for a solar PV farm at a Green Belt site in Somerset (February 2016 ref. APP/F0114/W/15/3103260), the Secretary of State took the view that *“25 years is a considerable period of time and the temporary nature of the proposal is not a matter that he has taken into account in his consideration of whether the scheme should go ahead.”* Furthermore, in dismissing an appeal against the refusal of planning permission for a solar PV farm at Green Belt site in West Lancashire (January 2016 ref. APP/P2365/W/15/3011997) the Secretary of State concluded that *“the temporary nature of the proposal for 25 years carries limited weight in favour of the proposal”*. Consequently, it is concluded on this point that the temporary nature of the development attracts, at best, only limited weight in the balance of Green Belt considerations.

6.25 Protection of Green Belt from Encroachment

The applicant refers to development on the Green Belt close to the site (Gateway Academy and London Distribution Park) which demonstrates that this part of the Green Belt is vulnerable to development pressure. The applicant considers that implementation of the proposed temporary solar farm will protect Green Belt land from further encroachment as a result of permanent development.

6.26 Consideration

The applicant is suggesting that this part of the Green Belt is under pressure from development, as demonstrated by the development of permanent buildings at the Gateway Academy and London Distribution Park sites closeby. The applicant considers that the temporary development currently proposed would protect this part of the Green Belt from further permanent development (for a period of 25 years).

6.27 Each application for planning permission should be considered on its individual merits and in accordance with the planning policies and material planning considerations operational at the time of consideration. Therefore, it is not necessary to describe or justify in great detail the particular planning circumstances of the Gateway Academy and London Distribution Park sites.

6.28 The essence of the applicant’s case under this heading is that protection of the Green Belt from potential permanent development is made possible by the temporary development of the site as proposed. Paragraph 79 of the NPPF sets out the essential characteristics of Green Belt, which includes their openness. It has been established above that the proposed development is inappropriate and therefore harmful to the Green Belt by definition. It has also been demonstrated that the proposals would, to a degree, be harmful to a number of the purposes of including land in Green Belts. Substantial weight should be attached to this harm. The inappropriate development proposed, albeit on a temporary basis, cannot

reasonably be used as an argument for protecting the site against potential permanent development. It is considered that this argument should not be afforded weight in the balance of Green Belt considerations.

6.29 Meeting the UK's Renewable Energy Needs

The applicant states that the development of the site as proposed will generate approximately 5MWp of electricity which is sufficient to supply some 1,070 homes. The proposals will also lead to an annual reduction in CO₂ emissions of approximately 3,100 tonnes.

6.30 Consideration

The contribution which renewable energy can make towards sustainable development is recognised within the NPPF. Paragraph 17 of this document lists 12 core planning principles which should underpin decision-making. Core principle six supports the transition to a low carbon future by encouraging the use of renewable resources, for example by the development of renewable energy. Under the heading of 'meeting the challenge of climate change, flooding and coastal change' paragraph 93 of the NPPF notes that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. This is described as central to the economic, social and environmental dimensions of sustainable development. In order to increase the use and supply of renewable and low carbon energy, local planning authorities should have a positive strategy to promote energy generation from these uses (NPPF para. 97). When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy or low carbon energy and should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable (NPPF para. 98). Consequently, there is considerable support within national planning policy for the generation of renewable and low carbon energy. As noted above, paragraph 91 of the NPPF states that, in the case of renewable energy projects located in a Green Belt, very special circumstances may include the wider environmental benefits associated with the increased production of energy from renewable sources.

6.31 In terms of the adopted Core Strategy (as amended), Policy CSTP25 (Addressing Climate Change) states that the Council:

“will seek the achievement and maintenance of the following minimum reductions in CO₂ emissions compared to emissions in 2005:

Sector	By 2015	By 2020
<i>Domestic: CO₂ per household</i>	<i>4.0%</i>	<i>5.8%</i>
<i>Road Transport: CO₂ per AADT*</i>	<i>6.0%</i>	<i>6.5%</i>
<i>Business: CO₂ per job</i>	<i>9.0%</i>	<i>11.3%</i>

** Annual Average Daily Traffic**

Paragraph 5.156 of the adopted Core Strategy (as amended) sets out strategic priorities for climate change action which includes *“increasing renewable and low carbon energy generation”*.

6.32 On this point, it is concluded that the contribution the proposal would make towards clean energy generation and reducing carbon emissions is supported by national and local policy and accordingly should be afforded weight in the consideration of very special circumstances. The degree of weight which this factor should be afforded in the balance of Green Belt considerations has been detailed in a number of recent recovered appeal decisions. In dismissing an appeal against the refusal of planning permission for a solar PV farm at Green Belt site in South Cambridgeshire (June 2016 ref. APP/W0530/W/15/3012014) the Secretary of State concluded that *“substantial weight should be given to the contribution ... to national renewable energy targets (and the consequent reduction in greenhouse gases)”*. In dismissing an appeal against the refusal of planning permission for a solar PV farm at a Green Belt site in Chester (May 2016 ref. APP/A0665/W/15/3140162) the Secretary of State concluded that *“the proposal (5MW capacity) would make a valuable contribution to energy security and national energy targets and this weighs significantly in favour of the application.”*. In line with these recent decisions, substantial or significant weight should be given to the contribution the proposals would make to the provision of renewable energy.

6.33 Benefits of Renewable Energy

The applicant promotes a number of economic, social and environmental benefits which are summarised in the table below:

Economic benefits	Direct job opportunities	Construction and operational phase jobs
	Indirect job opportunities	Solar farm component manufacture
	Increased reliability and security of supply	More diverse energy generation technologies, decentralised generation, less power wastage during transmission
	Possibilities of indirect benefit through marketing	Improved area image and possible inward investment
Social benefits	Community benefit	Provision of a 'Community Fund to support good causes etc.
	Educational benefits	Wider awareness of renewable energy / environmental issues
	Quality of life benefits	Mitigation of the effects of climate change
Environmental	Small loss of agricultural	Land will continue to be used for

benefits	land	agricultural purposes
	Increased biodiversity	Screen planting and hedgerows
	Reduction in carbon emissions	Helping to meet UK emission targets
	Air quality improvements	Indirect benefit of reduced fossil fuel emissions

6.34 Consideration

Economic Benefits: if approved and implemented, temporary jobs would be created during the 16-week phase. During operation of the development periodic maintenance would be required, however employment opportunities associated with the operational phase of the development are considered to be limited. Accordingly, only limited weight should be attached to this factor. As noted above renewable energy generation is generally encouraged, subject to environmental protections, and therefore the contribution towards security in electricity supply should be afforded weight in the balance of considerations. The possibilities of further inward investment by related technologies if permission were to be granted are not explained further, are considered to be uncertain and are difficult to quantify. Therefore, only very limited weight should be afforded to this particular factor.

6.35 *Social Benefits:* the applicant refers to the provision of a Community Fund “to be decided with the local community ... to support good causes, reduced electricity costs, or apprenticeships.” The applicant goes on to note that the Fund “will be a specific benefit that we establish for those hosting the solar farm. We have found that this works best through engagement with the Community Forums as to how the fund will be administered, etc. Other than providing the payment to the Fund, the solar farm operator would have no active role other than holding a position of a non-executive position where the administration and use of the fund can be observed to ensure that it acts with good governance and for the benefit of the local community in accordance with the constitution and rules of the fund. Such opportunities could include:

- *establishment of a local Environmental Trust or Community Benefits Trust, with funds being contributed annually by the developer and used for energy conservation measures;*
- *local share issue;*
- *local or community ownership of panels*
- *investment in Green Infrastructure provision and management, especially at the landscape scale;*
- *where appropriate, the development and installation of viewing areas, interpretation panels, visitor or educational facilities as part of the development proposal.*

- 6.36 Members of the Committee may recall a similar fund associated with the recent planning permission for a solar farm at East Tilbury (ref. 15/00288/FUL). Nevertheless, although the applicant is agreeable to a planning condition to secure the establishment of a fund, any such condition must meet the tests for planning conditions set out in the NPPF (i.e. necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable). In this case, the applicant's examples of how funding could be spent would appear to meet the objectives of a number of Development Plan policies. However, a Planning Inspector's report for a recovered planning appeal dismissed in Brentwood (May 2016, ref. APP/H1515/W/15/3134301) noted that this factor was "*not a material consideration for inclusion in the planning balance for this appeal*". Similarly, in dismissing a recovered appeal for at site at Sevenoaks (ref. APP/G2245/W/15/3011499, August 2016) the Inspector's report noted "*Even if the proposed financial contributions to local organisations and facilities could be secured by means of a properly executed section 106 obligation, no weight should be given to them in the planning balance that applies here because they would not be necessary to make the scheme acceptable in planning terms. The offer to set up a community fund and to support local groups and green energy initiatives should not be given any weight because there is no evidence that this would accord with relevant statutory and policy requirements.*" Accordingly, no weight can be attached to this factor.
- 6.37 Under the heading of educational benefits, the applicant refers to "*Wider awareness of renewable energy, specifically solar, increased interest in environmental issues.*" However, these educational benefits are not explained further, quantified or their delivery explained. Accordingly only very limited weight can be attributed to these educational benefits in the balance of considerations.
- 6.38 The applicant also refers to quality of life benefits (under the heading of Social Benefits) comprising "*Protection of properties, surrounding area and biodiversity through mitigation of the effects of climate change*". Although these benefits are not explained further, it is assumed that the applicant is referring to the contribution the proposals would make towards reductions in carbon emissions and consequent effects on climate change and rises in sea levels. There is overlap between this factor and the environmental benefits considered below. It is accepted that the contribution that renewable energy generation can make to towards limiting the impact of climate change should weigh in favour of the proposals.
- 6.39 *Environmental Benefits:* the applicant states that the site can still be used for agricultural purposes, such as grazing on land in-between and underneath the solar PV arrays. As the site is currently in agricultural use as arable land, the continued agricultural use (potentially for grazing) should not necessarily be seen as an environmental benefit, as there is no net change in the agricultural 'status' of the land. On this point, in dismissing an appeal against the refusal of planning permission for a solar PV farm at Green Belt site in Surrey (November 2015 ref. APP/C3620/W/14/3000674) the Secretary of State agreed with a Planning Inspector's conclusion that "*the intention that sheep would graze between and*

beneath the solar arrays, although there is no mechanism to ensure that this takes place throughout the lifetime of the development, and this intention carries very little weight". The application states that planting and ecological enhancement will increase the biodiversity of the area. A soft landscaping drawing and Biodiversity and Habitat Management Plan have been submitted detailing the provision and management of new planting and habitat. In summary, the proposals involve:

- new and enhanced hedgerow planting along the north-eastern, eastern, southern and north-western boundaries of the site;
- new tree planting along the site's north-western boundary (adjacent to St. Chad's Road); and
- grassland enhancement comprising a wildflower buffer around the edge of the site and management of the grassland in-between and underneath the PV arrays.

6.40 The ecological implications of the proposals are considered in more depth separately in this report. It could be argued that some elements of the applicant's proposals, namely the new and enhanced hedgerow planting, could be regarded as mitigation in relation to impact of the development on the local landscape and visual receptors rather than a net benefit. Nevertheless, the proposed planting of wildflower grassland would add to the range of habitats on-site and would represent a net ecological benefit which should be afforded moderate weight in the balance of considerations. The benefit of reduced carbon emissions is considered above. The indirect benefit to air quality of reducing emissions from fossil fuels has not been further detailed by the applicant. Nevertheless, this factor can be afforded a degree of weight.

6.41 Conclusions

Under the heading of Green Belt considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle, would reduce the openness of the Green Belt and would conflict, to a degree, with some of the purposes for including land in the Green Belt. Substantial weight should be attached to this harm. Nevertheless, paragraph 91 of the NPPF recognises that renewable energy projects may be proposed in the Green Belt and that *"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

6.42 With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Summary of Harm and Very Special Circumstances				
Harm	Weight	Factors promoted as very special circumstances	Weight	
Inappropriate development	Substantial	Lack of alternative sites	Limited	
Reduction in the openness of the Green Belt		Temporary Use	Limited	
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Protection of the Green Belt from encroachment	None	
		Contribution towards meeting UK renewable energy needs	Significant	
		Economic Benefits		
		Job opportunities	Limited	
		Security of energy supply	Significant	
		Potential for further inward investment	Limited	
		Social Benefits		
		Community Benefit Fund	None	
		Educational benefits	Limited	
		Quality of life (reduced CO ₂ emissions / climate change / sea level change)	Significant	
		Environmental Benefits		
		Continued agricultural use of site	Very little	
		Increase biodiversity	Moderate	
		Meeting UK CO ₂ emission targets	Significant	
Air quality improvement	Significant			

6.43 Within the table above a number of factors promoted by the applicant are attributed 'significant' weight. However, these factors are related and it is considered that the single substantive issue of the contribution towards the production of renewable energy (with the attendant benefits of security of energy supply, reduced CO₂ emissions, air quality and mitigation of climate change) which should attract significant weight. Moderate weight should be attached to the enhancements to the biodiversity of the site and it is considered that these would go beyond mitigation of the impacts of the development. However, only limited weight, or no weight at all can be attached to the remaining factors promoted by the applicant.

6.44 In reaching a conclusion on Green Belt issues a judgement as to the balance between harm and benefit must be reached. As noted by an Inspector in

considering an application for a solar farm in the Green Belt in Oxfordshire (ref. APP/C3105/A/13/2207532):

“... renewable energy projects are not prohibited outright in the Green Belt. It is, as ever, a matter of balancing any benefits they would bring forward, against any harm they would cause.”

6.45 More recently, in considering a recovered appeal in Havering (2016 – ref. APP/B5480/W/15/3007618) the Inspector noted that:

“The tension between two national policy aims - Green Belt protection and provision of renewable and low carbon energy infrastructure - that would arise from any proposal would need to be resolved on a case-by-case basis.”

6.46 In this case there is clearly harm to the Green Belt with reference to inappropriate development, loss of openness and the conflict, to varying degrees, with a number of purposes of including land in the Green Belt. However, this is considered to be full extent of the harm, as given the assessment elsewhere in this report, there is no significant harm, to landscape and visual receptors, agricultural land, ecology etc. A number of factors have been promoted by the applicant as ‘very special circumstances’ and it is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise ‘very special circumstances’.

6.47 As an aside, it is evident that the Government has been recently adopting a tougher line in the matter of recovered appeal decisions for solar farms located in the Green Belt. Since November 2015 all 14 recovered planning appeals involving solar farm proposals in the Green Belt have been dismissed by the Secretary of State. Although the policy landscape has not changed and is as set out earlier in this report, these recovered appeal decisions perhaps serve to emphasise that the ‘very special circumstances’ test is a high bar needed to demonstrate that harm has been clearly outweighed. Nevertheless, each application must clearly be resolved on a case by case basis.

6.48 This case is considered to be finely balanced. However taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

II. LANDSCAPE AND VISUAL IMPACT

6.49 The proposals involve the introduction of an extensive structural framework in order to support the rows of PV panels, security fencing, inverter cabinets, a sub-station and poles surmounted by CCTV cameras. The erection of these features would result in a substantial change to the current nature of the site, which is characterised by an open arable field. However, the potential impact on landscape and visual amenity has to be balanced against the extent of any harm and the mitigation measures which are proposed.

6.50 With regard to the context of planning policy, under the heading of Core Planning Principles the NPPF (paragraph 17) states that *“planning should:*

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.*

6.51 Part 11 of the NPPF deals with “Conserving and enhancing the natural and local environment”, and indicates at paragraph 109 that *“the planning system should contribute to and enhance the natural and local environment by.....protecting and enhancing valued landscapes”.* Paragraphs 113 to 116 elaborate on this.

6.52 Core Strategy Policy CSSP4 (Sustainable Green Belt) outlines the strategic approach to the Green Belt within the Borough and the intention of the Council to enhance the Green Belt by improving landscape features and sustaining the open character. Policy CSTP23 (Thurrock Character and Distinctiveness) is also relevant and Part II of this policy states that:

“The Council requires the retention and enhancement of significant natural, historic and built features which contribute to the character of the Borough as defined by their value, quality, cultural association and meaning or their relationship to the setting and local context”.

Part III states:

“The Council requires the retention and enhancement of strategic and local views, which contribute to a distinctive sense of place. Where development will affect these views, their sensitivity and capacity for change must be adequately assessed and the effect of the development on them appropriately tested”.

6.53 Core Strategy Policy PMD1 relates generally to impact on amenity and Policy PMD2 (Design and Layout) criteria (i) relates to character and states:

“Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views, townscape, heritage assets and natural

features, and contribute to the creation of a positive sense of place". Criteria (vii) of this policy seeks the protection and enhancement of landscape features.

- 6.54 The site falls within the Tilbury Marshes landscape character area (C5), as defined by the Thurrock Landscape Capacity Study (2005). This area has key characteristics including a low lying, level landscape, a horizontal landform, large scale landscape and a network of linear ditches. Key qualities of this landscape which the Capacity Study identifies as desirable to safeguard include the horizontal landform, the large-scale landscape, a sense of exposure and openness and the historic pattern of drainage ditches. Immediately to the north of the site is the Chadwell Escarpment Urban Fringe landscape character area (D6), defined as a steep-sided, south facing sand and gravel embankment.

- 6.55 In response to the planning application as originally submitted comments received from the Council's landscape and ecology advisor noted that the introduction of a large-scale solar farm would radically alter this character and:

"would have a significant adverse impact on the landscape character of the area by removing most of this open landscape ... due to the scale of the development, the openness of the site boundaries and the views into the site from higher ground to the north it is considered that the proposed mitigation measures would not adequately reduce impacts of the scheme ... It is considered that the proposed development would have significant adverse impacts on the landscape character"

- 6.56 In addition, although the applicant's original LVIA assessed impact from 6 viewpoints, some key viewpoints had not been considered – most notably from the escarpment to the north, north-east and north-west of the site. Importantly, views from a number of public footpaths (nos. 118, 120, 174, 117, 62 and 73) were not assessed.

- 6.57 Following the deferral of the application from the April 2015 Planning Committee, the applicant appointed a specialist landscape and visual impact consultant to produce an addendum to the original LVIA. The applicant has confirmed that this addendum effectively superseded the original LVIA. The addendum considers the landscape and visual impacts of the revised proposals from a number of viewpoints which have been agreed by the Council's consultant. These viewpoints now include elevated vantage points from the Chadwell escarpment to the north, north-west and north-east of the site.

- 6.58 With regard to impact on the surrounding landscape, the ES assessment on the various landscape character areas is summarised in the table below:

<u>Landscape Character Area</u>	<u>Sensitivity to Development</u>	<u>Magnitude of Change</u>	<u>Significance of Effect</u>
Tilbury Marshes (the	Moderate	Medium	Moderate Adverse on

site lies within this Area)			completion and during operation
Chadwell Escarpment (immediately north of the site)	High	Negligible	Slight Adverse on completion and during operation
West Tilbury Urban Fringe (north-east of the site)	Moderate	No Change	Neutral
Grays / Chadwell St Mary Urban Area (north and north-west of the site)	Medium	No Change	Neutral
Tilbury Docks Urban Area	Low	Negligible	Slight Adverse

- 6.59 Taking into account the proposed mitigation measures (additional planting) the residual impact of the proposals on landscape character are assessed as between neutral and slight adverse. However, the residual impact on the Tilbury Marshes landscape character area is assessed and moderate adverse.
- 6.60 With reference to visual impacts, views from immediately west of the site (St. Chads Road) are at the same level as the site and are largely screened by existing boundary vegetation. Nevertheless, there is a small section of this western boundary, immediately to the north of the Traveller's site, where there is no screening of views into the site. New planting is proposed in this area, but whilst this matures, there would be partial views into the site from a section of St. Chads Road.
- 6.61 Biggin Lane adjoins the eastern part of the site's northern boundary. There is sporadic existing vegetation along this boundary which partially screens the development. However, there would be unimpeded views into the site from long sections of Biggin Lane. Hedgerow planting is proposed to supplement the existing sporadic planting along this boundary.
- 6.62 Arable fields adjoin the site to the east and there are no public views into the site from this boundary. Views towards the site from dwellings on Biggin Lane further to the east, are at a minimum distance of 175m and largely screened by field boundary hedges. To the south the site is adjoined by an open field with the nearest views from residential properties (Lawrence Gardens / Feenan Highway) a minimum of 110m from the site boundary.
- 6.63 In light of the relationship between the site, its boundaries, intended mitigation proposals and the closest neighbouring receptors it is considered that the impact on visual amenity adjoining the site would be acceptable.

- 6.64 In the wider area to the north of the site ground levels are higher and there are number of public rights of way, potentially affording wider views of the application site. The LVIA supporting the proposals includes an assessment of visual impact from elevated vantage points and footpaths on the escarpment to the north, north-east and north-west of the site (within the Chadwell Escarpment landscape character area). Because of its elevated position above Tilbury Marshes, the impact of the development on views from the open space at Hutts Hill to the north-west of the site is assessed as 'adverse', albeit views of the site from this vantage point are seen against the backdrop of Tilbury Docks and Tilbury Power Station on the skyline. Views of the site from Chadwell Hill due north of the site would be principally experienced by road users and the sensitivity of this view is therefore assessed as 'low'. The significance of effect from this viewpoint is assessed as slight adverse. As seen from the more sensitive viewpoint at footpath no. 116 to the north of Hob Hill, the site would be screened by the landform and not visible. Views of the site from elevated vantage points to the east at footpath no. 72 are located approximately 750m from the site. At this distance the impact of the development would not be significant.
- 6.65 Commenting on the LVIA addendum the Council's landscape and ecology advisor confirms that that the addendum now provides an appropriate assessment of landscape and visual impacts. The advisor raises no objection to the proposals in landscape or visual grounds. The proposed mitigation measures, comprising the planting of trees and hedgerows to the site boundaries is considered to be appropriate as the existing sections of planting would benefit from restoration.

III. IMPACT ON AGRICULTURAL LAND

- 6.66 The Policy section of this report (5.5 above) sets out the relevant extract from the national Planning Practice Guidance (PPG) regarding the planning considerations that relate to large scale ground-mounted solar photovoltaic farms. Factors a local planning authority need to consider include "*encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value*". However, PPG does not rule out the use of 'greenfield' land, subject (inter-alia) to the consideration of whether:
- (i) *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
 - (ii) *the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*
- 6.67 Paragraph 013 of PPG (Ref. ID 5-013-20150327) also refers to both a Ministerial speech given in 2013 and a Written Ministerial Statement made in March 2015. The Ministerial speech (2013) includes the following relevant extracts:

“for larger deployments, brownfield land should always be preferred ... where solar farms are not on brownfield land, you must be looking at low grade agricultural land”

The Written Ministerial Statement (2015) makes it clear that *“any proposal for a solar farm involving the best and most versatile agricultural land (Grades 1, 2 and 3a of the Agricultural Land Classification) would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.”*

There is currently no guidance on the methodology for applying the assessment of whether *“the proposed use of agricultural land has been shown to be necessary”*.

- 6.68 Adopted Core Strategy policy CSTP21 (Productive Land) states that the development of the best and most versatile land (Grades 1, 2 and 3) will not be supported except in exceptional circumstances. Developers will be required to demonstrate that:
- i. there is no suitable site in a sustainable location on land of poorer agricultural quality; or
 - ii. alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.
- 6.69 Members are reminded that the Examination of the Focused Review: Consistency with NPPF did not endorse any of the unchanged policies (including CSTP21) as being consistent with the NPPF. Nevertheless, CSTP21 reflects the ‘spirit’ of PPG in requiring a sequential approach to the use of higher quality land.
- 6.70 The site is open agricultural (greenfield) land and according to the 1985 Agricultural Land Classification map, the land is Grade 3 (good to moderate). It should be noted that this classification map does not show subdivisions of Grade 3 land into Grades 3a and 3b.
- 6.71 The application as first submitted in 2014 was accompanied by an ‘Agricultural Land Classification Impact Assessment and Sequential Test’, however this document has now been superseded by an ‘Additional Assessment of Flooding Constraint for Agricultural Land Quality’. This assessment considers that the land of the proposed solar farm development is restricted to a narrow range of crops as a result of its physical and chemical characteristics. The land is further constrained as a result of the poor drainage, high perched water table and resultant land flooding constraint. As the site is subject to occasional water inundation the applicant considers that the site cannot be graded any higher than Grade 3b.

6.72 There is no evidence in this case that the site is one of the Borough's higher quality areas of agricultural land. The proposals confirm that the land (apart from a wildflower 'buffer' surrounding the panels) will be allowed to develop as grassland for grazing. Consequently, there is no change in the agricultural status of the site and no objections are raised regarding potential impact on agricultural land.

IV. ECOLOGICAL IMPLICATIONS

6.73 No land on the application site forms part of any internationally or nationally designated site. The Thames Estuary and Marshes SPA and Ramsar site is located approximately 4.3km to the south-east of the site. Globe Pit SSSI, designated for its geological interest, is some 1.2km to the north-west. The consultation response received from Natural England raises no objection to the proposals on the basis of impact on statutory nature conservation sites, provided that the development is carried out in strict accordance with the submitted details.

6.74 The submitted ES notes that there are no locally designated nature conservation sites within 1km of the site. However, two Local Wildlife Sites: Little Thurrock Reedbeds – located c.750m to the west and Broom Hill (flora & invertebrate interest) – located 250m to the east, are close to the site.

6.75 The application is accompanied by a Baseline Ecological Survey, based on a one-day walkover survey of the site conducted in December 2013. It should be noted that December is a sub-optimal time of year for surveying. Nevertheless, the survey confirms that the site comprises arable fields intersected and bordered by ditches, with hedgerow, ruderal and scrub planting to some boundaries. The Survey considers species and notes that trees and hedgerows around the site may support breeding birds and that wetland birds may use the fields at high tide. The Survey concludes that it is possible that great crested newts could be present within ponds and ditches on the site. Finally, the applicant's survey notes that the network of ditches provides a suitable habitat for water voles.

6.76 Paragraph 118 of the NPPF notes that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

6.77 Advice received from the Council's landscape and ecology consultant notes that, although the submitted survey has a number of flaws, it is accepted that the development would not have any significant impact on habitat features, such as the ditches. Furthermore, the updated ecological enhancement proposals would result in positive ecological benefits. Subject to a planning condition to require

submission of details for ecological enhancement, together with ecology and landscape management proposals no objections are raised under this heading.

V. IMPACT ON AMENITY, AIR QUALITY AND NOISE

- 6.78 Comments received from the Council's Environmental Health Officer (EHO) raise no issues with regard to potential impact by reason of noise or air quality. The nearest residential receptors are located on the northern side of Biggin Lane, with additional residential receptors in Biggin Lane located 160m to the north-east. To the immediate west of the site in St. Chad's Road is a traveller's site with further residential receptors located 90m to the south. Given this relationship the development is unlikely to cause material harm to neighbouring amenity with regard to noise, vibration or overshadowing. There are no hazardous, toxic or noxious substances emitted during the operational phase of a solar farm and as such there are no implications for air quality.
- 6.79 During any construction phase of the development there is the potential for impact for on neighbouring amenity through noise and / or vibration. The EHO therefore recommends that any planning permission is subject to a planning condition requiring submission and approval of a construction environment management plan (CEMP).
- 6.80 A further consideration under this heading is the potential for incongruous glint and glare from the panels. However, the proposed PV panels would have a dull finish designed to absorb and not reflect sunlight. A number of appeal decisions for similar schemes have all concluded that the potential for harmful glint or glare is insignificant. The LVIA addendum includes consideration of glint and glare which notes that PV panels reflect less than 10% of sunlight, whereas typical rural environments reflect 15-30%.

VI. IMPACT ON HERITAGE ASSETS & ARCHAEOLOGY

- 6.81 No part of the application site forms part of a designated heritage site and there are no designated heritage assets within the site. A group of three listed buildings (St. Mary's Church – Grade I, Chadwell House – Grade II and Sleepers Farmhouse – Grade II) are located at the top of Chadwell Hill, some 630m to the north of the site. The Grade II listed Biggin Farmhouse is approximately 380m to the east of the site and the Grade II listed Sunspan is located 450m to the north-east.
- 6.82 All of these heritage assets are well separated and /or screened from the proposed solar farm. Therefore, it is considered that these assets and their setting would not be unacceptably harmed.
- 6.83 The consultation reply from the Historic Environment Officer at Essex County Council notes that the site is within an area of potential archaeological interest due its status as grazing marsh and position on the edge of gravel terraces.

- 6.84 However, subject to appropriate planning conditions attached to any grant of planning permission to secure archaeological investigation no objections are raised to this aspect of the proposals.

VII. HIGHWAYS CONSIDERATIONS

- 6.85 The planning application is accompanied by a Transport Statement (TS) which focuses on the impact associated with the construction of the facility, with reference to access routes and vehicle activity. The TS suggest that construction traffic for the development would use the A1089 Dock Approach Road to access Marshfoot Road (A126) and then access onto the eastern side of St. Chad's Road.
- 6.86 The TS forecasts a total of 900 construction vehicle movements (two-way) over the 16-week construction period, with weekly movements ranging from a low of 10 movements to a peak of 98 movements. On the basis of a 5.5 day working week the busiest week in the construction phase would involve less than 18 daily movements. Details of transport movements associated with construction workers are not provided in the TS. During the operation of the solar farm maintenance visits using light goods vehicles are anticipated every 6 months.
- 6.87 On the basis of the information submitted in the TS no objections are raised from a highways perspective, subject to planning conditions.

VIII. FLOOD RISK

- 6.88 The application site is located within the Tilbury flood storage area, designated as functional floodplain (Flood Zone 3b). According to PPG (paragraph 065) Flood Zone 3b comprises land where water has to flow or be stored in times of flood. As required by paragraph 103 of the NPPF, the application is accompanied by a flood risk assessment (FRA).
- 6.89 With regard to the flood risk vulnerability of the development, the applicant's FRA considers that the solar PV farm should be classified as "essential infrastructure" with reference to the NPPF. Table 2 (paragraph 066) of PPG provides a "Flood Risk Vulnerability Classification" for different categories of development. Solar farms are not explicitly categorised under a specific vulnerability classification, however "essential infrastructure" is defined as including:
- "Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood"*
- 6.90 In this case, the flood risk vulnerability classification of the development is a key flood risk consideration as, in combination with the flood zone, this will determine

whether development is appropriate, should not be permitted or should be subject to the Exception Test. With reference to Table 3 (paragraph 067) of PPG, if the development is considered to be “essential infrastructure” then subject to the Sequential and Exception Tests, the proposals could be appropriate in Flood Zone 3b. However, if the proposals is considered as “less vulnerable” development, then Table 3 states that development should not be permitted.

6.91 The Environment Agency (EA) has provided several written responses to this planning application. In a response dated 23rd January 2015 the EA stated that:

“Although the council will have the final decision on the vulnerability classification afforded to the development, we would consider a solar farm and is associated works to be a ‘less vulnerable’ land use according to Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change. Table 3 of the PPG shows that ‘less vulnerable’ development is considered to be inappropriate in Flood Zone 3b.”

6.92 Accordingly, there was a difference of opinion between the applicant, who considers that the development should be classified as “essential infrastructure”, and the EA who consider that the development should be classified as “less vulnerable”. Nevertheless, it is emphasised by the EA that it is for the local planning authority as decision maker to determine the flood risk vulnerability classification.

6.93 Members may recall that two previous planning applications for solar farms in the Borough have been brought before the Committee for consideration. Application ref. 14/00543/FUL for a development at Fairwinds Farm was considered by Committee in November 2013. In their consultation response, the EA expressed no opinion regarding the flood risk classification of the site. More recently, in November 2014 Committee considered a scheme at South Ockendon Quarry and Landfill site (ref. 14/00836/FUL). In this case, the EA expressed no firm view regarding flood risk classification although the Officer report considered that the solar farm was “less vulnerable development”.

6.94 The applicant has responded to the EA’s comments and stated that, although the NPPF does not categorise solar farms under a particular vulnerability classification, *“evidence shows that there are developments considered as ‘essential infrastructure’, given their similarity to other uses placed under that designation, specifically, utility infrastructure including electricity generating power stations, substations and wind turbines”*. From a brief analysis of FRA’s for solar farm development across the country it is clear that many applicant’s consider this type of development to be “essential infrastructure”, perhaps because of its similarities to “electricity generating power stations and grid and primary substations” which are specifically mentioned by Table 2 of PPG.

6.95 Table 2 defines “essential Infrastructure” as including “essential utility infrastructure which has to be located in a flood risk area for operational reasons”. There is no doubt that solar PV panels are utility infrastructure as they would generate electricity. Therefore, in light of the similarities between solar farm development and the wording of PPG Table 2 and given the general evidence from comparable FRA’s it is reasonable to conclude that the proposals would comprise ‘essential infrastructure’.

6.96 PPG notes that ‘essential infrastructure’ which is located in Flood Zone 3b should be subject to the Exception Test and should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

6.97 The most recent consultation response received from the EA (dated 4th August 2016) maintains an objection to the proposal on flood risk grounds. In responding to the applicant’s FRA in September 2015, the EA raised a holding objection to the proposals on the grounds that the FRA failed to include hydraulic modelling to demonstrate:

- the flood resilience or resistance of the development;
- the safe operational working of the solar farm in the event of the flood storage area becoming operational;
- that the development does not increase flood risk in the surrounding area by assessing the operational performance of the flood storage area and fails to consider –
 - peak flood levels deeper than the proposed solar panels
 - loss of floodplain storage
 - blockage scenarios
 - impacts on flood flow paths
- considers the residual tidal flood risk to the site.

6.98 Although the applicant provided an updated FRA earlier this year, the EA still maintain their objection and recommend to the applicant that the FRA requires further amendments before this objection can be overcome. In response to the EA’s maintained objection to the submitted FRA, the applicant has provided a rebuttal which disputes the EA’s comments and questions their relevance with regard to the proposals. However, a ‘final’ reply from the EA (dated 19th October 2016) maintains previous advice and states:

“the advice we provided in our (previous) response referenced AE/2014/118614/05 remains the most appropriate way of overcoming our outstanding flood risk

concerns. To clarify, for 'residual' tidal flood risk the FRA can refer to your Level 2 SFRA, but for 'actual' non-tidal flood risk the FRA will need to include the requested modelling."

6.99 Adopted Core Strategy Policy CSTP25 (Addressing Climate Change) confirms at 1.(IV.) that developers must consider the potential effects of climate change on their development, including flood risk from tidal, fluvial and surface water. Furthermore, Policy PMD15 considers in detail the matter of flood risk assessment on individual sites. In this case, the EA have maintained an objection to the proposals on the grounds of an inadequate FRA. Although the EA has provided guidance to overcome the objection, the applicant has not submitted an updated FRA address the EA's concerns. Accordingly, the local planning authority cannot conclude that the development would be safe and would not increase the risk of flooding elsewhere. In these circumstances, the proposals cannot be supported on this point.

7.0 CONCLUSIONS, THE BALANCING EXERCISE AND REASONS FOR RECOMMENDATION

7.1 The proposals, although revised and reduced in the extent of the site area compared with the earlier version of the plans, would still comprise inappropriate development in the Green Belt. Furthermore, the proposals would lead to a loss of openness and would be harmful to varying degrees to some of the purposes for including land within the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. However, in the balancing exercise, this is considered to be the full extent of the harm.

7.2 The applicant has cited a number of factors which are promoted as comprising very special circumstances which could outweigh the harm to the Green Belt. The weight which can be attached to these factors is considered in detail in the paragraphs above. On balance, and as a matter of judgement, it is concluded on this point that the case for very special circumstances does not clearly outweigh the substantial harm to the Green Belt described above. It follows that the proposals are contrary to national and local Green Belt planning policies.

7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets or the surrounding highways network. The proposals have the potential to provide benefits to ecology in the form of habitat creation. The proposals would ensure the continued agricultural use of the land, and it not considered that the site should be classified as best and most versatile agricultural land.

7.4 With reference to landscape and visual impacts, the ES accompanying the application concludes that there would be a moderate adverse impact on the Tilbury Marshes landscape character area and adverse impact on limited views from raised ground to the north and north-west of the site. Proposed boundary

planting would provide some mitigation for these landscape and visual impacts but would not fully mitigate impacts. Nevertheless, no objections are raised to the proposals by the Council's landscape advisor and, on balance, no objections are raised on this point.

- 7.5 It is reasonable to describe the proposals as 'essential infrastructure' with reference to the flood risk vulnerability classification and the proposals can be considered as appropriate within flood zone 3b. The application is accompanied by a FRA. However, the EA maintain an objection to the application as they consider that the FRA lacks sufficient modelling. The applicant has not addressed this objection and it is considered that this concern is sufficient to form a reason for refusing the application.
- 7.6 This planning application requires close scrutiny with particular regard to Green Belt considerations. The revised proposals represent a significant improvement on the original application as first submitted in 2014. However, the Committee should take a balanced view on the current proposals taking into account all of the relevant material considerations described above. As a matter of judgement, it is considered that the proposals should not be supported.

8.0 RECOMMENDATION

8.1 Refuse planning permission for the following reason:

1. The application site is located within the Green Belt, as identified on the Thurrock Local Development Framework (LDF) Adopted Interim Proposals Map. National and local planning policies for the Green Belt set out within the NPPF and Thurrock LDF set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would be harmful to the openness of the Green Belt and would be contrary, to varying extents, to a number of the purposes of including land in a Green Belt. It is considered that the harm to the Green Belt is not clearly outweighed by factors so as to amount to the very special circumstances needed to justify inappropriate development. The proposals are therefore contrary to Part 9 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) January 2015.
2. The submitted Flood Risk Assessment (FRA) fails to:
 - (i) demonstrate that the development is 'safe' because no hydraulic modelling has been submitted that informs:

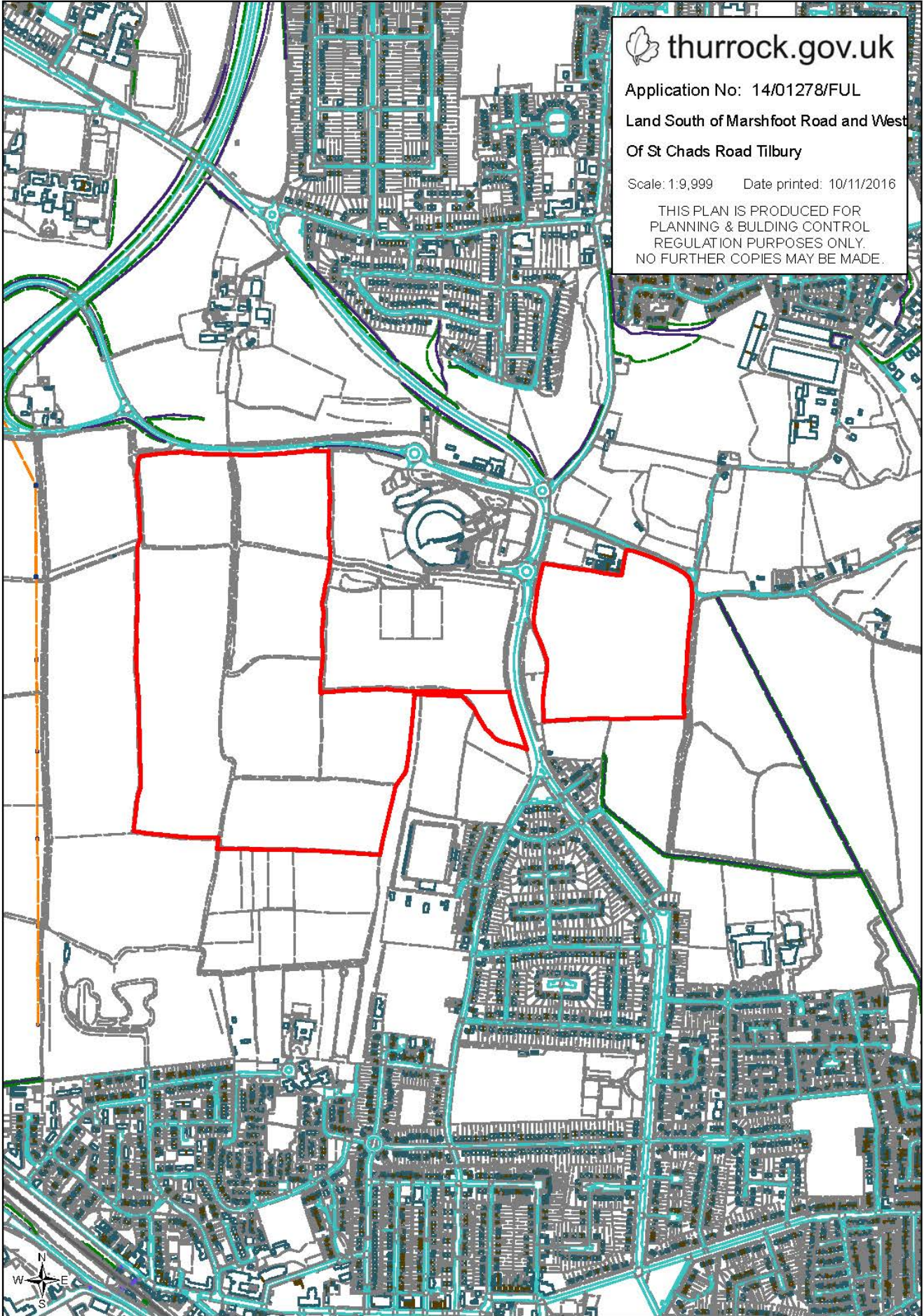
- the development's either flood resilient or flood resistant construction, notably the setting of the finished floor levels or ground slabs for the proposed substation and invertors
 - the safe operational working of the solar farm in the event of the Tilbury Flood Storage Area (FSA) becoming operational
- (ii) demonstrate that the development does not increase flood risk in the surrounding area because no hydraulic modelling has been submitted that:
- assesses the operational performance of the Tilbury FSA with the presence of the proposed solar panels within its functional floodplain. The FRA fails to consider peak flood levels deeper than the proposed solar panels, loss of floodplain storage, blockage scenarios as no site-specific details are provided regarding panel anchorages, impacts of flood flow paths due to the wire mesh perimeter fencing
 - considers the residual tidal flood risk to the site.

In these circumstances the local planning authority cannot reach an informed decision as to whether the proposed development is safe and would not increase the risk of flooding elsewhere. The proposals are therefore contrary to Policies CSTP25 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) January 2015.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: www.thurrock.gov.uk/planning/

Alternatively, hard copies are also available to view at Planning, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL.



 thurrock.gov.uk

Application No: 14/01278/FUL

Land South of Marshfoot Road and West
Of St Chads Road Tilbury

Scale: 1:9,999 Date printed: 10/11/2016

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