

<p>Reference: 21/01635/FUL</p>	<p>Site: Land south of Marsh Farm Marsh Lane Fobbing Essex</p>
<p>Ward: Corringham and Fobbing</p>	<p>Proposal: Installation of renewable-led energy generation station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements</p>

Plan Number(s):		
Reference	Name	Received
2033/D001.1 Revision v.k	Site Location Plan 1 of 6	1 October 2021
2033/D001.2 Revision v.k	Site Location Plan 2 of 6	1 October 2021
2033/D001.3 Revision v.k	Site Location Plan 3 of 6	1 October 2021
2033/D001.4 Revision v.k	Site Location Plan 4 of 6	1 October 2021
2033/D001.5 Revision v.j	Site Location Plan 5 of 6	1 October 2021
2033/D001.6 Revision v.j	Site Location Plan 1 of 6	1 October 2021
SK01 Revision C	High Road Access Junction Arrangement	23 September 2021
FO3.0 REV.02	PV Elevations	23 September 2021
FO3.1 REV.02	PV Elevations Ballast Foundation	23 September 2021
FO4.0 REV.01	Inverter/Transformer Stations	23 September 2021
FO5.0 REV.01	Internal Access Road Detail	23 September 2021
FO6.0 REV.02	Fence and Gate Elevations	23 September 2021
FO7.0 REV.01	Weather Station Detail	23 September 2021
FO8.0 REV.01	Substation Elevations	23 September 2021
FO9.0 REV.01	Control Room Elevations	23 September 2021
FO10.0 REV.01	Auxiliary Transformer	23 September 2021

FO11.0 REV.01	CCTV Elevations	23 September 2021
FO12.0 REV.01	Battery Container Elevations 40ft	23 September 2021
FO13.0 REV.01	Storage Container Elevations 40ft	23 September 2021
FO14.0 REV.01	Battery Fence and Gate Elevations	23 September 2021
FO15.0 REV.01	Cable Trough	23 September 2021
7428_100 REV E	Landscape and Ecology Enhancement Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan	5 December 2022

The application is also accompanied by:

- R003 Planning Statement including Green Belt Assessment
- R004 Design and Access Statement
- R005 Construction Traffic Management Plan
- R006 Non-Technical Summary of the Environmental Statement
- R007 Environmental Statement Main Text
- R008 Environmental Statement Technical Appendices
- R009 Landscape and Ecological Management Plan
- R010 Flood Risk Assessment and Drainage Strategy
- R011 Noise Impact Assessment
- R012 Glint and Glare Assessment
- R013 Statement of Community Involvement
- R014 Ground Investigation Report
- R015 Agricultural Land Classification
- Post Application Landscape Amendments Briefing Note
- Non-breeding waterbirds: Buffers from features, mitigation land and land management strategy, BSG Ecology
- Technical Note on changes to the biodiversity net gain calculation, BSG Ecology

Applicant:

Rayleigh Green Limited

Validated:

1 October 2021

Date of expiry:

12 June 2023 (Extension of time)

	agreed with applicant)
Recommendation: Grant planning permission	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 16 March 2023 Members considered a report assessing the above proposal. Members of the Planning Committee voted to undertake a site visit to view the site to better understand the proposal. The site visit took place on 5 April 2023.
- 1.2 There were also a number of questions raised by Members, which are addressed within this report.
- 1.3 A copy of the report presented to the March Committee meeting is attached.

2.0 CONSULTATION AND REPRESENTATIONS

- 2.1 Since the previous Committee report was published there have been no additional representations.

3.0 PLANNING UPDATES, ASSESSMENT & IMPLICATIONS

- 3.1 The information below seeks to address the questions that were raised at the March Committee meeting and at the site visit.

3.2 Construction traffic

The proposed construction vehicle route has been agreed with the Council's highways team. If approved, construction vehicles would enter the site from the A13 via the existing agricultural access on the High Road, which is controlled by the landowner. Temporary road signs would be placed along the route to direct construction traffic to and from the site. In highway terms, there are no technical objections to the proposed arrangement. There are no other realistic routes to the site from the main road network.

3.3 Fire risk

The applicant has agreed to submit a Detailed Battery Safety Management Plan (DBSMP) in consultation with the Fire Service. This is the same approach taken in recent planning appeals endorsed by Planning Inspectors and the Secretary of State and is also in accordance with other planning applications recently approved by Thurrock Council. The Council's Environmental Health team have no objection

to the proposed condition. The condition would require the applicant to detail the safety measures with the battery system and a protocol. The DBSMP would be approved by the Council's Environmental Health team in consultation with the Fire Service.

Officers have been liaising with the Fire Service on the battery storage systems and any verbal update will be given at Committee. Officers are not aware of any UK examples where fire risk has been a material consideration in the determination of planning applications.

A recent government response to a consultation on Draft National Policy Statement – Planning for new energy infrastructure (page 35) stated in response to battery storage:

'We do not consider it appropriate to include guidance on storage safety in the NPS. A robust health and safety regime is already in place with appropriate provisions to ensure that battery storage at all scales can be operated safely in a range of environments.'

3.4 Contaminated land

Parts of two historic landfills (Fobbing Marshes and Vange Marshes) are known to be present across the southern half of the site. It is unknown when the landfills ceased to operate but satellite imagery indicates it was before 1999 and was likely to be well before this time. A ground investigation was undertaken on 16 and 17 March 2021 which included trial pits and laboratory analysis. The investigation concluded that the development is not considered to lead to contamination of water or soils. The Council's Environmental Health team have no objections, subject to a condition requiring a watching brief for contamination (see condition 13). It is considered that this matter could be suitably addressed via planning conditions and is similar to many such sites in the borough with historic landfills.

3.5 Threshold of 49.9MW

The maximum energy output from any solar scheme is based upon the number of arrays provided and the capacity of the inverters. Each inverter would have a boilerplate on the outside stating its capacity and as such it would be straightforward to go to site once operational and calculate the output. On this basis, the Council can be satisfied that the energy output would not exceed the 49.9MW threshold.

As advised at the last meeting, if built above the threshold capacity of 50MW the scheme would constitute a Nationally Significant Infrastructure Project (as defined

in the Planning Act 2008) which would require an application for a Development Consent Order (DCO), rather than a conventional application for planning permission made to the local planning authority under the Town and Country Planning Act 1990.

3.6 Substation location and its link with national grid (the transmission network)

The electricity network operates in a similar way to a transport system. The transmission network (similar to a motorway) distributes large electrical generation to the smaller distribution network (similar to A Roads) so this can supply both homes and businesses (similar to streets). The development would supply electricity to the wider transmission network for onward distribution into the local networks.

3.7 Location of substation

The proposal includes a substation which would be 12m in length, 4m in width and 4m in height. The substation would be located on the western side of the site as this would provide the most efficient electrical connection to the underground cable which would connect to the Rayleigh National Grid Substation. The location of the substation would avoid any noise impacts to the nearest residential properties. Neither the Council's Environmental Health team nor Landscape advisor have raised any objection to the location of the substation.

3.8 Proposed planting mix

The proposed Landscape and Ecology Enhancement Plan has been prepared in line with Thurrock's Landscape Officer's recommendations. Providing more mature planting upfront, as opposed to saplings, is not viable as this would require more HGV movements.

3.9 S.106 / Community benefits

Community benefits do not meet the tests of Community Infrastructure Levy so cannot be agreed under a Section 106 agreement; they are also not a material consideration that can be included in the planning balance. Paragraph no.57 of the NPPF is relevant and states:

“Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.”

Notwithstanding this, the applicant has liaised directly with residents and the community and project ideas have been put forward by members of the public. These include installing solar panels on the church roof and on a new hut for the local Scout group. Should planning permission be approved, the applicant has stated they are committed to supporting local projects outside of the planning process so the wider benefits of the development can be felt by the local community. However, Officers consider that using a planning mechanism to secure any community benefits would not meet the relevant planning tests.

3.10 Photomontages methodology

The photomontages have been produced in accordance with the Landscape Institute's Advice Note 01/11 – 'Photography and photomontage in landscape and visual impact assessment' and has been assessed in line with Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The height of the panels is shown at 3m to reflect a worst-case scenario. This accords with the general principle of the EIA process of assessing the 'worst-case scenario', otherwise known as the 'Rochdale Envelope'.

3.11 Regeneration/lifetime of the panels

The solar panels are manufactured with a minimum warranty of 25 years and a design life of 40 years. Panels are therefore unlikely to be replaced within the time period they would be on site.

3.12 Heritage comments

The development proposed would not have an unacceptable impact on the setting of the designated heritage assets and would not result in harm to their significance. The development would result in less than substantial harm to the Fobbing Conservation Area and this harm should be weighed against the public benefits of the proposed development, in line with local policies and Paragraph 201 of the NPPF. Therefore, it is considered any effect to built heritage assets are outweighed by the public benefits of cleaner energy generation.

3.13 Operational noise

The tracking motors have already been considered in the Noise Impact Assessment. Chapter 5 of the report addresses the operational noise with noise modelling source data and rating penalty assessment. There is a summary of the findings within paragraphs 5.1.1 and 5.2.2 and the conclusion is that the operational noise would be *just perceptible*. This would not give rise to an impact of significance for any receptor type.

3.14 Additional photomontages

At the site visit members requested an additional photomontage from within the site on footpath 14. These are within Appendix 1.

5.0 CONCLUSION

The recommendation remains one of approval for the reasons stated in 7.0 of the March Committee report.

6.0 RECOMMENDATION

6.1 The Committee is recommended to:

Recommendation A:

Determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

Recommendation B:

Approve the application for the reasons set out in this report subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and
- (ii) Subject to the application not being called-in by the Secretary of State for determination, the following conditions:

TIME LIMIT

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANS LIST

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

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FO2.0 Rev 19	Proposed Site Plan	5 December 2022

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TEMPORARY PERIOD AND DECOMMISSIONING

- 3 Planning permission is hereby granted for a temporary period of 40 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 40th anniversary of the first commercial export of energy the use shall cease. Prior to the 40th anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

Reason: In order to accord with the terms of the submitted planning application and to ensure the satisfactory restoration of this Green Belt site.

DECOMMISSIONING METHOD STATEMENT

- 4 Within three months of the cessation of power production on the site a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the timing for decommissioning of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved Statement and details including the timing of works.

Reason: To ensure the satisfactory restoration of the site in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION PERIOD

- 5 Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement of construction. The local planning authority will be notified one week following completion of the solar farm. Should any further construction activities be required notice will be given to the local planning authority one week prior to commencement of construction and notified one week following completion.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION TRAFFIC MANAGEMENT PLAN [CTMP]

6 Construction and decommissioning works on site shall only take place in accordance with the CTMP (ref. R005 dated June 2021) and in particular the following elements of that document:

- Number of HGV movements;
- Routing of construction vehicles; and
- Time of HGVs accessing the site

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

7 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
- (f) Wheel washing facilities; and
- (g) Days and hours of construction activities;
- (h) Detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) detailing how the timing/phasing of construction of the solar array will minimise disturbance to SPA birds

Works on site shall only take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ROAD CONDITION SURVEY

- 8 No construction works shall commence until a Road Condition Survey, the details of which to be previously agreed in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. A further Road Condition Survey shall then be submitted within one month of the completion of construction works. Any degradation of existing road surfaces directly due to the impact of construction of the development will be remediated in accordance with details to the previously agreed in writing by the local planning authority.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

HGV BOOKING SYSTEM

- 9 HGV movements from the site shall be limited to a maximum of 16 two-way movements per day (8 in and 8 out movements). A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

Reason: In the interests of amenity and highway and pedestrian safety, in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

- 10 The landscape and ecological mitigation measures and schemes within the LEMP (document R009 Landscape and Ecological Management Plan and plan number 7428_100 Revision E – dated 01.12.2022) shall be implemented in full in accordance with the approved program with the new planting carried out in the first available planting season after the commencement of the development unless otherwise agreed in writing by the local planning authority and shall be maintained as approved for the duration of the approved development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the local planning authority approves alternatives in writing.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ECOLOGICAL MANAGEMENT PLAN – WATERBIRD MITIGATION LAND

- 11 An Ecological Management Plan setting out the details of the creation, ongoing management and monitoring of the “waterbird mitigation land” (which reflects the detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) as shown on Drawing No. 7428_100, shall have been approved by the local planning authority in writing prior to the creation of the “waterbird mitigation land” and shall have been subject to prior consultation with Natural England. The mitigation land shall have been created and brought into suitable condition prior to the installation of any part of the solar array shall then be retained, as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ACCORDANCE WITH ENVIRONMENTAL STATEMENT

- 12 The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONTAMINATED LAND

- 13 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Work on site must stop and an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority before works can recommence.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGICAL WORK AND MITIGATION

14

- a. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation which has previously been submitted by the applicant and approved by the local planning authority
- b. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.
- c. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority in consultation with its historic environment advisors.

Reason: To ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGY – POST EXCAVATION ASSESSMENT

- 15 The applicant will submit to the Local Planning Authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the local planning authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that investigation and recording of any remains takes place in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

EXTERNAL LIGHTING/SECURITY MEASURES

- 16 No external artificial lighting or other security measures other than those agreed as part of this permission shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the local planning authority.

Reason: In the interests of amenity and ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DETAILED BATTERY SAFETY MANAGEMENT PLAN (DBSMP)

- 17 No implementation any of the battery energy storage systems (BESS) shall commence until a Detailed Battery Safety Management Plan (DBSMP) has been submitted to and approved in writing by the local planning authority. The BESS operation on site shall only take place in accordance with the approved DBSMP.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of amenity of the area in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

GLINT AND GLARE

- 18 Development on site shall only take place in accordance with the Glint and Glare Assessment (ref. R012 dated May 2023) and in particular the following element of that document:

- Chapter 8 – Glint and Glare Management Plan

Reason: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

NOISE

- 19 Operation of the site shall only take place in accordance with the parameters Noise Impact Assessment (ref. R011 dated July 2021).

Reason: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

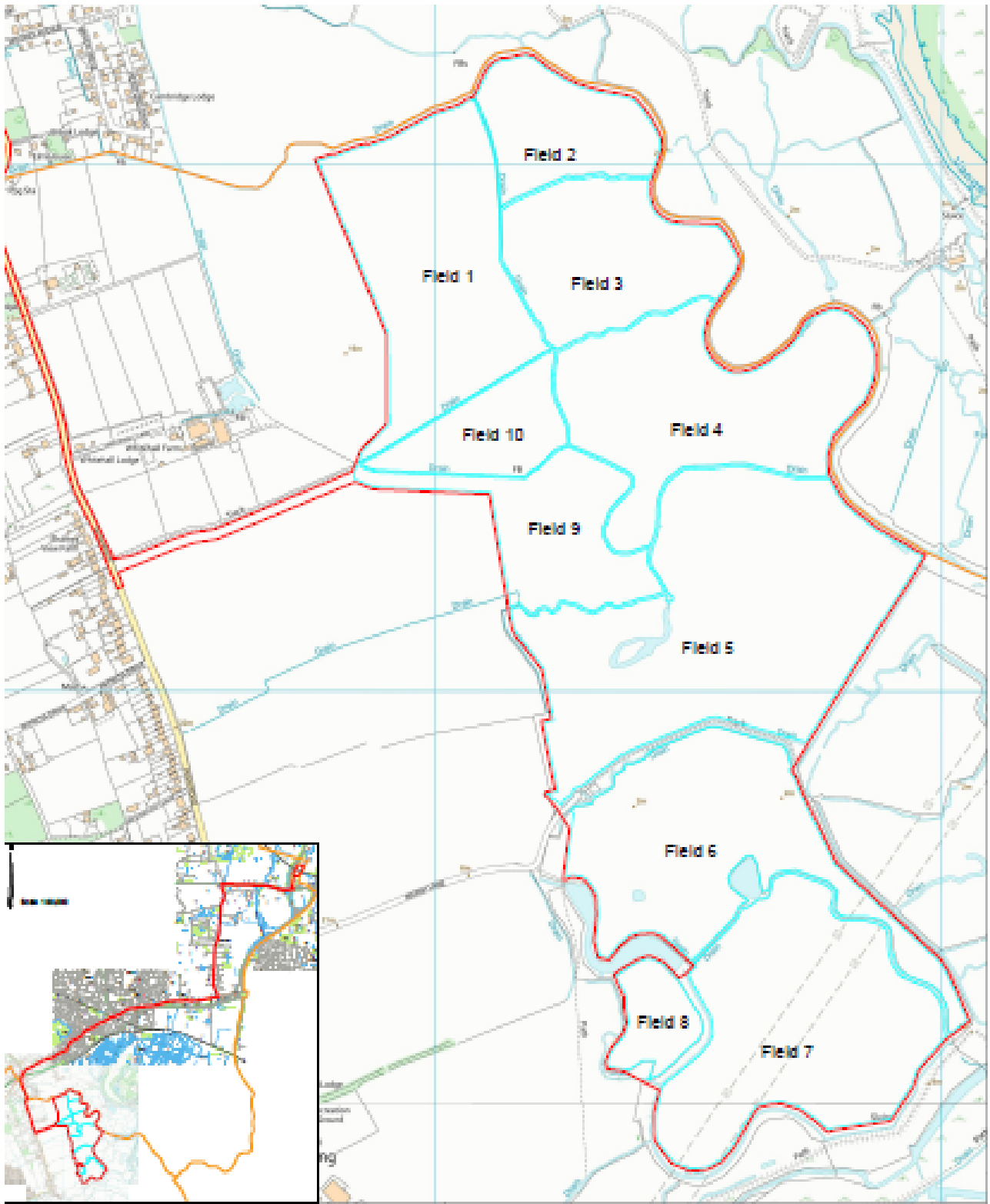
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Public Rights of Way The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

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



Appendix 1



Viewpoint from FP14 at present



Viewpoint from FP14 in 1 year



Viewpoint from FP14 in 15 years

