

<p><b>Reference:</b> 21/01635/FUL</p>	<p><b>Site:</b> Land south of Marsh Farm Marsh Lane Fobbing Essex</p>
<p><b>Ward:</b> Corringham and Fobbing</p>	<p><b>Proposal:</b> 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>

<b>Plan Number(s):</b>		
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
FO2.0 Rev 19	Proposed Site Plan Showing Reduced Fence Area	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:**

	20 March 2023 (Extension of time agreed with applicant)
<b>Recommendation:</b> Grant planning permission, as per the recommendation set out at paragraph 8.1 of this report	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr Huelin, Cllr Hebb, Cllr Anderson, Cllr Snell and Cllr Duffin in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider the proposal in terms of landscape, effect to Fobbing against Green Belt policy.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 The table below gives a summary of the proposal:

Gross site area	134 hectares (fields 1 – 10)
Gross site area of PV panels	65.44 hectares
Power output	49.9MW of clean renewable electricity to the National Grid

1.2 This application seeks planning permission to construct and operate a solar farm and battery storage facility with associated infrastructure. The solar arrays would be located wholly within Thurrock, but this is a cross boundary application with the underground cable providing the grid connection to the Rayleigh National Grid substation. The cable route is mainly with Basildon, although the substation itself is in Rochford. The applicant has submitted a joint application with Basildon.

1.3 The solar panels would be 3m high, ground mounted on tracking frames. It is proposed to use solar arrays with bifacial panels and a tracking system to follow the path of the sun. This means that their height would vary throughout the day, but the maximum height would be 3m. The arrays would be installed on posts driven into the ground. The proposed inverters and battery storage units would be housed in containers 12m long and 2.9m high. The largest element would be a single substation 12m x 4m x 4m. It is proposed to install 2.1m high deer fencing around the perimeter of the site. The fencing would be set back at least 5m either side of all public rights of way.

- 1.4 When operational, the solar farm and battery storage would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. When constructed, the site would be operational for 40 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.
- 1.5 The scheme proposes a maximum electrical output of 49.9MW which is the maximum output which can be considered by a local planning authority via a conventional planning application. Proposals involving an output of 50MW or more are classified as ‘Nationally Significant Infrastructure Projects’ (NSIPs) by the Planning Act 2008 and are considered by the relevant Secretary of State via the Development consent Order (DCO) process.
- 1.6 Due to the scale of the site, the development requires an Environmental Impact Assessment (EIA) and the application is therefore supported by an Environmental Statement (ES). The topics which were scoped-in to the ES are landscape and visual impacts, heritage impacts and impacts of biodiversity.

**2.0 SITE DESCRIPTION**

- 2.1 The site comprises 10 adjoining arable fields mainly within Fobbing Marshes Landscape Character Area (LCA). The ‘Fobbing Marshes’ Landscape Character Area (LCA) occupies low-lying land that slopes down from the Fobbing Ridge towards the Vange Creek (in the east) and A1014 (in the south). The visual horizon to the north is formed by the broad ridge on which Basildon and South Benfleet are situated and to the west by the low Fobbing Ridge. Approximately 1.5km to the south is the port and industrial complex of Coryton Refinery, the DP World London Gateway and then the Thames Estuary. The site is all characterised as Grade 3b (Moderate) within the Agricultural Land Classification (ALC). Parts of public footpaths 14 and 199 run within the site.
- 2.2 Access to the site is via Fobbing High Road. There are a number of public rights of way within the area. The site lies mostly within flood zone 3a (High Risk). The site is within the Metropolitan Green Belt (GB). There are no statutory ecological designations affecting the site. However, the site is within 3km of the Thames Estuary and Marshes Special Protection Area and 300m of Holehaven Creek SSSI.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
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<p>21/01452/FULL (Basildon Council)</p>	<p>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>	<p>Under consideration</p>
<p>20/00958/SCO</p>	<p>Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed solar farm and battery storage</p>	<p>Advice given</p>
<p>20/00873/SCR</p>	<p>Environmental Impact Assessment (EIA) screening opinion on proposed solar farm and battery storage</p>	<p>EIA Required</p>

**4.0 CONSULTATIONS AND REPRESENTATIONS**

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notices which have been displayed within and adjacent to the site. The proposals have been advertised as a major development, as affecting a public footpath, as accompanied by an Environmental Statement, as a departure from the Development Plan, as affecting the setting of a listed building and affecting character of a conservation area.

4.3 There were 43 comments received, with 41 of objection and 2 in support. The matters raised are summarised below:

### Objections

- Additional traffic during construction;
- Effect to public rights of way;
- Reflected light/glare affecting traffic;
- Loss of green belt;
- Loss of wildlife;
- Detrimental visual impact;
- Solar panels are not really clean energy;
- Loss agricultural land;
- Harm to character of the countryside;
- Lead to flooding;
- Precedence for future development of the site for housing;

### Supporting

- Need for clean energy resources.

#### 4.4 ARCHAEOLOGY:

No objections, subject to conditions regarding a programme of archaeological investigation and post excavation analysis.

#### 4.5 BASILDON COUNCIL:

No response received.

#### 4.6 CASTLE POINT COUNCIL

No response received.

#### 4.7 ENVIRONMENT AGENCY:

No objections. As much of the site lies within flood zone 3a, it is necessary for the application to pass the Sequential and Exception Tests.

4.8 ENVIRONMENTAL HEALTH:

No objections, subject to condition regarding a watching brief for contamination.

4.9 ESSEX COUNTY COUNCIL - TRANSPORTATION & PLANNING

No response received.

4.10 ESSEX FIRE SERVICE

No response received.

4.11 ESSEX WILDLIFE TRUST

No objections.

4.12 FLOOD RISK MANAGER:

No response received.

4.13 HIGHWAYS:

No objections, subject to conditions regarding a Construction Environment Management Plan (CEMP), HGV routing/logging and road condition surveys.

4.14 HISTORIC BUILDINGS:

No objections.

4.15 HISTORIC ENGLAND

No objections.

4.16 LANDSCAPE AND ECOLOGY:

No objections, subject to the mitigation and management measures being secured by condition.

4.17 MEDWAY COUNCIL

No response received.

**4.18 NATIONAL GRID:**

No objections.

**4.19 NATURAL ENGLAND:**

No objection, subject to condition for appropriate mitigation.

**4.20 PUBLIC RIGHTS OF WAY:**

No objections, any changes to footpath would require formal approval (under section 257 of the Town and Country Planning Act 1990)

**4.21 ROCHFORD DISTRICT COUNCIL**

No response received.

**4.22 ROYAL SOCIETY FOR PROTECTION OF BIRDS (RSPB)**

Concerns remain, note Natural England's response and agree conditions to secure ecology mitigation necessary.

**5.0 POLICY CONTEXT****National Planning Guidance****5.1 National Planning Policy Framework (NPPF)**

The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably



outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- <sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...
- <sup>2</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## 5.2 National 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 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Before submitting an application
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Environmental Impact Assessment

- Fees for planning applications
- Flood Risk and Coastal Change
- Green Belt
- Hazardous Substances
- Historic environment
- Making an application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

5.3 PPG states that the need for renewable or low carbon energy does not automatically override environmental protections. The first part of the Solar PV Strategy, published in October 2013, states that solar PV should be *“appropriately sited, give weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local community to influence decisions that affect them”*.

5.4 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 focusing 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.”*

## 5.5 UK Solar PV Strategy

Part 1 of the Government's (Department for Energy and Climate Change – DECC (now Department for Business, Energy and Industrial Strategy – BEIS)) 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.

5.6 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.

5.7 There are a number of other Government directions on solar, including:

- Committee on Climate Change (9 December 2020) published its Sixth Carbon Budget which indicated that in order to achieve the UK's legally-binding commitment of net zero carbon by 2050, the UK should target 85GW of installed solar by that date, enough to generate some 10-15% of the nation's electricity.
- The Energy White Paper (December 2020) noted the importance of solar in future energy generation.

#### National Policy Statements:

5.8 Although National Policy Statements (NPS) apply specifically to NSIPs and applications under the Planning Act 2008 for DCOs, NPS reference (EN-1: Overarching National Policy Statement for Energy - 2011) states that *"In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis"*. The content of EN-1 could therefore be relevant to the current case. Paragraph no. 3.4.5 of EN-1 refers to *"UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent"*. Part 5 of EN-1 refers to the generic impact of land use including open space, green infrastructure and GB. With regard to decision taking, paragraph 5.10.17 of EN-1 states:

- 5.9 *“When located in the GB, energy infrastructure projects are likely to comprise ‘inappropriate development’. Inappropriate development is by definition harmful to the GB and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The IPC will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. In view of the presumption against inappropriate development, the IPC will attach substantial weight to the harm to the GB when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of GB designation”.*

### **Local Planning Policy**

#### 5.10 Thurrock Local Development Framework (as amended) 2015

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### SPATIAL POLICIES:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

#### THEMATIC POLICIES:

- CSTP15: Transport in Greater Thurrock
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change

- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Strategic Infrastructure Provision

## POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

### 5.11 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

### 5.12 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD), which supports policies in the adopted Core Strategy.

## 6.0 ASSESSMENT

### 6.1 Procedure:

With reference to procedure, this application has been advertised as being

accompanied by an Environmental Statement and as a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to Green Belt development and therefore the application will need to be referred under paragraph 4 of the Direction. The Direction allows the Secretary of State a period of 21 days 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.

- 6.2 The development is considered to be development requiring an Environmental Impact Assessment (EIA); therefore, the application has been accompanied by an Environmental Statement (ES). The ES considers the environmental effects of the proposed development during construction and on completion and includes measures either to prevent, reduce or offset any significant adverse effects on the environment.
- 6.3 The Council has a statutory duty to examine the ES submitted with the application and reach a reasoned conclusion on the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development. If planning permission is to be granted, the Council must ensure that all appropriate mitigation and monitoring measures are secured. 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 planning obligations in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner. As mentioned above, the environmental topics of landscape and visual impacts, impacts of biodiversity and impacts on cultural heritage have been 'scoped in' to the ES. As required by Regulation, the ES also includes consideration of reasonable alternatives and cumulative impacts with other existing and approved development.
- 6.4 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 planning conditions and secure other mitigation measures through planning obligations in a s106 agreement.

6.5 The assessment below covers the following areas:

- I. Principle of the development and impact on the GB;
- II. Landscape and visual impact;
- III. Ecology;
- IV. Archaeology;
- V. Traffic impact, access and parking;
- VI. Agricultural land classification;
- VII. Effect on neighbouring properties;
- VIII. Flood risk;
- IX. Built Heritage assets;
- X. Contaminated land; and
- XI. EIA matters.

I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT ON THE GB

6.6 There is a need for energy production in the UK and this need is supported within national planning policies to secure production, including energy from varied and low carbon sources. Paragraph 152 of the NPPF states:

*“The planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure”.*

Paragraph 155 states plans should seek

*“To help increase the use and supply of renewable and low carbon energy and heat”.*

NPPF paragraph no.158 states that

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*



- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable ...”*

Core Strategy policy CSTP26 states

*“As part of the shift to low-carbon future and to tackle climate change, the Council will encourage opportunities to generate energy from non-fossil fuel and low-carbon sources.*

Part. II of CSTP26 requires that

*“The Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels, biomass heating, small-scale wind turbine, photovoltaic cells, Combined Heat and Power and other methods.*

However, this encouragement of renewable energy generation set out by both local and national planning policy is still subject to GB policies.

6.7 Under the heading of the impact of the proposals on the GB, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the GB;
2. The effect of the proposals on the open nature of the GB and the purposes of including land within it; and
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the GB

6.8 The site is identified on the LDF Core Strategy Proposals Map as being within the GB where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will *‘maintain the purpose function and open character of the Green Belt in Thurrock’*, and Policy PMD6 states that the Council will *‘maintain, protect and enhance the open character of the Green Belt in Thurrock’*. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB to accord with the requirements of the NPPF.

6.9 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to GBs and that the

*“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”*

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the GB.

6.10 Paragraph 151 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”.*

6.11 Given the above, the proposal would comprise inappropriate development with reference to the NPPF and Policy PMD6.

2. The effect of the proposals on the open nature of the GB and the purposes of including land within it

6.12 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the GB, but it is also necessary to consider whether there is any other harm to the GB and the purposes of including land therein.

6.13 As noted above, paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new development in an area which is currently open. Consequently, there would be harm to the spatial dimension of openness. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

- openness is capable of having both spatial and visual aspects;
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation.

6.14 In terms of the bullet points above, openness in a spatial sense would be affected by the proposals which comprise a large development on what is presently open GB land. In terms of the visual aspect of openness, due to the nature of the site the

visual effects would be limited as there are few public vantage points whereby the proposal would be viewable in its entirety.

- 6.15 The duration of the proposal is for a temporary period of 40 years operation. The site would then be returned to its present 'open' state. Although 40 years is still a considerable period of time, it is a very different proposal to a permanent building and therefore means the land would eventually be returned to undeveloped GB.
- 6.16 The degree of activity to be generated by the development would differ through the construction and operational phases. There would be some traffic generation during construction, which is likely to take approximately 30 weeks. However, this would not be excessive with 8 HGV movements a day (16 two-way movements). When operational, there would be minimal vehicle movements associated with the site. Therefore, it is not considered that the proposal would impact openness in terms of activity generated, especially when the lifetime of the proposal is taken into account, the impact is considered negligible. Nevertheless, under this heading, it must be concluded that there would be some harm to openness.
- 6.17 Paragraph 138 of the NPPF sets out the five purposes which the GB serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.18 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.19 The site is located within a rural area outside the village of Fobbing. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of built form on the site, albeit temporary.
- b. to prevent neighbouring towns from merging into one another*
- 6.20 On a broad geographical scale the site lies in between the village of Fobbing and towns of Basildon and South Benfleet, although the proposal does not directly adjoin any of these towns. As assessed on this broad scale the proposal would

result in some merging of the towns located nearby. However, this harm is tempered by the temporary nature of the proposals.

*c. to assist in safeguarding the countryside from encroachment*

6.21 With regard to the third GB purpose, the proposal would involve built development on parts of the site which are currently open and free of any built form. The term “countryside” can conceivably 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. The proposal would lead to a large area being developed with panels which are 3m in height. It is clear that the level of development proposed would encroach upon the countryside in this location and would constitute material harm to the openness and rural character of the GB. The development would consequently conflict with this purpose.

*d. to preserve the setting and special character of historic towns*

6.22 Whilst there is a conservation area in Fobbing, the Council’s Historic Buildings Advisor has stated the proposal would lead to less than substantial harm. The proposals do not conflict with this defined purpose of the GB.

*e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

6.23 In general terms, the development could occur in the urban area, but there is a spatial imperative why GB land is required to accommodate the proposals. There are no available sites in the urban area of 134 hectares which have convenient access to a grid connection with the scale of sub-station required to handle 49.9MW. Therefore, the proposed development does not conflict with the fifth purpose of the GB.

6.24 In light of the above analysis, it is considered that the proposals would clearly be harmful to GB openness and would be contrary to purposes (b) and (c) of the above listed purposes of including land in the GB. Substantial weight should be afforded to these factors.

3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the Very Special Circumstances (VSC) necessary to justify inappropriate development

6.25 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’ (VSC), either singly or in combination.

However, some interpretation of VSC 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 VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC 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 VSC 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 VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker. It is notable that NPPF paragraph no. 151 states that in relation to renewable energy projects located in the GB:

*“Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.*

- 6.26 With regard to the NPPF, paragraph 147 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 148 goes on to state that, 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”.*
- 6.27 The Planning Statement sets out the applicant's VSC case which is listed and then assessed below:
1. Increasing Renewable Energy Generation
  2. Climate Emergency
  3. Energy Security
  4. Best Available Technology
  5. Good Design
  6. Alternatives
  7. Temporary and Reversible Impacts
  8. Biodiversity Net Gain
  9. Soil Regeneration
  10. Green Infrastructure
  11. Farm Diversification
  12. Transmission Vs Distribution Connection

1. *Increasing Renewable Energy Generation (the Proposed Development would supply up to 49.9MW to the National Grid, providing the equivalent annual electrical needs of approximately 16,100 family homes in Thurrock. The anticipated CO2 displacement is around 23,600 tonnes per annum, which represents an emission saving equivalent of a reduction in c.7,800 cars on the road every year).*

6.28 The applicant considers the creation of renewable energy generation should be afforded significant weight in the planning balance.

6.29 A Committee on Climate Change 'Progress Report' 2020 states that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target. Reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).

#### Consideration

6.30 The generation of renewable energy is promoted throughout local and national planning policies. Paragraph 158 of the NPPF confirms that applicants do not need to demonstrate the need for renewable or low carbon energy. Even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF states that commercial scale projects outside of planned areas, need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

6.31 The proposal is for a large scale solar farm and policy CSTP26 *Renewable or Low-Carbon Energy Generation* states that the Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels. The policy also states that the Council will view an application as unacceptable where it produces a significant adverse impact that cannot be mitigated, including cumulative landscape or visual impacts (which are addressed below). Nevertheless, in principle it is considered that the provision of a large scale solar farm and the benefits of renewable energy generation can be given significant positive weight in the planning balance.

#### 2. *Climate Emergency*

6.32 In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050. Thurrock Council declared a Climate Emergency in October 2019 which requires that the

Council's activities become net-zero carbon by 2030. The Council recognised the need to consider strategies and actions which are currently being developed by the Council and other partner organisations and develop a strategy in line with a target of net-zero carbon by 2030. The applicant considers that this is afforded substantial weight in the planning balance.

### Consideration

- 6.33 The proposal would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. This is a significant contribution towards increasing the proportion of renewable and low carbon energy generation to reduce the consumption of fossil fuels and the associated carbon footprint. Whilst it is agreed that Council has declared a climate emergency, this is not a planning 'policy' and amounts to substantially the same matter as covered within (1) above. Therefore, it can be given moderate positive weight to the planning balance.

### *3. Energy Security*

- 6.34 The applicant considers that the proposal supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions. They consider this should be afforded substantial weight in the planning balance.

### Consideration

- 6.35 There is an undisputed need for new energy generation sources including renewables. A large resource such as that proposed would aid both energy security and the amount of energy provided by renewable sources within the Borough as required by national and local policies. It is agreed that the contribution to energy security should be afforded substantial weight in the planning balance.

### *4. Best Available Technology*

- 6.36 The applicant states that the proposal comprises the latest best available technology that delivers greater levels of solar efficiency by utilising a solar tracking system, together with bifacial panels which, between them increase continuous electrical productivity by 20-25% when compared to traditional fixed solar arrays. This maximises renewable energy production from the site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil

fuel generation as back up, thereby avoiding the adverse environmental and climate effects. The applicant considers this should be afforded significant weight in the planning balance.

#### Consideration

- 6.37 Solar technology is always evolving, as with any technology, especially ones which are future climate change focussed. The tracking system would enable the system to enable increased productivity and the efficiency of production. Whilst the applicant considers this should be afforded significant weight, Officers consider that this is an 'operational' factor, rather than a consideration which relates to GB matters. Therefore, no positive weight can be attached to using the best technology.

#### *5. Good Design*

- 6.38 The overall design and layout of the site has been thought out to minimise harm and provide significant benefits to the development as a whole. The applicant considers this should be afforded moderate weight in the planning balance.

#### Consideration

- 6.39 The applicant has designed the proposal to best meet with all planning policies, so to maximise output and avoid any unacceptable impacts to any nearby properties and the wider area. Any such proposal of this scale would obviously have impacts, but these need to be balanced with the benefits of such a scheme. It is agreed this can be granted some limited positive weight, albeit this weight is tempered by the policy requirement of good design applying to all development proposals.

#### *6. Alternatives*

- 6.40 The applicant has, in the ES at Chapter 3 (Document Ref: R007), set out the alternatives considered as part of the evolution of the design and location of the proposed development. This includes an explanation of the alternative sites considered. Overall, it concludes that within the defined Study Area, there are no alternative sites which are suitable and available for the proposed development. The applicant considers this should be afforded substantial weight in the planning balance.

#### Consideration

- 6.41 In terms of a proposal such as the current application, the planning considerations



are complex and far reaching. The applicant has investigated other sites within the locality and concludes there are no alternative sites which could accommodate the proposal. The solar farm requires a large area for the solar panels themselves and the necessary convenient connection to the grid via a sub-station with sufficient capacity to allow the solar farm to function. In this case, the site would connect to the Rayleigh sub-station located west of Rayleigh and c.7.6km from the application site. This sub-station connects to the National Grid. There are obvious locational factors influencing the siting of solar farm development and so the lack of alternative appropriate sites for a resource such as the proposal should be afforded significant weight. The applicant has secured a connection agreement for the National Grid substation at Rayleigh and the search area for the solar farm is centred on this connection point. Within a 10km radius of this connection the applicant has undertaken a site search based upon:

- available land area;
- free from existing development;
- local plan allocation;
- topography;
- radiance (light) levels; and
- ecological and landscape designations.

Based upon these factors, the applicant considers that the application site is the most suitable and available option.

### *7. Temporary and Reversible Impacts*

- 6.42 The solar farm is proposed for a lifetime of 40 operational years. After the 40-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the proposed development would be removed from the site and it would continue in agricultural use. It is therefore considered that the proposal is a temporary development. This also aligns with paragraph 13 of the Planning Practice Guidance which states 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. Construction traffic associated with the solar farm would be limited to the construction period of 40 weeks and will not have a material effect on the safety or operation of the local highway network. The applicant suggests this is afforded substantial weight in the planning balance.

### Consideration

6.43 The temporary nature of the proposal, albeit for a substantial period of 40 years, is a matter which weighs in favour of the proposal. The solar farm would not have some of the impacts associated with many traditional permanent built development proposals and would be conditioned to return the area back to open land after 40 years. Officers consider this can be afforded some positive weight.

#### 8. *Biodiversity Net Gain (BNG)*

6.44 The applicant sets out a number of biodiversity benefits within the accompanying Landscape and Ecological Management Plan (LEMP Document Ref: R009). The LEMP sets out how the proposal would lead to significant enhancement of the biodiversity of the site. This is demonstrated by the Net Biodiversity Gain Statement contained within the Ecological Appraisal Report (Document Ref. R012) as updated by December 2022, which concludes that there will be a net gain of +28.18% through the implementation of the proposed development. This applicant suggests this factor should be afforded substantial weight in the planning balance.

#### Consideration

6.45 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments. Although the NPPF currently advises that planning policies and decisions should provide net gains for biodiversity, the specific requirements or metrics for BNG will not be enacted until November 2023. It is expected that a minimum 10% requirement for BNG will apply. As the applicant is proposing a BNG of c.28% this factor should be afforded substantial weight within the planning balance.

#### 9. *Soil Regeneration*

6.46 The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

The Agricultural Land Classification Report, (ALC report Ref: R014), states the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage

when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM. The applicant considers this is afforded moderate weight in the planning balance.

#### Consideration

- 6.47 The site is within soil categorisation 3b and therefore within the lower grades of agricultural land which does not require the special consideration given to Best and Most Versatile soils within Grades 1, 2 and 3a. Additionally, the opportunity to leave the land fallow for a number of years could allow the land to regenerate to being an agricultural land resource in the future. However, the opportunity to leave the land fallow does not require a solar farm and Officers consider this factor attracts has no positive weight in the planning balance.

#### *10. Green Infrastructure*

- 6.48 The enhanced landscape structure will greatly improve green infrastructure corridors and connectivity across and within the site and therefore the applicant considers this should be afforded considerable weight in the planning balance.

#### Consideration

- 6.49 Policy CSSP5 seeks to safeguard biodiversity and create ecosystem opportunities and Policy PMD7 requires significant biodiversity habitat to be retained or if this is not possible, any loss is mitigated. The development would lead to BNG and the green infrastructure corridors would be improved. Therefore, this can factor be afforded moderate positive weight. However, this factor overlaps with the BNG benefits set out above.

#### *11. Farm Diversification*

- 6.50 Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero. This should be afforded moderate weight in the planning balance.

#### Consideration

- 6.51 The adopted Core Strategy does not have any specific policies concerning farm

diversification. The NPPF in *Supporting a prosperous rural economy*, paragraph 84 states *Planning policies and decisions should enable:*

*b) the development and diversification of agricultural and other land-based rural businesses.*

As the applicant has stated, farming is responsible for a significant percentage of carbon production and marginal farming land can be redirected to offset this. Therefore, it is agreed that this can be afforded moderate positive weight in the planning balance.

*12. Transmission Vs Distribution Connection*

6.52 The advantage of connecting into the National Grid (Transmission) Network rather than the Distribution Network is that once a connection is identified, then a search can begin to identify the most suitable solar development land. This avoids considerable delays in securing both the connection with the Distribution Network Operator (DNO), land and ultimately the delivery of renewable energy to meet the UKs net zero target. The applicant suggests this factor should be afforded moderate weight in the planning balance.

Consideration

6.53 There is a separate application over the borough boundary to connect to the national grid. The solar farm would generate 49.9MW and this means the proposal should be ideally connected to the National Grid (Transmission) Network to ensure the plant connects directly into the Grid, rather than via the Distribution Network. This is important in terms of the efficiency of the proposal that the central system utilised. This factor links to some other of the considerations brought forward by the applicant in terms of why this site has been proposed. It is agreed this can be given moderate positive weight.

6.54 A summary of the weight which has been placed on the various GB considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development, harm to	Substantial	1. Increasing Renewable Energy Generation	Significant weight

openness and conflict with Green Belt – purpose c.	2. Climate Emergency	Moderate weight
	3. Energy Security	Substantial weight
	4. Best Available Technology	No weight
	5. Good Design	Some weight
	6. Alternatives	Significant weight
	7. Temporary and Reversible Impacts	Some weight
	8. Biodiversity Net Gain	Substantial weight
	9. Soil Regeneration	No weight
	10. Green Infrastructure	Moderate weight
	11. Farm Diversification	Moderate weight
	12. Transmission Vs Distribution Connection	Moderate weight

6.55 As ever, in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the GB with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as considerations 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’.

6.56 Taking into account all GB considerations, Officers are of the opinion that the identified harm to the GB is 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

6.57 Landscape and Visual Impact was scoped into the ES. The majority site lies within the ‘Fobbing Marshes’ Landscape Character Area (LCA). This encompasses the low-lying landscape between the Fobbing ridge, Vange Creek and the A1014. A small section of the Site lies within the ‘Fobbing Ridge Rolling Farmland / Wooded

Ridge' LCA - corresponding to the slightly higher land adjacent to Whitehall Farm in the northwest of the site. The LCA occupies the low ridge of higher ground above the marshland landscape between Fobbing and Stanford-Le-Hope. The Landscape and Visual Impact Assessment (LVIA) methodology is considered appropriate.

### Baseline

- 6.58 The principal area of the site occupies the low-lying marshland of the Fobbing Marshes LCA. The topography of the site is flat and low-lying at approximately 2m Above Ordnance Datum (AOD). However, an area of higher land is present in the north-east of the site to the east of Whitehall Farm, rising to approximately 17m AOD. The land has been brought into agricultural use through numerous ditches and irrigation channels that lead to Vange Creek which is protected by flood defences. The area is relatively open although a network of field boundaries, scrubby copses and scrub provide visual screening from within this area.
- 6.59 The Landscape Character Assessment considers the area to be of a high landscape quality. Within the character area are a number of environmental designations, including part of the Essex Coast ESA, that contribute to its value and character. The essentially open and exposed character of Fobbing Marshes and the historic land use pattern within it would be changed by very large scale urban development.
- 6.60 The key characteristics of Fobbing Marshes, which are stated within the Landscape Capacity Study (2005) include:
- Level, low lying and exposed
  - Large scale landscape
  - Extensive areas of grazing marsh enclosed by post and wire fences
  - Absence of settlement and roads
  - Sense of wildness and remoteness
  - Network of winding ditches
  - Wide sweeping views dominated by sky
  - Confusion of vertical structures to the south of the character area

### Impact

- 6.61 The character of the application site is that of a low-lying and expansive fenland landscape, therefore the Zone of Theoretical Visibility (ZTV) is large. However, given the relatively low height of the solar arrays and associated structures, the Zone of Visual Influence (ZVI) itself is smaller, this is agreed by the Council's Landscape and Ecology Advisor, as shown in Figure 6.4 (Document R008).
- 6.62 The existing hedges and landscape patterns would aid the accommodation of development such as a solar farm into the landscape, due the low heights of the various elements. Nonetheless, at 134 hectares, this is a large scale development and therefore the landscape sensitivity would be higher. While the effects on landscape character are localised, it is accepted that the scheme would have large scale effects both within the site and to the immediate surroundings. This is a fundamental change from an agricultural landscape to a solar farm and would be a new feature in a predominantly rural landscape.
- 6.63 The Landscape Character Assessment concludes that the effects on the landscape character of Fobbing Marshes would be 'Moderate Adverse'. The Assessment has unfortunately not referred to this area being the largest remaining area of coastal marshland landscape within the Borough, which is an omission. Although the site is principally in arable use, it still retains its open character. Those walking through it or viewing across still experience the long views that are a key part of the character of the area. While there are views over London Gateway to the south and Vange to the north, the Fobbing Marshes still retain an undeveloped character which is limited within Thurrock. The Council's Landscape and Ecology Advisor has stated that therefore that the effects on this local landscape character would be significant.
- 6.64 The assessment of visual effects recognises that there will be large scale adverse effects experienced by those using the public rights of way running through and close to the site. The effects experienced from Fobbing High Road are assessed to be large scale / Medium Adverse in the Medium term until new planting develops.
- 6.65 The Council's draft Landscape Sensitivity Evaluation considered that solar farms over 5ha would have a moderate sensitivity, which would increase with scale. This scheme is significantly larger and therefore it is considered that the sensitivity would be at the highest end of moderate. Nonetheless, it is accepted that the design has sought to consider changes in topography, existing hedges and other features to reduce effects.

#### Mitigation

- 6.66 There are a number of mitigation measures within the proposal to address landscape and visual impacts. The existing tree and hedgerow field boundaries would be retained within and around the site, with the solar farm development

confined to individual field parcels to ensure it is well integrated into the landscape and provide screening. There would be new planting along the boundaries of the site to filter, screen, help integrate the development into its landscape context. Boundaries along the site's perimeter would be enhanced where necessary, by planting British-native species appropriate to local surrounding flora. Public rights of way have also been retained, with proposed enhancements including the provision of a more appropriate alternative route for the Thames Estuary Path within the Site using the existing farm track. The development would be offset from the eastern boundary to avoid potential impacts to ground nesting birds within the RSPB Vange Marsh Nature Reserve. The Landscape and Ecology Management Plan (LEMP – document R009) details the short and long term management of new and existing habitats. The objective of the LEMP is to help integrate the development into its surrounding landscape, minimise potential negative visual and landscape impacts (in so far as possible) and enhance the existing landscape structure, amenity value and biodiversity.

- 6.67 The Council's Landscape and Ecology Advisor concludes *'There are few sensitive receptors close to the site that would experience the most significant effects. The revisions to the scheme and the additional mitigation measures together with new tree and hedge planting on farm separate to this application. On balance therefore I do not object to the scheme on landscape grounds.'*

#### Residual Impact

- 6.68 The LCA considers the area to be remote with wide sweeping views dominated by sky. This scheme would not generate noise or traffic (apart from for construction and removal) and will be unlit. It is considered therefore that it would not adversely affect these qualities. Guidance to conserve and enhance character includes preserving and enhancing the network of hedgerows and scrub and wildflower planting. The design and mitigation measures have sought to deliver these enhancements.
- 6.69 The Council's Landscape and Ecology Advisor stated *'The landowner has undertaken additional tree and hedge planting across the farm which will provide further mitigation of the visual effects of the proposal from the High Road as it matures. I consider that the revisions to the layout of the scheme, together with the changes that are being undertaken on the wider farm means that over time the landscape and visual effects will be better mitigated. The Landscape Amendments Briefing Note acknowledges that these layout changes will not result in changes to the conclusions of the LVIA prepared as part of the ES. The scheme will still have Major-Moderate Adverse landscape and visual effects within close proximity of the site, but the effects diminishing quickly with distance. During a recent site visit, it*



*was clear that the layout has sought to make use of the surrounding topography and vegetation to lessen the effects.'*

- 6.70 The proposal is within an undeveloped part of Thurrock, which is unfortunate. The design and mitigation methods put forward have sought to reduce harm and restore and enhance landscape features. When balancing the landscape and visual effects with the need to produce cleaner energy it is not considered that objection to the scheme on landscape and visual grounds could be substantiated.

### III. ECOLOGY

- 6.71 Biodiversity Impact was scoped into the ES. Vange and Fobbing Marshes SSSI is located adjacent to the southern boundary of the site. Vange and Fobbing Marshes lie on the alluvial plain of the lower River Thames. Ecological surveys were undertaken to support the application.

#### Baseline

- 6.72 The unimproved coastal grassland and associated dykes and creeks support a diversity of maritime grasses and herbs. Many of these species are nationally uncommon or rare, and together form an outstanding assemblage of plants. Significant numbers of redshank (*Tringa tetanus*) breed on the pastures, while short-eared owls (*Asio flammeus*) frequently hunt along the sea walls during the winter. Holehaven Creek SSSI is located 300 m east of the Application Site (less the cable connection corridor). The intertidal mudflats and saltmarsh habitats of Holehaven Creek support a nationally important number of black-tailed godwit (*Limosa limosa islandica*). This species also regularly occurs in numbers of international importance. In addition to this, there are a number of features that are important within the context of the Thames Estuary. For example, the site regularly supports an assemblage of over 8,000 waterfowl during the winter, with curlew (*Numenius arquata*) and dunlin (*Calidris alpina*) occasionally occurring in nationally important numbers. Furthermore, Holehaven Creek supports two of the three basic saltmarsh communities characteristic of south-east and east England.

#### Mitigation

- 6.73 A Technical Note has been prepared by the project ecologists, following meetings and advice from Natural England, which looks specifically at minimising effects on non-breeding waterbirds. Natural England highlighted lapwing, widgeon and teal for particular attention. A key issue was to ensure that there was a sufficiently large buffer between upstanding features on-site and the main mitigation area. Natural England calculated that an area of at least 3.8 hectares was required to provide separation. Surveys established that the buffer should be at least 50m for the three

species. The scheme layout was amended to enable the eastern half of Field 4 to be kept free of panels. The waterbird mitigation land totals 5.5 hectares and adjoins land managed by the RSPB for waterbirds. There are no public rights of way through the area. The mitigation land will be enhanced by the creation of shallow water areas which are of value for widgeon and teal in particular. Construction would be timed to ensure that no works would be undertaken within 100m of the area during November to February inclusive when non-breeding birds are likely to be present. Summary management requirements have been provided.

### Residual Impact

- 6.74 Following re-consultation both Natural England and Essex Wildlife Trust have removed their in-principle objections, subject to the mitigation and management measures being secured through condition. The RSPB has questioned if further survey work are required to better understand the usage of the site by non-breeding waders; however they have not objected to the revised scheme, noting Natural England's position. Having reviewed the additional information, the revisions to the layout and the proposed mitigation, the Council's Ecology Advisor does not object to the proposal on ecology grounds subject to the mitigation and management measures being secured by condition. Given the sensitivity of the site, they recommend that a Construction Environmental Management Plan be prepared to detail the working practices, including timings of operations in sensitive locations. This can be controlled by condition.
- 6.75 A Habitat Regulations Assessment (HRA) was required, as there are European designated sites that are located within the 5 km study area comprising:
- Thames Estuary and Marshes SPA (located 3 km south of the site)
  - Thames Estuary and Marshes Ramsar site (located 3 km south of the site)

To enable a competent authority (in this case the local planning authority) to undertake its Habitat Regulations Assessment (HRA) the developer of the project being assessed is required under Regulation 63(2) to provide such information necessary for undertaking the HRA. The report to inform the HRA (BSG 2022) fulfilled that requirement and has been used as the basis for the HRA. The Council's Landscape and Ecology Advisor considered that the proposal needed to be subject to an HRA. The Council's Landscape and Ecology Advisor has concluded *'that the Proposed Development, alone and in-combination with other projects, will not affect the achievement of the conservation objectives for the European Sites and there is no adverse effect on the integrity of the European Sites and their interest features.'*

#### IV. ARCHAEOLOGY

- 6.76 Cultural Heritage Impact was scoped into the ES. The Historic Environment Record (HER) shows that the proposed development lies within an area of known archaeological deposits. Within the development site a cropmark has been recorded (HER 48546) of an Iron Age/Roman redhill (a salt-making site). A recent geophysical survey carried out in advance of, and attached to, this planning application has confirmed this interpretation and additionally identified another redhill, and the remains of further features associated with salt production, within the proposed development area. Salt was a valuable and rare resource in antiquity and its production an important industry, and it is likely other archaeological remains relating to this industry survive on the development site. The geophysical survey also identified deep sediment sequences that may be of significant geoarchaeological importance. These layers may contain silty deposits or peat layers, which can be of considerable value for understanding environmental change. Additionally, as the geophysical report submitted with the application notes, *“the wetland environment and deep deposition can also lead to the exceptional preservation of archaeological material”*.
- 6.77 The sunken road of Marsh Lane is within the boundaries of the development site (HER 18783). Sunken roads are medieval/post-medieval routeways that have developed over centuries of use (hence their sunken nature), and the possibility exists for settlement or agricultural remains of a medieval or post-medieval date to survive adjacent to or in proximity to this road. Evidence of ridge and furrow agriculture (a uniquely medieval technique) also exists within the development site (HER 18782). The south of the development site lies within the extent of the Fobbing and Vange Marshes (HER 48407), and the HER records these in detail. They had been reclaimed by the time of the Chapman and Andre map of 1777, and parts are likely to be 17th century in origin. Sea walls visible on the 1st edition OS map still survive in the area, and a recent excavation of one produced medieval pottery. Further earthworks are visible to the east of the site, including more possible late Iron Age or Roman redhills, two ditched earthwork mounds probably representing livestock enclosures, and a raised trackway linking Vange Wick Farm to the village of Vange. To the south-west of the development site are cropmarks of a possible henge monument, further suggesting prehistoric activity in the vicinity (HER 7227). More recent heritage assets include cropmarks and earthworks of WWII anti-glider ditches that have also been identified both within the development site and also immediately to the east (HERs 14752, 14762). Directly to the south of the development is a World War II bombing decoy, which has been designated a Scheduled Monument (NHLE no 1020489, HER 10328).
- 6.78 It is clear from the above evidence that significant archaeological remains may survive on the development site, ranging in date from prehistoric to early 20th -

century. Notwithstanding the above, the Council's Archaeological Advisor has confirmed they do not object subject to the inclusion of a condition for an archaeological programme of trial trenching followed by discussion on preservation or open Area excavation of any deposits identified.

#### V. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.79 The highways issues relating to this development proposal are predominantly for the construction and the decommissioning phases of the development. The construction vehicle access point is from High Road, Fobbing. The construction vehicles would access and leave the site via an existing agricultural access to the south of Whitehall Lane, opposite the property 'Silver Springs'. The access track will be widened to the south to ensure that vehicles do not conflict with an existing telegraph pole and existing trees, which are located to the north of the access.
- 6.80 The applicant has confirmed there would be an average of 8 HGVs per day (16 two-way movements) during the construction phase of approximately 30 weeks. There would be a *worse case scenario* total of 1,095 HGV movements (2,190 two way movements) for the solar element and 144 HGV movements (288 two way movements) for the battery storage. The operational period would require a small number of vehicular movements; it is likely there would be two LGV movements a month. The designated route requires all construction vehicles to access the Site via the A13 junction with the A176 and High Road. From this junction, construction vehicles would continue south along High Road for approximately 1.2 kilometres to the site access. When departing the site, construction vehicles would route north via High Road to access the A13/A176 junction.
- 6.81 The timings of the HGV movements would, where possible, be coordinated to avoid construction vehicle movements during the traditional AM peak hour (08:00-09:00) and PM peak hour (17:00-18:00). Due to the Site construction working hours (08:00-18:00), construction worker travel will occur outside of the peak hours.
- 6.82 It is concluded that, subject to planning conditions, construction traffic associated with the proposal would not have a material effect on the safety or operation of the local highway network.

#### VI. AGRICULTURAL LAND CLASSIFICATION

- 6.83 The Planning Practice Guidance (PPG) identifies a number of factors which should be taken into account by local planning authorities when determining applications for large-scale PV solar farms, including 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. The PPG highlights that

best quality agricultural land (Grades 1, 2 and 3a) should be preserved with preference being given to areas of lower quality land (Grades 3b, 4 and 5).

- 6.84 Based on the submitted site-specific Agricultural Land Classification report, all the land within the proposal is classified as grade 3b. The findings of the detailed report show that the land is capable of being developed as a solar farm as its temporary loss will not adversely affect agricultural productivity in the area. The DCLG publication 'planning practice guidance for renewable and low carbon energy' (July 2013), recognises that solar farms are temporary structures. At the end of the 40 year period of the panels being in place, the land would be restored to its existing agricultural use and this will be controlled by a condition. In these circumstances, there are no planning objections to the temporary loss of lower quality agricultural land.

## VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.85 The site is rural in nature and there is over 300m between the site boundary and the nearest residential properties. The Council's Environmental Health Officer has confirmed that in terms of noise they do not consider the proposal would lead to any unacceptable noise to any sensitive receptors.
- 6.86 The glint and glare from the solar panels is of little consequence. They are made up of silicon-based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. The manufacturers of the panels use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the solar panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.

## VIII. FLOOD RISK

- 6.87 Most of the site lies within Flood Zone 3a, the high risk zone. The Environment Agency have confirmed a solar farm is considered to be an 'essential infrastructure' land use as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests, which is the responsibility of the Council. The Environment Agency do not object to the proposal on flood risk zones, subject to the application of these tests.

### Sequential Test

- 6.88 The proposal has to be in its proposed location due to the available capacity in the national grid in the area, owing to its proximity to the electricity distribution station to the north east of the site. Additionally, there are no known available sites of 134 hectares which are located wholly within an area of lower flood risk. Therefore, it is considered that the Sequential Test is passed.

#### Exception Test

- 6.89 The Flood Risk Vulnerability Classification requires that the Exception Test is also applied. The NPPF states that:

*“For the exception test to be passed it should be demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”*

- 6.90 The solar panels would be elevated on framework at least 0.8m above ground level, and, therefore, would not impede any surface water flowpaths or displace any ponding of surface water. The Flood Risk Assessment demonstrates that the development would not result in any increase in flood risk off-site or it increase flood risk on-site. The benefits of producing renewable energy as well as the wider sustainability benefits set out above (BNG etc.) are considered to outweigh the flood risk. Therefore, the proposal is considered to pass the exception test.
- 6.91 In terms of surface water drainage, the EA’s risk of flooding from surface water mapping shows the majority of the site has a very low risk of flooding from surface water.

#### IX. BUILT HERITAGE ASSETS

- 6.92 The Council’s Historic Buildings Advisor has advised that the

*‘A review of the Zone of Theoretical Visibility (ZTV) and the views provided in the Landscape and Visual Assessment (LVIA) demonstrates that whilst there is the potential for a visual impact to a number of the assessed heritage assets, this would not result in harm to the significance of a number of the heritage assets. However, it is considered there would be low levels of harm to Fobbing Conservation Area as well as the non-designated heritage assets.’*

- 6.93 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 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, BNG etc.

#### X. CONTAMINATED LAND

- 6.94 Part of the application site is on a former landfill. The Council's Environmental Health Officer has advised that a watching brief for unexpected contamination should be maintained throughout the groundworks. Should contamination be encountered work should stop and a method for its assessment and mitigation will need to be submitted to the local planning authority before groundworks can resume.

#### XI. EIA MATTERS

- 6.93 In coming to its view on the proposed development the local planning authority has taken into account the content of the ES submitted with the application, further information to the ES, as well as representations that have been submitted by third parties. The ES considers the potential impacts of the proposal and sets out appropriate mitigation measures.
- 6.94 The ES considers the impact of the development in terms of landscape and visual matters, biodiversity and cultural heritage. Subject to appropriate mitigation which can be secured by planning conditions, the ES concludes that any impact arising from the construction and operation of the development would be within acceptable limits and would not be significant. Having taken into account representations received from others, Officers consider that the proposed development is acceptable, subject to referral to the Secretary of State and compliance with a number of planning conditions to be imposed upon any consent granted.

### 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposals would comprise inappropriate development in the GB. Furthermore, the proposed development would lead to a loss of openness and would be harmful to purposes (b) and (c) of including land within the GB. Substantial weight should be attached to this harm in the balance of considerations.
- 7.2 The applicant has cited a number of factors which are promoted as benefits which outweigh the harm to the GB. It is considered that significant weight should be attached to the benefits of providing renewable energy, including the reduction in

carbon emissions. The temporary nature of the development attracts some weight and weight can also be attached to the economic, social and environmental benefits of the proposals. On balance, it is concluded on this point that the benefits of the proposals clearly outweigh the substantial harm to the GB described above such that very special circumstances exist, and therefore a departure from normal GB policies is justified.

- 7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets, flood risk or the surrounding highways network. The proposals also have the potential to provide benefits to ecology in the form of habitat creation and the proposals would ensure the eventual continued agricultural use of the land. Finally, the proposals would result in some adverse impacts on landscape and visual receptors. However, revisions to the layout of the scheme have reduced the magnitude of the impact and, subject to mitigation, the residual impacts on these receptors would be within acceptable limits.

## 8.0 RECOMMENDATION

- 8.1 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:

<b>Plan Number(s):</b>		
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
FO2.0 Rev 19	Proposed Site Plan Showing Reduced Fence Area	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 40<sup>th</sup> anniversary of the first commercial export of energy the use shall cease. Prior to the 40<sup>th</sup> 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. The construction period shall be no more than 30 weeks unless otherwise agreed in writing by the local planning authority. Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement.

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:
  - 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].

### **HGV BOOKING SYSTEM**

8. 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)**

9. 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 MIGRATION LAND**

10. 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**

11. 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**

13.

- 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**

14. 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**

15. 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)**

16. 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].

#### **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](http://www.thurrock.gov.uk/planning)

