



Application No: 151141

Location: Birch Airfield, Blind Lane, Birch, Colchester

Scale (approx): 1:10000

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7.2 Case Officer: Nadine Calder Due Date: 10/09/2015

MAJOR

Site: Birch Airfield, Blind Lane, Birch, Colchester

Application No: 151141

Date Received: 11 June 2015

Agent: Mr Jamie Kelly

Applicant: Mr Stuart Bradshaw

Development: Extension to Solar Farm approved under application 145133 to allow for re-planning of existing scheme and inclusion of a Community Solar Scheme.

Ward: Birch & Winstree

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the application is a major development to which objections were received.

2.0 Synopsis

2.1 With the principle of development having been established through the previous application for the installation of a solar farm on the application site (reference 145133), the key issue in determining this current application is the impact the increased site area for the proposed development may have on the landscape character and appearance and the impact on wildlife. The application has resulted in significantly less opposition than the previous one, with those objections received challenging the requirement for a solar farm overall instead of focusing on the extended site area only. Having carefully assessed the proposed development on site, and having had regard to representations received from local residents as well as comments from statutory consultees, it is considered that any impact the proposed development would cause on the character and appearance of the countryside can be made acceptable in the medium term through additional planting and is therefore neither visually nor materially harmful. The proposal is, therefore, found to be satisfactory and is recommended for conditional approval.

3.0 Site Description and Context

- 3.1 The proposal relates to parts of an existing agricultural field which has a history as a World War II airfield. The application site is directly adjacent to and partially overlaps with the existing area of the northern field which already benefits from planning permission for the installation of a solar farm. The site is located within an area of open countryside and is currently under active agricultural land management.
- 3.2 The application site measures 1.84 hectares. It has previously been established that the access road off Blind Lane is suitable for both the construction and maintenance access and that the site is reasonably isolated with the nearest residential properties to the site being located approximately 380m to the north.

4.0 Description of the Proposal

- 4.1 The application proposes an extension to the previously approved solar farm. The proposed extension would measure 1.84 hectares but would overlap slightly with the previous one, thereby not extending the existing solar farm by this area. The number of panels or the generation of the renewable energy would not be altered. The increased site area is simply required so that the approved number of panels can be spread out, which would allow for shading angles to be increased which, in turn, would increase the performance of the solar farm.
- 4.2 The current proposal also includes a 'Community Solar Scheme' which would allow for a certain amount of money to be redistributed into the local community, thereby representing a benefit to the local economy.

5.0 Land Use Allocation

- 5.1 The site is unallocated land used for agricultural purposes in open countryside remote from the nearest defined settlement of Birch.

6.0 Relevant Planning History

- 6.1 Planning permission was previously granted by this Committee for the change of use of land from (1) agriculture to (2) mixed use for agriculture and use of the generation of renewable energy (solar) (145133).

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
UR2 - Built Design and Character
TA4 - Roads and Traffic
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
DP1 Design and Amenity
DP8 Agricultural Development and Diversification
DP17 Accessibility and Access
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy
- 7.4 Furthermore, the Planning Practice Guidance (PPG), published online in March 2014, provides advice on the subject of 'renewable and low carbon energy'.
- 7.5 Consideration should also be given to Building Research Establishment (BRE) guidance "Planning guidance for the development of large scale ground mounted solar PV systems".

8.0 Consultations

- 8.1 The Landscape Officer suggests a condition requiring a full landscape proposal to be agreed prior to commencement of the development.
- 8.2 Environmental Protection recommend to impose conditions with regards to light pollution and limitations to hours of work.
- 8.3 Natural England raises no objection to the proposed development.
- 8.4 The Lead Local Flood Authority does not object to the proposal subject to conditions.
- 8.5 The Highway Authority, having looked at the details of the proposed scheme, did not wish to submit a formal recommendation.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 At the time of writing this report, no response was received from Birch Parish Council.

9.2 Messing-cum-Inworth Parish Council objects to the proposed development. It appears that they have submitted a copy of the response they submitted for the original application. Although most of these concerns have already been addressed through the previous application, and the principle of development has been established, the comments raised can be summarised as follows:

- Inaccurate documentation with regards to Ecological Appraisal Report.
- Does not meet the standards set for solar farms. Recent government guidelines indicate a preference for industrial sites and not agricultural land. This land is agricultural land and has been for many years. The buildings required to support the solar farm and the panels would alter this landscape considerably.
- Landowner has spent many years applying compost to the site to increase the soil quality to enable the land to return to arable/grazing land.
- Relay station on draft plans shown to the parish council - location to be moved, not moved on the submitted plans.
- Whilst the proposed site is in the boundaries of Birch Village, it is not visible from most of the village. It is however visible from Messing village. The site will also be visible from local footpaths, unless the hedgerows are planted before any development, and with mature shrubs/trees. We believe the site is also visible from Layer Marney Tower.
- Should the application be granted, the Parish Council would like to have certain conditions imposed, including limitations to working hours, clarification on the security lighting, provision of additional soft landscape features, inclusion of RSPB mitigation enhancement package and relocation of substation.

The full text of the consultation responses is available to view on the Council's website.

10.0 Representations

10.1 One letter of objection was received. The following comments were made:

- This application is a significant increase to the original application but no changes or further review has been made to the ecological assessment.
- The applicant gave assurances at a local parish council meeting that they would not apply to extend the original site.
- Recent government guidelines indicate a preference for industrial sites and not agricultural land.
- Land classification 3a, i.e. not previously developed land.
- The landowner has spent many years applying compost to the site to increase the soil quality and now this valuable agricultural land will effectively be lost.
- No visual impact survey has been carried out and this development would have an adverse effect on the village of Messing.
- Should approval be granted for this application I would ask that the RSPB mitigation plan for solar farms be made a planning condition.
- Any lighting should be bat friendly.
- Sheep grazing should be restricted.
- Screening with native hedgerow plants and trees should be implemented and maintained.
- All planning conditions should be satisfied before any development work commences.

Officer's Note: Some of the above comments are either not material planning considerations or have already been addressed through the previous application and limited weight will be given to them. However, where the above comments are material considerations, they will be discussed in section 15 below.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 A temporary surfaced area within/adjacent to the site, previously approved under application 145133, provides parking, unloading, storage of materials and manoeuvring of construction vehicles. This area will be removed at the end of the construction period.

12.0 Open Space Provisions

- 12.1 There is no requirement for public open space provision in connection with this application.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was determined by the Development Team that there is no requirement or justification for any Planning Obligations via Section 106 of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The principle of development for the installation of a solar farm on this agricultural field has been established through planning permission 145133. The current application seeks permission for the enlargement of the site, but not the solar farm itself, to allow for the approved solar panels to be spread out, thus allowing the shading angles to be increased which, in turn, would increase the performance of the solar farm. This report deals with the details of this proposal.
- 15.2 The previous permission also established that the development would have no materially harmful impacts on the amenities of nearby residential properties or historic assets. The proposed development which is the subject of this application does not alter this view and the proposal is therefore considered to be acceptable with regards to its impact on residential amenities and would not cause any material harm to the setting of nearby listed buildings. With regards to transport and construction impact, the previous permission has proposed a satisfactory route of HGV construction traffic to and from the site, including the parking and manoeuvring areas for these vehicles and the details of the compound area. This arrangement remains acceptable and there is therefore no objection to the proposed

development on highway grounds. Finally, the increased site area would not have any materially harmful impact on the local ecology that could not be mitigated through the Ecological Management Plan that was sought through the previous permission. Subject to this condition being imposed to the current application, there is no objection to the proposal in terms of ecological impacts.

- 15.3 The key consideration in the determination for the proposal to enlarge the size of the approved solar farm is the landscape and visual impact. It was acknowledged through the previous application that there would be a short to medium term landscape impact arising from the solar farm, however, this impact was considered to be moderate and will diminish as the proposed landscaping matures. This impact, and any other areas of concern, was balanced against the benefit accrued from the generation of renewable energy and it was concluded that the impacts of the development could be made acceptable.
- 15.4 It is noted that the extension of the previously approved site increases the potential visual impact the development as a whole may have on the surrounding area. However, as set out above, the extension of the application is not intended to increase the solar farm or its capacity but is sought to increase its performance by improving shading angles through the opportunity to spread out the solar panels. At 1.84 hectares, the current proposal appears to be a significant increase to the approved scheme, however, the application site overlaps with the approved site and the increase in site area is therefore not as significant as it may appear.
- 15.5 The application site is located to the east of the previously approved scheme to the north of the access track off Blind Lane and is rectangular in shape. With regards to the screening of the solar panels, it is proposed to simply continue the proposed hedgerow to the north and south of the site while the eastern boundary would move approximately 75m further east and closer to the entrance to the site from Blind Lane. Given that the previous landscape proposal was considered to be acceptable, it is not considered that the proposal to extend the site would cause such material harm to the visual amenity of the site or the character and appearance of the surrounding area that would render the proposed development unacceptable. Despite the site as a whole being slightly larger, the development does not differ from the previously approved scheme to such a degree that would be materially harmful in visual terms and any impact the proposal may have could be mitigated in the same way the impacts of the approved scheme can be mitigated. On this basis, it is considered that the increased site for the solar farm is acceptable as it would not be detrimental to the approved development and it would not intensify the approved use on this agricultural field to such a degree that would be visually or materially harmful to its surroundings.
- 15.6 The application also proposes to set up a 'Community Solar Scheme' though it should be noted that this is outside of the merits of planning and can therefore not be controlled, neither by legal agreement nor by condition. Notwithstanding this, the Agent confirmed that as part of this scheme, the funds generated from 1.7MW (approximately 25% of the total scheme) would be distributed back into the local community. It has already been established that the solar farm aids the wider economic growth, however, with the help of this is community fund, the development would also support the local economy, thereby providing economic benefits to the local area.

16.0 Conclusion

- 16.1 On the basis of the above, it is concluded that the extension of the previously approved solar farm would neither visually nor materially cause such harm that could not be mitigated through adequate landscaping treatment. Despite increasing the overall size of the solar farm, the proposed development would not make the development as a whole unacceptable and the increased site area is required to improve the performance of the solar farm which, in turn, would increase the economic benefit of the development.

17.0 Recommendation

- 17.1 APPROVE subject to the conditions set out below.

18.0 Positivity Statement

- 18.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19.0 Conditions

1 - Non-Standard Condition/Reason

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 028a/PA002, 028a/PA003 and 028a/PA004.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Non-Standard Condition/Reason

No demolition or construction work shall take outside of the following times;

Weekdays: 08.00 – 18.00 hours

Saturdays: 08.00 – 13.00 hours

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

4 - Non-Standard Condition/Reason

No works shall take place until a scheme of hard and soft landscaping works have been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, identifying where existing hedgerows would benefit from strengthening. The scheme shall include details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The scheme shall include proposals for the restoration of soft landscaping likely to be damaged as a result of the construction process and shall be prepared in accordance with the recommendations outlined in the Council's Landscape Officer's Consultation Response dated 21st July 2014.

Reason: To ensure that the site is adequately screened insofar as is reasonably possible and that harm to the landscape resulting from the construction process is rectified. Indicative landscape proposals are acceptable in principle but need more detail.

5 - Non-Standard Condition/Reason

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of five years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: To ensure that the site is adequately screened insofar as is reasonably possible and that harm to the landscape resulting from the construction process is rectified.

6 - Non-Standard Condition/Reason

Prior to the commencement of the development hereby permitted, details of the proposed security cameras, including their position, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: The application does not provide sufficient information to allow full consideration of this aspect of the proposal.

7 - Non-Standard Condition/Reason

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil's during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates.

To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

8 - Non-Standard Condition/Reason

The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Soil compaction can cause increased run-off from the site. Therefore, a soil management plan should show how this will be mitigated against.

9 - Non-Standard Condition/Reason

The development hereby permitted shall be implemented in accordance with the recommendations made under part 6 (Conclusions, Recommendations and Enhancements) of the Ecological Appraisal Report dated May 2014.

Reason: In accordance with the details submitted and to enhance the ecological value of the site.

10 - Non-Standard Condition/Reason

Notwithstanding condition 9 of this consent and the recommendations made within the Ecological Appraisal Report dated May 2014, prior to the first occupation of the development, an Ecological Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Ecological Management Plan shall be prepared having regard to RSPB's guidance document "Mitigation and enhancement package for solar farms on former arable land" and shall thereafter be carried out as approved at all times.

Reason: To enhance the ecological value of the site.

11 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated March 2014. The scheme shall include infiltration testing in line with BRE 365 to ensure that the proposed shallow trench soakaways are a viable option to deal with the 16m² of impermeable area created by this development. If infiltration is found unfeasible, then storage should be provided to ensure run-off rates are limited to greenfield from the site. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, both onsite and offsite, and minimize the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

12 - Non-Standard Condition/Reason

The solar panels shall be designed and constructed so as to be non- reflective.

Reason: To minimise the impact from reflected light.

13 - Non-Standard Condition/Reason

No external lighting fixtures shall be constructed, installed or illuminated at any time within the application site, other than during the initial construction phase, unless otherwise agreed, in writing, by the Local Planning Authority. During the construction phase of the development hereby permitted, any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 rural.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

14 - Non-Standard Condition/Reason

The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of grid connection for the development. Within three months from the end of this period, all plant and materials associated with the solar farm shall be permanently removed from site. Written confirmation of the date of connection of the development shall be provided to the Local Planning Authority no later than one calendar month after that event.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.

15 - Non-Standard Condition/Reason

No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any ecological mitigation that is required. The need for ecological mitigation will be determined by an ecological assessment that has been completed within the nine months preceding the submission of the site restoration scheme. The scheme shall include a programme of works to remove the solar panels and related equipment including all underground cabling, and the land restored to agricultural use or to a condition to be agreed in writing by the Local Planning Authority. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason: In the interests of the amenity of the area.

16 - Non-Standard Condition/Reason

When the land ceases to be used as a solar farm or at the end of the period of 25 years from the date of grid connection, whichever is the earlier, the use hereby permitted shall cease and all materials, equipment and buildings brought onto the land in connection with the use, shall be removed and the land restored in accordance with a Decommissioning Method Statement, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the permitted use ceasing. The site shall be decommissioned in accordance with the approved Statement.

Reason: : In the interests of the amenity of the area.

17 - Non-Standard Condition/Reason

If the solar farm hereby permitted ceases to operate for a continuous period of six months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site.

The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.

18 - Non-Standard Condition/Reason

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), there shall be no overhead power lines installed or erected within the areas outlined in blue or red on approved drawing 04/PA001C at any time whose purpose is to connect the development hereby approved to the electricity transmission network.

Reason: To ensure that the visual impacts of the development on the character and appearance of the countryside are minimised. The application has been determined on the basis of underground connection the grid.

20.0 Informatives

- (1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
- (2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.
- (3) PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements
- (4) PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- (5) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.
- (6) In respect of condition 8, it is advised that soil should be chisel ploughed to mitigate against soil compaction during construction.