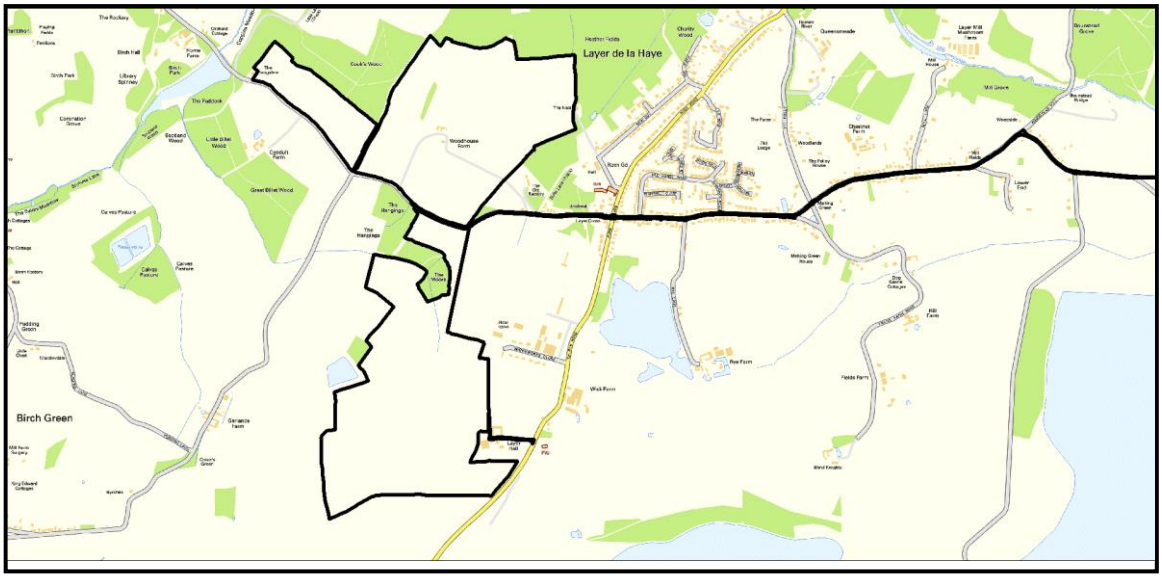

Item No: 7.1

Application: 202695
Applicant: Mr James Hartley-Bond, Layer Solar Farm Limited
Agent: Mr Nick Bowen, Dwd Property + Planning
Proposal: The construction and operation of a solar photovoltaic ('PV') farm and associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping.
Location: Land to West of the Village and adjoining, Birch Road, Layer De La Haye
Ward: Marks Tey & Layer
Officer: James Ryan

Recommendation: Approval subject to prior completion of a legal agreement.

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application with objections and is also a departure from the Development Plan.

2.0 Synopsis

2.1 Officers recommend that planning permission is granted. This report explains how officers have reached this conclusion.

2.2 The application proposes the construction and operation of a solar photovoltaic farm and associated infrastructure. The application includes an underground cable connection route from the Proposed Development to Abberton substation. The panels would generate up to 49.99 megawatts (MW), enough to power over 16,000 homes. Based on the scale and nature of the proposal, it is Environmental Impact Assessment (EIA) development and the application is therefore accompanied by an Environmental Statement (ES).

2.3 Planning permission is sought to operate the plant for 40 years, at which point it would be decommissioned and the land returned to its previous state. The development includes the following equipment:

- *Ground mounted rows of solar PV panels running from east to west across the site with approximately 3-4m between each row of arrays.*
- *At the lowest edge the arrays would be approximately 0.9 m from the ground and up to 2.8 m at the highest edge.*
- *The solar panels would be laid out in rows running from east to west across the Site. There would be a gap of approximately 3-4 m between each row. The panels would be mounted on a frame, to be installed using spiked foundations of approximately 1 to 2 m deep.*
- *Approximately 25 inverters within units similar to shipping containers (12m x 2.5m and 3m high).*
- *A substation compound of up to 50m x 50m consisting of overhead electrical busbars and other electrical equipment along with a control building and a switch room. These structures would be up to approximately 12.5m x 5.5m x 6m high.*
- *Stock-proof perimeter fencing (mesh with wooden posts or similar) to a height of approximately 2m along the outer edges of the site.*
- *A system of CCTV / infra-red cameras on poles up to approximately 3m high, spaces at approximately 50m intervals along the security fence.*
- *Internal access tracks*

2.4 The applicant has not fixed all of the details of the development at this stage because the final technology selection and layout would be determined by an appointed contractor. The applicant has therefore sought to incorporate sufficient design flexibility into the application in relation to the dimensions and layout of the structures.

2.5 The assessments that form part of the application and EIA have therefore been undertaken adopting the principles of the "Rochdale Envelope." This approach involves assessing the maximum parameters for the elements where flexibility is required and provides a worst-case scenario. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being a maximum of 2.7m high, when then may be lower at around 2.5m.

2.6 The application has been updated and consulted upon on several occasions with additional information submitted in relation to heritage, archaeology, biodiversity net gain and glint and glare. This included an update to the ES to include a trial trenching information and mitigation regarding a scheduled monument. These inputs are covered in further detail in this report.

2.7 The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts, and there are no technical objections to the proposal. Suitable planning conditions have been provided by consultees in order to secure the relevant mitigations for the project. The proposals are strongly supported by both local and national planning policy, as well as the Borough's own commitments following its declaration of a climate emergency in 2019.

3.0 Site Description and Context

3.1 The Site is located on parcels of agricultural land west of Layer-de-la-Haye, near Colchester. The parcels are separated by Birch Road. The Site is entirely within the administrative area of Colchester Borough Council. The application site extends to 96.8 Hectares in area.

3.2 The Site currently comprises a number of agricultural fields with small sections of shrubs and trees surrounding each field and areas of woodland bordering the north of the Site. There is no development currently on the Site, aside from an overhead electricity line and pylons that cross the southern section of the Site. As discussed above, the Site also includes land within the application boundary for the buried cable connection to Abberton Substation. The Cable Connection Route passes through the centre of Layer-de-la-Haye but is within the highway boundary.

3.3 The topography of the Site and the surrounding area is characterised by relatively flat land with limited topographical change. The Site itself is fairly uniform in topography, varying only in elevation of between approximately 35 and 40 m Above Ordnance Datum (AOD). The Cable Connection Route passes through an area of lower ground in the vicinity of the connection to Abberton Substation, where the elevation is approximately 15 m AOD at its lowest point.

3.4 Flood Zone Classification

The Site is located entirely within Flood Zone 1 (lowest risk of flooding as defined by the Environment Agency).

3.5 Agricultural Land

An agricultural land classification (ALC) survey has been undertaken for the Site (see Appendix 2A: Agricultural Land Classification Survey Report (ES Volume II) for the full report). The report concludes that the Site predominantly has clay soils and soils over gravel, with a land quality of subgrade 3b agriculture land by wetness (approximately 76% of land within the Site). There are also sections of loamy soils of subgrade 3a quality land within the northern half of the Site (approximately 22% of the Site). The other 2% of the Site is not considered to be arable land and was excluded from the survey. This matter will be dealt with in the relevant section below.

3.6 PRoW

No public rights of way (PRoW) cross the Site but a number of PRoW border the Site. One runs between parcels. This includes a footpath to the south of the Site, a bridleway and footpath to the north-east of the Site and a footpath to the north-west of the Site. National Cycle Route number 1 passes along the Garland Road west of the southern land parcel. At the junction with Birch Road, the Cycle Route continues north along a track to the west of the northern land parcel.

3.7 Neighbours and other receptors

There are a number of residential and commercial buildings located adjacent to the Site. Directly to the east of the Site is a farm with residential buildings and multiple outbuildings as well as a residential property located off Birch Road which is directly adjacent to the Site. There are a number of residential properties on New Cut with the closest property to the Site within 100 m. There is a further residential property located along a track off New Cut which is directly adjacent to the Site. Along Waterworks Close there are commercial properties within 100 m of the eastern boundary of the Site.

To the west of the Site along Birch Park the closest residential property is located directly adjacent to the Site. Conduit Farm is also located directly adjacent to the Site.

There are no buildings located within 100 m of the north or south of the Site, with farmland and woodland to the north and farmland to the south of the Site.

The majority of land between within 2 km of the Site is farmland and woodland with the town of Layer-de-la-Haye situated approximately 300 m to the east of the Site, which includes residential and commercial properties. However, the Cable Connection Route passes through Layer-de-la-Haye, past a number of residential properties.

3.8 Designated Sites

There are a number of designated sites within 2km of the application site – Abberton Reservoir Ramsar/SSSI/SPA being the nearest. This matter will be covered in more detail below but the ES sets these out in full at 2.3.9.

4.0 Description of the Proposal

4.1 The Proposed Development would comprise the following elements:

- Rows of solar PV panels;
- Inverters within an enclosed structure (approximately 25);
- A meter room and one customer switchroom;
- A 33 kV – 132 kV transformer substation compound and cable connection to Abberton Substation (the 'Cable Connection Route');
- Internal buried cabling;
- Internal access tracks;
- Perimeter fence; and
- CCTV cameras.

4.2 The south-facing solar PV panels are typically mounted in four horizontal rows, with one row fixed directly above the other, and angled at the optimum position for absorbing year-round solar irradiation. At the lowest edge the arrays would be approximately 0.9 m from the ground and up to 2.8 m at the highest edge.

4.3 The solar panels would be laid out in rows running from east to west across the Site. There would be a gap of approximately 3-4 m between each row. The panels would be mounted on a frame, to be installed using spiked foundations of approximately 1 to 2 m deep.

4.4 The inverters would be located within containerised units, similar to shipping containers. Each unit would measure approximately 12.2 m long, 2.5 m wide and 2.9 m high. Each unit would be placed on a concrete base (with 1m deep foundations).

4.5 The inverters would convert the direct current ('DC') generated by the solar panels into alternating current ('AC'). Transformers, contained within the inverter cabins, convert the low voltage output from the inverters to high voltage suitable for feeding into the local electricity distribution network.

4.6 The connection into the grid network would require a transformer substation compound (measuring up to 6 m in height) to allow for the voltage step-up from 33 kV to 132 kV connection at the Abberton bulk supply point substation – approximately 2.8 km east of the Site. The Cable Connection Route would be buried within the road from the Proposed Development to

the substation. Further details on the construction methods are outlined in the sections below.

4.7 The new substation compound within the Site would measure up to 50 m by 25 m. This would become partly adopted by the District Network Operator (DNO) [District Network Operator is the company responsible for distributing electricity from the National Grid to your home or business. When installing solar PV or any form of electricity generation to a grid connected property, the local DNO will need to be informed] for their assets. This would consist of overhead electrical busbars and other electrical infrastructure along with a DNO control building and a customer switchroom housing the metering equipment. These structures would measure up to approximately 6 m high.

4.8 The DNO control building would measure approximately 6 m long, 8 m wide and 4.1 m high. From the substation compound, a cable would be installed to DNO substation and then on to a customer switchroom on-site. Each would be placed on a concrete base. They would either be clad in brick or wood to comply with local vernacular, or coloured green (or in any other colour) to minimise any visual impact.

4.9 The substation, inverters and solar panels would be connected by underground electrical cables (buried approximately 1 - 1.5 m below ground level).

4.10 The number of access points has been kept to a minimum using existing access points where possible. This will be addressed below.

4.11 It is envisaged that stock-proof fencing (mesh with wooden posts or similar) to a height of approximately 2 m would be installed along the outer edges of the Site in order to restrict access.

4.12 This would be sited inside the outermost hedges/trees/vegetation, ensuring that the fence is visually obscured, and access is available for hedge trimming and maintenance. Gates would be installed at the access point for maintenance access. These would be the same design, material and colour as the fencing.

4.13 The perimeter of the Site would be protected by a system of CCTV cameras and/or infra-red cameras, which would provide full 24-hour surveillance around the entire perimeter. An intelligent sensor management system would manage the cameras. The cameras would be on poles of approximately 3 m high, spaced at approximately 50 m intervals along the security fence. There would be no lighting within the Site at night-time.

5.0 Land Use Allocation

5.1 The land is currently unallocated agricultural land.

6.0 Relevant Planning History

6.1 None relevant to this scheme.

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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP8 Agricultural Development and Diversification
DP9 Employment Uses in the Countryside
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
N/A

7.5 The site is not within a Neighbourhood Plan area.

7.6 Colchester Borough Local Plan 2017-2033

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a

shared Strategic Plan for the North Essex Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

Submission Colchester Borough Local Plan 2017-2033:
The hearing sessions for Section 2 of the emerging Local Plan have now taken place and the Inspector's modifications have been consulted upon. The consultation has now ended.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies in the emerging plan; and
- The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is held to be at an advanced stage having been Examined and with the Inspector's suggested modifications having now been consulted upon. It is therefore, considered to carry some weight in the consideration of the application. Further details are set out below and in the main report.

7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
Sustainable Construction
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
Planning Out Crime

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 **Archaeologist (in-house)**

The applicant has completed an archaeological trial trenching evaluation in line with the brief issued by my predecessor Dr Hoggett, and submitted a satisfactory report to support their planning application (L-P Archaeology 2021). This was a low percentage evaluation (circa 1%) designed to give some indication of the background level of archaeology present on the site, and the satisfy the requirements of NPPF para 194. Pockets of prehistoric, Roman, medieval, and post-medieval archaeology were identified, and the upper layers of Oliver's Dyke were excavated. It was agreed that a further 3% of the site would be sampled post determination, in order to comprehensively evaluate the nature and extent of the archaeological resource.

I note that, due to the recent Scheduling of Oliver's Dyke the north eastern field has been removed from the development and is now proposed for open space. The acceptability or otherwise of this approach is a matter for Historic England, however I welcome it, given limited time to make amendments to the scheme. Application documentation has been updated appropriately to reflect the changes in significance of the archaeological resource within the development red line, and to reflect the new level of impact that the proposed development will have on cultural heritage.

Given the amendments to the scheme there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.3 **CBC Arboriculture Planner**

Condition buffer zones and tree protection.

8.4 **Cadent**

You can now proceed with your planned work with caution. This outcome is based on the information you gave us. If your plans change you must let us know so we can assess them.

Although there are Cadent gas pipes in the area you're planning to work, as long as you proceed with caution and in line with the attached guidance the pipes shouldn't be affected by the work you are doing.

8.5 **Chelmsford City Council**

Chelmsford City Council would want to be satisfied that all the relevant statutory and non-statutory consultees are content with this proposal, especially Historic England with regard to the historic impact of the proposal.

8.6 **Contaminated Land**

It would appear that the site could be made suitable for the proposed use. Should you be minded to approve this application, Environmental Protection would recommend inclusion of a precautionary Condition and Informative.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

8.7 **Environment Agency**

We have reviewed the application as submitted. An Environmental Statement has been submitted in support of this application, however, there are no constraints within the Environment Agency's remit within the site boundary. Therefore, we have no objections or comments to make.

8.8 **Environmental Protection**

No objection – conditions suggested.

8.9 **Essex County Council Low Carbon Team**

Support the proposal.

It has been recognised that there will be associated greenhouse gas emissions (GHG) with the construction, operation and decommissioning. As such we would like to highlight the importance of minimising all GHG emissions throughout the lifetime of the project, by for example electrifying the construction and maintenance fleet or by offsetting embedded emissions from the production and construction of the site.

Would like to see community benefits.

8.10 **Essex Country Fire and Rescue**

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

8.11 **Essex Police**

Essex Police have the following observations related to this development and would encourage the applicant to incorporate Crime Prevention Through Environmental Design (CPTED) into this site by integrating the nationally approved, Police preferred, Secured By Design (SBD) Commercial accreditation.
We have the following points for consideration;

- An isolated site of high value solar PV panels & associated equipment in a location without adequate protection is likely to attract criminality. The applicant proposes use of deer fencing as a boundary, however this will not offer adequate security. It is recommended the proposed fencing is replaced with proven security perimeter fencing and screening. The proven security perimeter will act as a deterrent whilst allowing controlled vehicular access and can restrict view and access. Entry gates should meet PAS68:2013 standard.
- CCTV – the Design and Access statement states the site will be protected by infra-red CCTV. Consideration should be given to installing a 24/7 monitored CCTV system which includes a microphone and speaker function attached to each camera for real time interaction.
- Further examples of security measures within the site would be to overtly and covertly property mark equipment along with securing equipment with appropriate tamper proof fixings.

8.12 **Forestry Commission**

It is noted that the Environmental Statement. Vol. 1. Ecology, includes the National Planning Policy Framework with regard to the importance and need for protection of Ancient woodlands. Ancient woodlands are irreplaceable. They have great value because they are very biodiverse, important in the cultural landscape and are heritage sites with many features remaining undisturbed.

Adjacent to the proposed solar farm there are two ancient woodlands,

1. Chess Wood (at grid reference TL 9634 2082)

2. Cook's Wood (at gird reference TL 9592 2080)

In addition to no loss or disturbance to the woodlands, we recommend that the Government guidance on the creation of 'buffer zones' is applied for the protection of the ancient woodlands and that any cabling associated with the solar farm is similarly excluded from the buffer zone.

8.13 **Health and Safety Executive**

Wind turbines and Solar Farms are not relevant developments in relation to land-use planning in the vicinity of major hazard sites and major accident

hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area.

HSE's land use planning advice is concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to a new development; it does not deal with the potential risks which a new development may pose to a major hazard site or major accident hazard pipeline. The Office for Nuclear Regulation (ONR) however does wish to be consulted over such proposals.

8.14 **Highway Authority (ECC)**

Apologies for the protracted delay in a final response to this application which includes the additional information provided on the 18 January 2021 and the applicants response to the HA concerns, which have been noted.

There doesn't appear to be standard conditions for all eventualities that can be adapted to suit this application so I have listed below with explanation what the HA would consider to be reasonable conditions which you may be able to adapt to comply with any planning conditions should your Council be minded to approve this application. (See conditions section of main report)

8.15 **Historic Buildings and Areas Officer**

No objection - See main body of report**.**

8.16 **Historic England**

Full response is on the file but in summary**:**

We confirm our view that the proposed development will result in harm to the significance of the adjacent scheduled monument through development within its setting. This is given the close proximity of the development to the (newly designated) scheduled monument. We consider the harm would be less than substantial.

The policy tests in the NPPF for the historic environment state that, when deciding whether or not to grant planning permission, the Local Planning Authority will need to have considered two main elements - whether the scheme can justify the harm to the significance of the designated heritage asset (paragraphs 199 and 200) and whether the application can deliver any additional public benefit (paragraph 202).

In relation to justification, this is a matter for the Council to consider with reference to the submission, and with reference to local and national planning policies and local planning need. With regards to the case for public benefit for the historic environment, we consider this would be delivered by removal of the scheduled monument from arable agriculture to

managed grassland, and we welcome the revised indicative site layout that has been submitted in October 2021.

We are of the view that an adequate no-development buffer zone, beyond the edge of the scheduled monument, has been provided. A substantial hedgerow has been proposed along the side (and outside) of the buffer zone, to reduce the visual impact of the development. In addition, the proposed security fencing has been removed from the scheduled area, which is also welcomed.

We would recommend that a landscape management plan for the area of the scheduled monument should be secured by a condition attached to any planning permission (if granted) or via s.106 with wording agreed with Historic England. We would also recommend that an interpretation panel is provided in a suitable, publicly accessible location (e.g. an adjacent footpath), to improve public perception and understanding of the scheduled monument. We would recommend this is also secured via s.106.

We wish to advise that any planning permission should be also conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 205. The archaeological advisor to the Local Planning Authority will be able to advise on the scheme of the archaeological investigation.

8.17 **Landscape Advisor**

The landscape content/aspect of the strategic proposals lodged under Part 6 of the Environmental Statement (ES) (the Landscape & Visual Amenity assessment (LVA), the Design & Access Statement (DAS) dated November 2020, the Agricultural Quality Report 1706/1, drawings 410558-MMD-XX-BA07-DR-C-0001, LCS022- PL-02 REV 02 and LCS-SD-01 to 08, 11, 13, 15 & 16, all lodged on 10 & 16/12/20, and drawings 410558-MMD-XX-BA07-DR-C-0005 & 0006, 'Viewpoint 10 photomontage' & 'Applicant's response to landscape comments' lodged on 23/02/2021, would appear satisfactory.

It is noted that the site includes 22.2 hectares of higher grade (grade 3a) agricultural land and that as such Natural England have been consulted on this loss as a statutory consultee under Schedule 4 paragraph (y) of the Development Management Procedure Order 2015.

In conclusion; there are no objections to this application on landscape grounds.

8.18 **Lead Local Floor Authority (ECC SuDS team)**

No objection subject to conditions.

8.19 **Maldon District Council**

No objection.

8.20 **Minerals and Waste Planning (ECC)**

The MWPA therefore considers that the proposed development is not likely to result in the sterilisation of mineral in perpetuity. However, due to the absence of any statement confirming this assumption in supporting information, the MWPA requests that the case officer requests such confirmation from the site promoter or else is otherwise independently satisfied that this assumption is correct; namely that the development would not result in the sterilisation of mineral resources. Should the determining officer be satisfied that this is the case, the MWPA removes its holding objection.

(LPA emailed 13/1/2021 to confirm this is the case)

8.21 **Ministry of Defence**

No comment received.

8.22 **NATS (Air Traffic Body)**

No objection.

8.23 **National Highways**

National Highways is a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In respect to this planning application, the nearest SRN Trunk Road is the A12.

We have reviewed the details and information provided. The location of the development site is remote from the A12 Trunk Road, and is not linked to any larger development. Therefore, there is unlikely to be any adverse effect upon the Strategic Road Network. Consequently, we offer No Comment.

8.24 **Natural England**

NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

8.25 **Place Services (Ecology)**

No objection subject to securing biodiversity mitigation and enhancement measures.

We have reviewed Chapter 7 of the Environmental Statement (AECOM, November 2010) and the Badger Survey Report (Landscape Science Consultancy, October 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites, irreplaceable habitat, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

8.26 **Tendring District Council**

Having considered the proposal I can confirm that in this instance Tendring District Council have no comments to make upon the proposal.

8.27 **Transport and Sustainability (in-house)**

Colchester Borough Council declared a Climate Emergency in July 2019. In relation to renewable energy the council made the following commitments:

- Collaborate with regional and neighbouring local authorities, as well as communities, to encourage practical measures to reduce emissions, reduce carbon footprints and develop community-based renewable energy projects.
- Encourage all sectors of the economy across the borough to take steps to reduce waste and become carbon neutral.
- Develop a roadmap for Colchester Borough Council to go carbon neutral by 2030.

We have reviewed the planning application and make the following comments.

Renewable Energy

It is noted that the renewable energy generated would flow to a local substation in Abberton and would power as many as 16,581 homes.

Biodiversity

The proposal has clearly considered how to mitigate the impact of the solar farm including maintenance of hedges surrounding the site, planting of native tree species around the site. It also looks to increase the ecological value of moderate quality agricultural land by planting a species of rich grassland underneath the panels with sheep grazing between the panels.

We note Natural England have responded confirming they do not object to the development.

Birds

The impact on birds is a concern in relation to nesting on the site and flying across the site due to its close proximity to Abberton Reservoir. These issues have been considered including bird strike and mitigation proposed to address these.

The Essex Wildlife Trust have fed into the bird surveys.

Visual impact

We appreciate that the solar farm is quite large and will appear industrial in this rural location, impacting on the landscape of the area and changing the view for local residents and walkers and cyclists using the public rights of way.

However the visual impact needs to be balanced against the fact that we are in a Climate Emergency with an urgent need for renewable energy to replace fossil fuels and to supply the demand that will grow as electricity replaces gas and fuel in heating systems and cars.

Conclusion

We note that Essex Wildlife have not submitted a formal response to the planning application. However Natural England and Place Services have provided a number of recommendations that we would support.

We would also urge the applicant to take note of the comments from the Essex Climate Commission regarding community involvement and potential community investment.

If the application is successful, we recommend that work is prioritised to bring the community on board to embrace and be proud of the fact that their village is generating solar energy to power over 16,000 homes. Ideas could include information boards along the Public Rights Of Way, school visits, community participation in developing the ecological diversity etc.

8.28 **Office for Nuclear Regulation**

This application falls outside of any GB nuclear consultation zone, therefore ONR has no comment to make.

8.29 **Ramblers**

Excellent to see the Public Rights of Way shown clearly and accurately on the plans. Also good to see the permissive route alongside Birch Road has been acknowledged though it is a shame it can't extend eastwards past the second half of the narrow double bend. The application will obviously make a difference to walking in the area as several paths will henceforth be near to and parallel with the site fencing - all efforts to help the routes continue to be scenic and enjoyable for walkers will be appreciated.

9.0 Parish Council Responses:

9.1 **Layer De la Haye**

Layer de la Haye Parish Council is keen to support Green Projects.

We are in ongoing discussions with the applicants to ensure the best possible outcome for the Village should the application be approved.

Bearing in mind that Colchester Borough Planning department will not be determining the outcome of the application for at least 4 months, we would like to be kept informed and consulted about any amendments or changes made to the application.

We do have concerns over the route of the "feed in" supply to the substation on Abberton Rd. This is likely to cause a great deal of inconvenience to the residents of the Village, so we would expect a robust traffic plan to be put in place.

We have asked for more screening opposite St John the Baptist Church, to preserve the ambiance of this Grade 1 building.

9.2 **Birch PC**

Whilst the Parish Council do not disagree that there is a need for green energy and that climate change needs to be addressed, this should not be to the detriment of the countryside, both visually and ecologically. Our general view is that this project is far too large for this particular area. It is a very open area which can be viewed from a considerable distance around for both residents and walkers in what is currently a beautiful country landscape. Its proximity to the reservoir also will detract from the natural beauty and have an effect on the ecological system.

Of course Low Carbon are putting forward suggestions in response to visual and wildlife protection, etc but the Parish Council feel that overall the general consensus is that the local residents are not happy with the project.

Additional hedging etc will take many years to mature to a size that would provide adequate screening. There are already 2 local solar farms within the Birch parish, both of which are in areas that are much more discreet and do not detract from the natural beauty of the local countryside.

9.3 **Marks Tey Parish**

Marks Tey Parish Council support this application

10.0 Representations from Notified Parties

10.1 The Council consulted over 600 addresses and as the Environmental Statement was updated within the application period this 30 day consultation happened twice. A number of representations were received from interested neighbours. 73 objected, 32 noted general observations and 5 supported the scheme. Some of the representations received are very detailed. They can all be read online. The table below breaks these into broad themes and provides a brief officer response. Further information is proved in the report below that.

Theme	Comment	Response
Scale	• The scale of the Solar Farm is far too big. • The scheme is overdevelopment. • There must be scope for a smaller scheme. • This is the same size as Layer De La Haye itself. • The Solar Farm could be expanded further at a later date.	There is a significant and quantifiable need for the deployment of solar farms which is being driven by government at local and national level in the UK. Section 2.0 of the submitted Planning Design and Access Statement (PDAS) sets out the rationale for maximising the megawattage of a Site in light of the Government's net zero by 2050 target, and the National Infrastructure Commission's (NIC) recommendations for eight-fold increase to existing UK solar output to meet the renewable demand by 2050. The PDAS notes that each local planning authority (LPA) has a role to play in increasing the UK's solar energy output, with each of the 382 LPAs across the country needing to provide approximately 6 solar farms the size of Layer Solar Farm in order to meet the 2050 required megawattage quoted by the NIC. In terms of the Site itself, the Applicant notes that the Proposed Development has been designed so as to practically fulfil its purpose of generating electricity. It has also been designed as far as possible to avoid adverse impacts by ensuring sensitive siting and layout which is

Theme	Comment	Response
		compatible within its location, together with improving the quality of the area by introducing landscape and biodiversity enhancements. The Applicant notes that the Site is not subject to any statutory or non-statutory landscape or land designations. Section 8.0 of submitted PDAS assesses the Proposed Development and demonstrates that the Proposed Development complies with planning policy and there are significant benefits associated with it. The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts from a project of this scale, and there are a number of added benefits, including habitat creation and biodiversity gains. Factors such as the above, when combined with the significant need for renewable energy, mean that the planning balance (and, in particular, when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the Proposed Development. The Climate Change Act 2008 has committed the UK Government to significantly reduce GG emissions by 2050 and steps to support decarbonising of the UK energy economy is an important part of this strategy and aligns with CBC's declaration of a climate emergency.
Landscape and Visual Impact	• This scheme will be highly visible from the surrounding roads and public rights of way.	The planning application is accompanied by a LVIA (ES Volume I Chapter 6), photomontages and Figure 6.6 (Rev.02): 'Mitigation Planting Proposals'. The design of the Proposed Development has been subject to significant input from a landscape architect.

Theme	Comment	Response
	• It will harm the quality of the countryside in visual terms.	Following National Guidance, well-established principles of design have been incorporated into the proposed site layout, taking a range of constraints into consideration to minimise effect. The layout of the panels has been designed to be sympathetic to the local landscape, retaining the existing structural landscape features, such a hedgerows and tree groups, and including a comprehensive landscape scheme. These are set out in detail in the submitted LVIA. • The LVIA notes that whilst some effects could be experienced by PRoW and Sustrans users whilst mitigation planting is beginning to establish, by the stage of full maturity, no significant effects on the visual amenity of these receptors is expected. • In terms of selected nearby properties, gradual mitigation planting measures would establish and add further filtering and screening of views of the solar panels. By the stage of full maturity, no significant effects on the visual amenity of these residents is expected. Whilst the LVIA identifies the above effects, it should be noted that these are largely initial impacts at the start of operation whilst proposed mitigation planting matures. By the stage of full maturity most of the above impacts are considered to be substantially reduced. Therefore, it is considered that the significant effects on landscape and visual amenity as a result of the Proposed

Theme	Comment	Response
		Development would be extremely limited in this location. The submitted LVIA also confirms that there would not be any residual significant effects on landscape fabric, landscape designations or any of the other identified Landscape Character Areas located within the 3.0 km radius LVIA study area of the Site. There would be no significant effects on the visual amenity of the vast majority of residential receptors or on the visual amenity of visitors to any of the visitor attractions, within the LVIA study area. It is considered that, on balance, the Proposed Development complies with the aforementioned planning policies relating to landscape and visual impact, whilst making a considerable and positive contribution to the Government's targets for 2050. This is on the basis that the vast majority of impacts are not significant, and the significant mitigation proposals have further reduced the anticipated degree of impact. Please refer to the submitted Planning Design and Access Statement, LVIA and Landscape and Biodiversity Scheme for more information on the visual impact and mitigation proposed as part of the planning application.
Alternative Sites/Visual Impact	• There are far better sites that would be less visually intrusive.	The Site is not located in an area which is subject to any statutory or non-statutory landscape or land designations, nor is it designated in any capacity for openness. The Alternative Site Assessment ('ASA') report that forms part of the planning application submission demonstrates the process that the Applicant went through the identify the Site, including the consideration

Theme	Comment	Response
		of previously developed land and lower grade agricultural land. The overall aim of the assessment is to demonstrate that the Applicant has given due consideration to the benefits and constraints associated with the Site when selecting it for development. The assessment concludes that there are no alternative sites that are more suitable than the Site, when considered relative to the applied criteria, including avoiding designated sites, using lower grade agricultural land (Grade 4 – not Best and most Versatile), and avoiding areas subject to a higher risk of flooding. Please refer to the ASA itself or 'Site Selection' in Section 3 of the submitted Planning, Design and Access Statement for further detail.
Planning balance	• The harm this scheme causes far outweighs the benefits in terms of low carbon power generation.	The principle of renewable energy, such as solar power, is supported by local and national planning policy. Furthermore, the Council has declared a climate emergency and the UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050. The Proposed Development complies with planning policy and there are significant benefits associated with it. The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts, and there are a number of added benefits, including habitat creation and biodiversity gains. These factors, when combined with the significant need for renewable energy, mean that the planning balance (and, in particular, when considered in the context of the tests

Theme	Comment	Response
		under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted in favour of the Proposed Development.
COVID-19	• Is the village even aware this application is in or is the pandemic a distraction?	The Applicant has demonstrated that it has carried out a meaningful pre-application consultation exercise in respect of the Proposed Development, primarily focused on the local community, but also including consultation with Colchester Borough Council and other stakeholders. A Consultation Report is submitted with the planning application. The Consultation Report illustrates that the Applicant has listened to the views expressed by consultees, including the local community, and has made changes to the Proposed Development to help address and mitigate concerns. The report includes details regarding the use of a virtual consultation platform ('CommonPlace') which was implemented in order to better engage with and receive comments from the local community during the ongoing COVID-19 pandemic. Examples of the consultation materials produced, including leaflets and extract from the CommonPlace platform, are appended to the Consultation Report that forms part of the planning application submission.
Alternative renewables	• Offshore wind is far more appropriate for our country.	The UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050 and the Council has declared a climate emergency. This requires major investment in proven technologies, such as both solar and wind, which are supported by planning policy at local and national level. Whilst more offshore wind is

Theme	Comment	Response
		needed, the Proposed Development (and other solar schemes nationwide) will also help to address the need by generating clean and renewable energy.
Nature of the Development	• This is a major industrial development.	Points relating to scale are covered in the above entries. It should also be noted that the Proposed Development is temporary and the land would be reinstated to its pre-working quality, there are also no suitable alternative sites on previously developed or lower quality land. Further information on the selection of the Site, against other in the surrounding area, can be found in the submitted Alternative Site Assessment Report.
Ecology	• It will be extremely harmful to ecological interests.	The Proposed Development has been designed to result in no unacceptable impacts to local ecology and instead provide numerous biodiversity enhancements for the Site. A full Environmental Impact Assessment (including Environmental Statement) was prepared and submitted with the planning application for the Project. The impact of the Proposed Development on biodiversity is considered in at Chapter 7 (Ecology) of the ES, this included data from the following Phase 1 and Phase 2 surveys: • Extended Phase 1 Habitat Survey; • Wintering Bird Surveys (2019 and 2020); • Badger Survey; and • GCN eDNA surveys. Chapter 7 also concluded that no likely significant impacts are predicted to arise from the Proposed Development in relation to designations such as Abberton Reservoir RAMSAR & SPA. It should

Theme	Comment	Response
		be noted that avoidance and mitigation measures have been 'designed-in' to the Proposed Development, such as the implementation of a buffer zone from the Reservoir in the south east part of the Site. In terms of enhancing biodiversity, the ES and application documents propose Mitigation-by-design within the Proposed Development including: the sowing of pasture below solar panels, the sowing of wildflower margins along the edges of solar panels and boundary features, as well as the strengthening and extension of the existing hedgerow network through additional shrub and tree planting. The measures will result in beneficial impacts to habitat and species receptors within and adjacent to the Proposed Development site, resulting in a significant net gain for biodiversity post-development.
Biodiversity Net Gain (BNG)	• Biodiversity gains must be secured if this is to go ahead.	A Biodiversity Net Gain Assessment Report ('BNG Report') was submitted in September 2021 to Colchester Borough Council ('CBC'). The BNG Report used Metric 3.0 calculations to confirm that the Proposed Development would result in an 84.86% net gain in habit units, significantly higher than the 10% requirement coming forward in emerging local and national planning policy.
Heritage	• The scheme will harm the setting of designated and non-designate heritage assets.	The application site is set in an area that includes a number of designated and non-designated heritage assets, within its boundary and within the Study Area that was reviewed by the submitted Desk Based Assessment. The Project would not materially affect any listed buildings, although a development of this scope has the potential to affect the landscape

Theme	Comment	Response
		character of the area and affect the wider setting of built heritage assets in its vicinity. However, the impact of the scheme on the setting of the listed sites in the perimeter of the site would be mitigated by their physical separation and the design and landscape mitigation strategy that aims to alleviate the development's visual impact on the wider area. For the above reasons it is not considered that the proposed development would have any adverse impact on the special interest of the designated heritage assets that are identified in the Heritage Gazetteer and therefore, there are no objections to its support on heritage grounds.
Traffic	• This will cause unacceptable traffic problems.	Due to the nature of the Proposed Development, during the operational phase it would only generate a limited number of trips associated with servicing and maintaining the equipment. Approximately 4 vehicles (car or transit van type vehicles) would be expected to visit the site each week, generally spread out across multiple days. In the event that a new or replacement item for equipment is required, it is estimated that 1 HGV trip may occur per annum. No abnormal loads are anticipated. The number of construction vehicle trips during the construction phase is also expected to be relatively limited, with approximately 6-8 HGV deliveries expected typically across each working day, over a 16-week period. The number of construction vehicle trips is expected to be quite limited and there should not generally be a build-up of trips at any particular point in the programme, or construction traffic related congestion.

Theme	Comment	Response
		Following consideration of highway access option for the Site, it has been concluded that the proposed accesses are fit for purpose for both construction and operation. The assessment includes vehicle tracking and visibility splays. The submitted Transport Report includes a framework Construction Traffic Management Plan ('CTMP') and it is proposed that a detailed plan is to be secured by planning condition. The CTMP would be sufficient to adequately manage the limited transport impacts associated with the Proposed Development and it is therefore considered that the Proposed Development complies with the relevant planning policy.
Site Selection	• The alternative site selection report is flawed and is too constrained with a number of unreasonable restrictions imposed.	There is no formal requirement to undertake any sequential assessment of alternative sites. In an appeal at Westerfield Farm, Carterton, Oxfordshire (APPD3125/A/14/2214281) the Inspector observed, at para. 43, that: "It is not local or national policy for a developer to be required to prove that there is no better alternative location for a development before planning permission may be granted." Notwithstanding this, the Applicant has undertaken and submitted an Alternative Site Assessment ('ASA') of sites within a 4.5 km radius of the connection point to the substation at Layer de la Haye. The assessment considered previously developed land and lower grade agricultural land, land availability, site parcel size, environmental constraints, distance to the point of connection and other factors. The Applicant considered that none of the other considered sites provided a more feasible alternative to the one proposed.

Theme	Comment	Response
Cable Run	• The installation of the cable run will cause terrible disruption.	In order to connect the Proposed Solar Farm to the wider grid, a cable connection will be formed, which will be laid in the verge of Malting Green Road and Abberton Road. Under the New Roads and Street Works Act, in due course a Section 50 Road Opening Licence will be applied for to permit the installation of the cable. Associated liaison with the street works co-ordinator at the highway authority will then determine the programming of the cable works and any requirements for traffic management. Residents will be kept informed and access within the work areas will be maintained 24 hours a day, but the impact of these works on traffic movements is anticipated to be limited.
Electronic Disruption	• We are concerned about the impact of the inverters on our personal electronic equipment.	The Project (including its inverters and cable route) will not disrupt existing electrical supply to the surrounding area. The Applicant has confirmed the project has a connection offer accepted with the local network operator, UK Power Networks. The connection offer is made up of commercial and technical parts, with the technical focused on compliance with the Distribution Code or 'D Code'. D Code standards are managed by the Electrical Networks Association who support all of the network operators along with National Grid. The Applicant notes that detailed electrical studies will be completed to ensure the required standards are met. The electrical studies are supplied to UK Power Networks and signed off as part of the connection process. UK Power Networks need to be satisfied that project will be compliant with all D Code requirements before the project is energised. On energisation, a connection agreement is put in

Theme	Comment	Response
		place between the project and UK Power Networks with obligations on both parties to continue to meet the requirements of the D Code.
Site Use	• We need more farms producing food.	The site is located in an agricultural location, however it is generally accepted that solar farms are a use that may be appropriate in these locations. It is also notable that the Proposed Development is located on land that is classed as Grade 3b (moderate quality) agricultural land, thereby avoiding best and most versatile land as required by planning policy. The Alternative Site Assessment demonstrates that there are no more suitable sites located on lower grade land in the area and the development of the Site would mean that the area's high-quality agricultural land is preserved. Importantly, it should also be noted that agricultural land use at the Site would be retained. This is because the land can be grazed once the Proposed Development is in operation, meaning that the land would have to dual benefit of being agriculturally productive whilst providing for the generation of renewable energy.
Flooding	• This will cause flooding.	The entirety of the Site is located within Flood Zone 1, the zone with the lowest risk of flooding according to the Environment Agency (EA). It should be noted that runoff rates for surface water are unlikely to increase as a result of the Proposed Development (due to existing impermeable conditions, small area of the Site in hardstanding and the existing drainage system); hence, impact on the surrounding area is not expected. The drainage strategy is the FRA recommends that

Theme	Comment	Response
		swales/filter drains should be located around the Site. Runoff would be directed into the swales from the hardstanding areas into existing drains. The retention of grass between and underneath the solar panels should maintain the original greenfield runoff rates within the Site.
Solar panels on buildings	• Solar Panels should be on all commercial buildings not on agricultural land.	The Applicants Alternative Site Assessment confirms that commercial rooftops are not considered because (i) there are no known rooftops of sufficient size in the local area; and (ii) assessing the potential for development of multiple rooftops is not comparable or realistic, relative to a ground-mounted solar PV farm. Furthermore, the Government's National Planning Practice Guidance on renewable and low carbon energy sets out in paragraph 013 regarding ground-mounted solar farms that the focus should be on the effective use of previously developed and non-agricultural land or agricultural land where it can be justified, however, rooftops are not mentioned. In addition to the above, whilst the site is located in an agricultural location, it is generally accepted that solar farms are a use that may be appropriate in these locations. Sites large enough to accommodate the proposed MW output and that make a significant contribution to meeting the challenging 2050 target are extremely difficult to find in settlements and/or on previously development land, as is demonstrated by the Alternative Site Assessment.

Theme	Comment	Response
Glint and Glare	• The glare will be unacceptable.	The applicants note that Glint and glare is not considered an issue with modern solar panels such as those proposed at this site, which are low in reflection. It was more of an issue with the older solar farms built circa 10 years ago however technology has significantly moved on since then. To ensure that this matter was dealt with in a wholly satisfactory manner and on the basis of evidence, the applications were asked to commission a Glint and Glare assessment. This has been carried out by Neo Environmental and specifically by an engineer who is trained in and specialises in making such assessments. This concluded that Solar reflections are possible at 30 of the 36 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 27 receptors, including four residential areas, Low at three receptors, including two residential areas, and None at the remaining six receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at six receptors, including one residential area, Low at seven receptors, and None at 23 receptors, including three residential areas. Once mitigation measures were considered, impacts for all receptors reduced to None. Solar reflections are possible at 32 of the 36 road (i.e. points on the public highway) receptors assessed within the 1km study area. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at 12 receptors and reduce to None at the remaining 24 receptors. Once mitigation measures were

Theme	Comment	Response
		considered, impacts reduce to None for all receptors.
Technology	• Solar Panels are not an efficient way of generating power nor are they low carbon, they are however effective at generating cheap electricity.	In order to meet the Net Zero targets, planning policy at both local and national levels is supportive of proven technologies, such as solar. The Proposed Development would help to meet these urgent targets by generating clean and renewable energy without the need for subsidies.
Commercial Viability	• This is simply a money-making scheme.	It is widely accepted that Solar Farm schemes such as this one must be commercially viable in order to come forward.
Consenting Regime	• The 49.9MW peak output is only 0.1MW less than what would be an Nationally Significant Infrastructure Project.	It is common practice for solar farm schemes to be designed to generate up to 49.9Megawatts in England, so as to be considered under the Town and Country Planning Regime as opposed to the Planning Act 2008 (via Development Consent Order) for those over 50MW. Nationally Significant Infrastructure Projects tend to be a minimum of 5-6 times larger than 49.9MW.
Property Values	• There will be an adverse effect on property values.	Not a planning consideration.
Benefit	• Could a hard surfaced bridleway be installed?	A permissive right of way has been proposed as part of the scheme in response to requests from multiple members of the community.

10.2 A number of support comments were also received. In summary they noted:

>I would be happy to support this scheme as climate change is a huge concern.

>I would be proud to say we have a Solar Farm in the village.

>Investment in schemes such as this are vital.

>This will actually increase biodiversity in the area due to the significant amount of planting proposed.

11.0 Parking Provision

11.1 None required as no public access to site.

12.0 Accessibility

12.1 This scheme is not intended to be visited by the public and will not therefore be expected to be fully accessible.

13.0 Open Space Provisions

13.1 No open space is proved as this is not a residential scheme where it is required.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

A contribution of £17,533.00 to for the display of any Archaeological finds and in order to update the Historic Environment Record.

16.0 Report

16.1 Planning Policy Principle

National planning policy on renewable energy development is set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance: Renewable and Low Carbon Energy (PPG). Both documents set out very clear support for renewable energy development.

Chapter 14 of the NPPF; 'Meeting the challenge of climate change, flooding and coastal change' sets out the following relevant policy.

At paragraph 152, the NPPF sets out its support for renewable energy development. It states that *"The planning system should support the transition to a low carbon future in a changing climate,… It should help to:….support renewable and low carbon energy and associated infrastructure."*

The NPPF continues at Paragraph 153 to state: *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure."*

Paragraph 158 states: 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. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas

The NPPG makes it clear that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. (Paragraph: 001 Reference ID: 5-001-20140306).

Adopted Core Strategy Policy ER1 (Energy, Resources, Waste, Water and Recycling) of the Core Strategy states that *"the Council will encourage the delivery of renewable energy projects, including micro-generation, in the Borough to reduce Colchester's carbon footprint."*

The supporting text on page 80 of the Core Strategy states *"Stand alone renewable energy projects that are sympathetic to landscape character and local amenity will also be supported".*

Adopted Policy DP25 (Renewable Energy) of the Development Policies DPD states that *"the local authority will support proposals for renewable energy schemes"* along with their ancillary land based infrastructure. The policy also highlights the need for all types of renewable energy schemes to be located and designed to minimize all impacts.

In terms of the Emerging Local Plan, Draft policy CC1 (Climate Change) of the emerging Local Plan 2017-2033 states that a low carbon future for Colchester will be achieved through a number of measures including *"encouraging and supporting the provision of renewable and low carbon technologies."* Draft policy DM25 (Renewable Energy, Water, Waste and Recycling) states the Council *"will support proposals for renewable energy*

projects including (inter alia) *solar farms…at appropriate locations in the Borough to help reduce Colchester's carbon footprint".*

It is therefore held that there is strong national and local policy for development of this type also long as its impacts can be mitigated sufficiently.

16.2 Background to EIA Development

This scheme is EIA (Environmental Impact Assessment) development and has therefore been accompanied by an Environmental Statement.

The legislative framework for EIA is set by the EIA Directive 2014/52/EU (European Commission, 2014) on the assessment of the effects of certain public and private projects on the environment; this is known as the 'EIA Directive'. The EIA Directive is concerned with ensuring that the likely environmental effects of proposed development projects are considered thoroughly in order to inform the decision makers in the development consent process.

Since the UK has a number of different development consent regimes for different types of projects, the EIA Directive (and its predecessors) has been transposed into UK law through a number of Statutory Instruments. In the case of the Proposed Development, permission is being sought through a planning application to Colchester Borough Council (CBC). The Statutory Instrument implementing the EIA Directive for the purposes of planning applications, and under which this ES is submitted, is the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (HMSO, 2017), as amended. These regulations are hereafter referred to as the 'EIA Regulations'.

Under the EIA Regulations, the Proposed Development falls within Schedule 2, Part 3(a):

"industrial installation for the production of electricity, steam and hot water (unless included in Schedule 1)".

In July 2020, the Applicant requested an EIA Screening Opinion from CBC in their capacity as determining authority. CBC issued a formal EIA Screening Opinion which stated that the proposal is held to be EIA development and the planning application must be accompanied by an ES.

The ES is a lengthy and detailed document split into a number of chapters, appendices and plans/figs attached. There are all available on the website and members are encouraged to view them. There is also a non-technical summary.

16.3 The Scope of the EIA

As set out in chapter 3 of the ES, establishing the scope of the EIA is a key step in the assessment process.

Based on the information available regarding the Proposed Development, a review of information relating to the Site and surroundings and planning policy, a judgement has been made on which environmental topics or particular aspects of them should be 'scoped in' and 'scoped out' of the EIA.

Issues that are scoped into the EIA are judged likely, without effective mitigation, to have the potential to cause significant adverse environmental effects. Issues that are scoped out of the EIA are those which it is considered are not likely to lead to significant effects. Where insufficient information is available to make a reasonable judgement, a precautionary approach has been adopted and that issue scoped in. The decision to scope out issues is based upon factors such as a high degree of development-receptor separation, the lack of impact pathways or the known low value or low sensitivity of impacted resources/ receptors.

It is considered that the Proposed Development has the potential to result in significant effects on landscape and visual amenity, biodiversity, and cultural heritage. As such, these environmental assessments topics have been scoped into this EIA. The reasons for inclusion within this EIA are outlined within the following sections:

Chapter 6: Landscape and Visual Amenity,
Chapter 7: Ecology and
Chapter 8: Cultural Heritage.

All other matters were scoped out of the EIA and Chapter 3 of the ES sets out why that is from (ES para 3.4.6 onwards). These matters will still be dealt within this report and were covered by the Planning Statement/DAS that also accompanied the scheme.

It is noted that this report will deal with the three matters that have been scoped in first, before turning to other matters for consideration.

16.4 Landscape and Visual Amenity

Chapter 6 of the ES deals with this matter.

At a national level the NPPF (2021) has a number of relevant paragraphs:
174. Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

(plus other criterion not as relevant to this scheme)

Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of its landscape setting.

A pre application report was submitted to CBC requesting pre application advice for a solar farm on the Site. In addition, a suggested scope of work for the LVIA was submitted to the Landscape Officer at CBC, including viewpoint suggestions, proposed extent of Study Area and proposed visualisation type.

The ES sets out in significant detail how the best practice assessment model was followed throughout.

The Proposed Development would be situated within a series of arable fields to the west and southwest of Layer-de-la-Haye. The field pattern across the Site varies, but is broadly rectangular, where the fields are generally bound by hedgerows. Several areas of deciduous woodland and tree belts are located adjacent to the Proposed Development, particularly in the north. The cable connection route to Abberton Substation would follow a route underground on the public highway from the connection compound by Birch Road and along Abberton Road to the substation.

The landform of the Site very gently undulates between heights of 30 m and 40 m AOD. A pylon line passes through the southern portion of the Site, with a further pylon line situated approximately 300 m southeast of the Site. A number of power lines on poles cross through various parts of the Site.

No public rights of way (PRoW) cross through the Site itself, although several are located in close proximity to the Site, including PROW 124_23, PROW 124_24 and PROW 141_4 close to the northern portion of the Site, and PROW 141_20 close to the southern boundary of the Site. Sustrans Cycle Route 1 travels along a local road and along PROW 124_24 close to the northern portion of the Site. The Site is separated into two sections by Birch Road, a local road running west from Layer-de-la-Haye.

In terms of landscape fabric, the proposed solar farm development would be located across a series of fields to the west of Layer-de-la-Haye. These fields are a series of arable fields bounded by hedgerows, tree belts and woodland blocks where the landscape elements are the hedgerows and tree belts forming field boundaries within the Site.

The relevant ES chapter sets out how at a national level, Natural England has divided England into 159 National Character Areas (NCAs). The entire Study Area falls within NCA 111: Northern Thames Basin. This is a diverse area extending from Hertfordshire in the west to the Essex coast in the east. The suburbs of North London as well as historic towns and cities such as St

Albans and Colchester are included within this area. The area contains a diverse range of landscapes with urbanisation mixed in throughout. The proximity to London has put increased pressure on the area, in particular from housing developments and schools etc, with a consequential reduction in tranquillity.

The Site and Study Area are characterised in more detail as part of the Colchester Borough Landscape Character Assessment (CBA, 2005). Withing the 3km study area this assessment identifies five Landscape Character Areas (LCAs) within two Landscape Character Types (LCTs) (River Valley and Farmland Plateau LCTs). The Site itself is located almost entirely within LCA B1 – Layer Breton Farmland Plateau, with a very small part of the Site boundary (although not the solar farm itself) located within LCA A2 – Wooded Roman River Valley.

It is important to note that there are no national or local landscape designations that cover the site nor are within the 3.0 km radius Study Area.

The ES chapter sets out how the design of the Proposed Development has taken a range of constraints into account in order to minimise potential adverse effects wherever possible. Additional mitigation planting has been proposed to strengthen and enhance existing landscape features and also to minimise potential visibility of the solar farm.

The ES looks at the construction phase, the operational phase and the decommissioning phase.

The indicative layout of the solar panels retains existing structural landscape elements, such as hedgerows and tree groups and reinforces these elements at several points through the mitigation planting proposals – a key benefit of the scheme in landscape terms. The solar panels would be located over pasture grassland which would be managed through grazing over the lifetime of the proposed development.

Following initial studies, the location of nearby residential properties and PRoWs have been considered and the solar farm layout and mitigation planting proposals have been designed accordingly. An exclusion zone has been maintained along the corridor under the pylons in line with National Grid policy and space has been made within the layout for wayleaves and watercourses.

As noted above, whilst the site is 96.8 hectares with the solar panels set within the existing field pattern, 28.9 hectares of this area will be left without solar panels or Site infrastructure.

The solar panel arrays would be fixed into the ground on galvanised frames so that the total height above ground of the highest part of the panels would be approximately 2.8 m. No concrete foundations would be required, instead using pile-driven metal frames supported by metal posts. The panels would be positioned in regular rows facing south with a spacing of approximately 3.2m between rows, and would be dark blue/ black in colour.

The associated infrastructure such as the inverters/ transformers and the substation compound, would be set within the solar arrays and/ or in well screened parts of the Site, taking advantage of the screening provided by surrounding vegetation and the solar panels themselves. This follows best practice for such developments.

A deer fencing style of security fencing would be utilised at the site so as to blend into the local landscape but still provide the security essential to such an operation. This would reach a height of approximately 2m. This would be located inside the existing vegetation surrounding the Site ensuring that the fence is visually obscured and access is available for hedge trimming and maintenance. The perimeter of the Site would be protected by a system of CCTV and/or infra-red cameras set at approximately 50 m intervals along the deer fencing and set upon poles of a height up to 3 m. These are relatively discreet items and are not held to have a material landscape impact. It is noted that the Police would like to see more substantial fences erected around the site but this is not held to be appropriate in this location.

It is also important to note that part of the scheme comprises an electrical connection route would also be laid to the Abberton Substation. This would be connected entirely underground along the existing road network and is therefore held to have not material impact on landscape interests.

The ES has made a very detailed assessment of the impact of the development over its lifespan from construction, to operation and then to decommissioning. The assessment made from all reasonable receptors, be they residential dwellings in the search area, public rights of way, the road networks, long distance paths and visitor attractions (for example Colchester Zoo and Abberton Reservoir EWT visitor centre).

The ES has highlighted some key significant residual effects:

- The character of the landscape of the Site and parts of LCA A2 – Wooded Roman River Valley on its fringes with the Site around the edges of Chest Wood and Cook's Wood.
- The visual amenity of an extremely limited number of residents in individual properties in the surrounding landscape local to the Site. Gradually mitigation planting measures would establish and add further filtering and screening of views of the solar panels. By the stage of full maturity, no significant effects on the visual amenity of these residents is expected.

- The visual amenity of users of a few sections of local footpath proximate to the site (PROWs 124_24, 141_4 and 141_20) and a limited section of Sustrans Route 1. Whilst mitigation planting is beginning to establish, some significant effects would occur, although by the stage of full maturity, no significant effects on the visual amenity of these receptors is expected.

These impact have been carefully considered by both your Planning Officers and by the Council's In-house Landscape Advisor. It is held that with the mitigation that is proposed and is suggested to be secured by condition, the scheme will not a have a materially harmful impact on the Landscape.

16.5 Ecology

Chapter 7 of the ES deals with this matter.
The National Planning Policy Framework ('NPPF') states at para 180:

'When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

At paragraph 181 it says: The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites64; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Adopted Core Strategy DPD Policy ENV1: Environment, states that The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Council will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natura 2000 sites … will not be supported.

Adopted Development DPD Policy DP21: Nature Conservation and Protected Lanes states that Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. For all proposals, development will only be supported where it:

i. Is supported with acceptable ecological surveys where appropriate. Where there is reason to suspect the presence of protected species, applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs;

ii. Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats;

iii. Maximises opportunities for the restoration, enhancement and connection of natural habitats in accordance with the Essex Biodiversity Action Plan; and

iv. Incorporates beneficial biodiversity conservation features and habitat creation where appropriate.

The Emerging Section 2 Colchester Borough Local Plan 2017-2033 Policy ENV1: Environment states the Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough's biodiversity, geology, history and archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on the integrity of:

European sites, Sites of Special Scientific Interest or the Dedham Vale Area of Outstanding Natural Beauty (including its setting) will not be supported. Development proposals within designated areas or within the Coastal Protection Belt will need to comply with policies ENV2 and ENV4. Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle.

The ES demonstrates how the proposed development has been designed to respect the character of the landscape and use the strong field boundaries to integrate the scheme into the landscape as far as practicable. Existing landscape features would be protected and strengthened and all trees and hedgerows on or around the Site would be retained and additional planting provided where necessary, to fill gaps in the existing boundary planting to retain field enclosures.

The specific landscaping and biodiversity proposals for the Site include the following:

- *the inclusion of additional non-development areas within the planning application boundary, to allow for habitat enhancement areas and standoffs from sensitive features to be secured by any planning permission and managed as part of the Proposed Development;*

- *Removing panels from the southern boundary of the Site to provide a buffer to protect birds from the statutory designated ecological sites at Abberton Reservoir;*

- *standoffs from sensitive ecological features e.g. field margins hedgerows and Ancient Woodland.*

- *maintain site boundary hedgerows to 3.0m in height, maintain new hedgerows and hedgerow infill sections to 3.0m in height, maintain existing outgrown hedges as tree belts to link with newly planted tree belt sections. All these elements would minimise the visibility of the Proposed Development beyond the Site.*

- *Removing panels from the northern parcel of land within the Site to maintain south-facing views for residents of Woodhouse Farm;*

- *removing panels from the north western parcel of land within the Site to maintain east-facing views from residents of The Bungalow;*

- *any gaps within existing hedge lines infilled to maintain visual continuity and the boundary hedges thickened in parts of the Site;*

- *all planting comprising of native indigenous species common within the local area, such as hawthorn, blackthorn, hazel and common oak.*

- *a buffer zone in the south east section of the Site, where no panels or other infrastructure would be placed;*

As the Council does not have and in-house ecologist, Place Services were engaged to provide the LPA with an independent assessment of the scheme in ecological terms. After careful consideration, they have no objection to the scheme subject to a series of conditions which are suggested to be imposed at the end of this report.

The Proposed Development will predominantly affect the existing arable habitats within the Site during the construction phase. The Council's consultants have therefore recommended that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be secured as a condition of any consent. This should include details for the protection and retention of all boundary features onsite. This should also include details badger protection methods as outlined in the confidential Badger Survey Report (Landscape Science Consultancy, October 2020).

The Wintering Bird Survey Report (Landscape Science Consultancy, March 2020) states that "*Although the southern edge of the Survey Site is in close proximity to Abberton Reservoir (RAMSAR, SPA & SSSI), the results of the wintering bird surveys indicate that the predominantly intensive arable habitats within and surrounding the Survey Site are not regularly used for roosting by notable populations of wintering wetland birds"* and further reports that "*in consideration of impacts to surrounding roosting resources*

for wintering wetland birds only, the potential for a future PV solar array development within the Survey Site to have 'likely significant impacts' on qualifying features of Abberton Reservoir Ramsar/SPA is considered to be negligible."

It is therefore concluded that the Development Site is not considered functionally linked to Abberton Reservoir, as it is not utilised by any of the Qualifying bird features of the SPA and Ramsar site. This information was used by the LPA in its HRA screening report and that recommended a conclusion of no likely significant effect is predicted from the development.

The Council's consultants have stated that although surveys for Priority farmland birds have not been undertaken, breeding for Skylark is assumed onsite. A mitigation strategy for breeding farmland birds should therefore be secured and implemented as a condition of any consent. This will need to include the provision of off-site nest plots for Skylarks in nearby arable fields or setaside land for a period of ten years. If the applicant has access to additional (blue line) land then delivery of this compensatory habitat can be included in the condition details.

It is also noted that the scheme and the Council's HRA screening record have been assessed by Natural England and they have no objection to the scheme. On that basis the proposal is held to preserve the interests of on and off site ecology and with the imposition of the conditions set out by the Council's consultants, will provide biodiversity net gain.

16.6 Cultural Heritage

Chapter 8 of the ES deals with this matter.

The Ancient Monuments and Archaeological Areas Act imposes a requirement for Scheduled Monument Consent for any works of demolition, repair, and alteration that might affect a designated Scheduled Monument.

The Planning (Listed Building and Conservation Areas) Act 1990 (herein referred to as 'the Act') (HMSO, 1990) sets out the principal statutory provisions which must be considered in the determination of any application affecting either listed buildings or conservation areas.

Section 66(1) of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. By virtue of Section 1(5) of the Act, a listed building includes any object or structure within its curtilage.

Section 16 of the NPPF deals specifically with the historic environment. Where changes are proposed, the NPPF sets out a clear framework to

ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance.

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

The most relevant Adopted Local Plan Development Policy is DP14. The emerging Local Plan has one policy relating to heritage, Policy DM16: Historic Environment.

This policy outlines the considerations for developments in relation to the historic environment. In particular, any development which would substantially harm heritage assets must have 'substantial public benefits that outweigh the harm or loss' to be allowed to proceed.

Developments should also seek to conserve and enhance the significance of affected heritage assets. There would be 'an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset, in the first instance, unless there are no identifiable opportunities available'.

<u>Setting of Heritage Assets</u>

Heritage Asset: Summary Of Significance
The application site covers an area of approximately 96.8 hectares and comprises two parcels of agricultural land, separated by Birch Road, to the west of Layer de la Haye. The application includes a Historic Environment

Desk-Based Assessment in Appendix 8B of the Environmental Statement (revised 02 March 2021) which identifies the designated and non-designated heritage assets within the site and a study area that extends to 500m from the site boundary; the report records the site in a Heritage Gazetteer appended to the document.
There are no designated heritage assets within the application site but twenty three designated heritage assets are situated within the Study Area, including two scheduled Monuments and twenty one listed buildings . The two Scheduled Monuments are Gosbecks Iron Age and Roman site (LEN1002180) and the remains of St Mary's Church to the North of Birch Hall (LEN 1002144), which is also listed at Grade II* (NHLE 1110898) . The listed buildings include the Church of St John the Baptist (NHLE 1223841) which is listed at Grade I and twenty sites which are listed at Grade II.
Fifty non-designated assets were identified within the Study Area, including a locally listed structure (the cast iron road signpost at the junction of Birch Road and High Road) , forty six assets included in the Colchester HER and three assets identified by the Desk based Assessment. Thirteen of these assets are situated within the site boundary, including Iron Age remains, possible medieval field boundaries and undated cropmarks.

Relevant Statutory Duties

The relevant legislation for the review of the application from a heritage perspective includes Planning (Listed Buildings and Conservation Areas) Act (1990), whose Section 66 (1) requires that the decision to grant planning permission for development which affects a listed building or its setting shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
The National Planning Policy Framework (2019) is an additional consideration. Section 16, ar. 193 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Par. 194 clarifies that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Whereas paragraph 195 deals with substantial harm to a designated heritage asset, Par. 196 states that where a development proposal will lead to less than substantial harm to the asset's significance, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Additionally, Par. 197 clarifies that the decision of applications should consider their effect on the significance of a non-designated heritage asset and when applications directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
The requirement to protect heritage assets and the historic environment is reflected Colchester Local Plan 2001-2021 policies CS ENV1 and DP14.

Analysis of Impact Upon Heritage

The present comment focuses on the assessment of the proposal's impact on built heritage ; the impact on underground and above-ground archaeology and sites of potential archaeological interest (undated cropmarks, non-designated section of Oliver's Dyke etc) has been covered in the 'Archaeology' paragraph below.

The proposed development would not have a material impact on built heritage. The impact of the scheme on the designated sites within the Study Area would derive from its impact on the character of the landscape that provides their context and its potential impact on their setting . The greatest concerns involve the Grade I listed Church of St John's The Baptist (NHLE 1223841) to the east of Church Road. Although there is a section of the application site that fronts onto Church Road, Development Zones 11 and 12 are set back approx. 200m from the road boundary which helps to mitigate the impact of the proposed development on the setting of the Church. The Church would also be affected by the use of the existing farm access off Church road during construction which requires some widening in order to be used by heavy vehicles and would also result in increased traffic and noise close to the Church. However, the access point would be used only during the construction period and therefore, the anticipated disturbance to the listed Church would be temporary.

With regard to other designated heritage assets within the Study area, the Grade II listed Wick Farmhouse (NHLE 1267123) further north to the east of Church Road would be separated from the proposed development by undeveloped land and further screened by the existing development to the west of the Farmhouse.
The majority of the designated heritage assets within the Study Area are grouped together within Layer-de-la- Haye to the east of the site and are less likely to be affected by the scheme by virtue of the woodland and existing development that screens the site to the north and east. The listed sites that are located closer to the site boundary are the Grade II Old Vicarage (NHLE 1223837)and Outbuilding to the North-west of the Old Vicarage (NHLE 1223838). A belt of mature trees screens the listed buildings from the application site while the additional planting on the boundary would enhance the visual separation between the proposed development and the listed buildings.

To the West of the site , the impact of the proposed development on sites that include the Remains of St Mary's Church (also a Scheduled Monument) and the South Lodge To Birch Hall, the listed buildings at Conduit Farm and the listed buildings at Garlands Farm would be mitigated by the degree of separation between them and the solar farm and the design and landscape mitigation strategy , as set out in Part 4 and 6 of the Environmental Statement , the Design and Access Statement and the accompanying drawings.

In conclusion, the application site is set in an area that includes a number of designated and non-designated heritage assets, within its boundary and within the Study Area that was reviewed by the submitted Desk Based

Assessment. The project would not materially affect any listed buildings, although a development of this scope has the potential to affect the landscape character of the area and affect the wider setting of built heritage assets in its vicinity. However, the impact of the scheme on the setting of the listed sites in the perimeter of the site would be mitigated by their physical separation and the design and landscape mitigation strategy that aims to alleviate the development's visual impact on the wider area. For these reasons, it is regarded that the proposed development would not have any adverse impact on the special interest of the designated heritage assets that are identified in the Heritage Gazetteer and therefore, there are no objections to its support on heritage grounds.

Archaeology

The ES set out the archaeological background to the site in some detail. As can be seen from both the in-house Archaeologist's comments and comments from Historic England, a significant amount of trial trenching has occurred pre-determination. This involved 1% of the site being trial trenched. Archaeological trial trenching of the Site was carried out between the 1st June and 25th June, and 16th August and 7th September 2021. This comprised a total of 125 trenches which were excavated in order to assess the archaeological potential of the Site. The trenches are shown in Appendix 8C of the ES. These formed part of an initial 1% sample of the Site area, with a further 3% sample to be undertaken at the post-determination stage.

In terms of finds, archaeological features were largely evident in the northern area of the Site (north-east of Woodhouse Farm), with evidence of Oliver's Dyke observed in Trenches 116 and 120. When excavated in full, the dyke exceeded 1.20 m in depth and was largely filled with post-medieval remains, although a single flint was recovered from the base.

To the east of the dyke, a burnt pit was observed in Trench 121, whilst Prehistoric pottery was recovered in Trench 126. To the west of the dyke, in Trench 111, three postholes were identified whilst a burnt pit was evident in Trench 107. These features are all within 100 m of the dyke area and possibly related to activity surrounding the defensive feature.

Several ditches were observed in the north-eastern area of site, all of which correlate with linear trends identified from the geophysical survey. Pottery recovered indicated a post-medieval use for these ditches, with no evidence of earlier origin recovered. The features in the north-western field (south of Cook's Wood) provided no dating evidence.

The features, albeit limited within the middle fields of the North Birch Road area (south of Woodhouse Farm), correlate with some of the geophysical survey anomalies although dating evidence indicated these features to be post-medieval.

In the southern section of the Site (south of Birch Road), the ditch in Trench 26 provides evidence of earlier ditches in the area whilst at the field to the south-east, Trench 35 provides a large quantity of medieval pottery which

may indicate an earlier presence within the landscape than indicated by the postmedieval agricultural activity recorded in the immediate vicinity. Several linear features were also recorded in the southern section of the Site, including a post-medieval boundary ditch in Trench 64 and further undated boundary ditches in Trenches 56 and 74, as well as an undated ditch in Trench 47.

Other features recorded in this section of the Site also include an undated rounded pit in Trench 49 with evidence of *in situ* burning, identified as a possible fire pit, and an undated circular post hole and gully in Trench 83, both of which recorded evidence of burning. Frequent plough scars and shallow topsoil could indicate that agricultural activity, documented from cartographic sources from at least the 18th century, may have truncated or removed any evidence of earlier archaeological activity.

The ES argues that this initial phase of evaluation has found that archaeological features are heavily concentrated within the northern section of the Site, particularly the north-east corner, either side of Oliver's Dyke, whilst features excavated in the south of the Site, south of Birch Road, suggests potential for earlier activity in this area.

The results of the initial trenching sample suggest some well-preserved archaeological deposits survive, especially in the north-east of the Site, and areas of archaeological activity have been identified, dating from the prehistoric to the post-medieval period.

Both Historic England and the Council's own in-house advisor have been heavily involved with this scheme throughout the pre-app and application process and are satisfied that sufficient Archaeological investigation has been carried out. A condition has been suggested to deal with a further 3% trial trenching.

A financial contribution of £17,553 towards a display case for any finds that are made has been secured via a legal agreement. This would fall away if none are made however. It is noted that the legal agreement red line will only encompass the northern section of the site. This has been agreed with the in-house Archaeologist. This is because of land ownership issues meaning a legal agreement pursuant to the southern half of the site is not a legal possibility. The condition noted above will however cover the whole site area.

The Setting of the Monument

The application site is partly located within the scheduled monument of 'Gosbecks Iron Age and Romano-British site' (List Entry Number 1002180): The complex commonly known as Gosbecks is an extensive area of settlement, military and ceremonial activity dating from the pre-Roman Iron Age to the 4th century AD. This was part of – and according to Historic England, potentially the central part – of the late Iron Age territorial centre or oppidum of Camulodunon, a capital for British tribal kings.

The oppidum was defended by an extensive dyke system. The significance of the centre was such that it was the main strategic objective of the Roman invasion force in AD 43, and the place where the victorious emperor Claudius accepted the submission to Roman rule of a number of British tribes. Clearly, Gosbecks remained an important ceremonial centre into the Roman period, with the construction of a fort, temple enclosure and theatre.

Specifically, the site incorporates a section of late Iron Age linear earthwork, known as Oliver's Dyke, aligned N to S across the northeast part of the application site. This section has been identified during the pre-application assessment and it has been scheduled, as part of Gosbecks Iron Age and Romano-British site, since the submission of the Environmental Statement. This means it was scheduled after the ES was updated and the ES was then updated again to recognise this. The site layout was also amended to remove a whole section of panels to improve the setting as advised by Historic England.

The extent of the new scheduled area of Oliver's Dyke is c.430m long N to S x c.35m wide East to West.

The scheduled monument has demonstrably high potential to contain important stratified archaeological deposits that could considerably increase our understanding of this significance of this archaeological feature. Buried artefacts and palaeoenvironmental remains will also have potential to increase our knowledge of the social and economic functioning of the monument and surrounding landscape.

The Councils in-house team has deferred to Historic England on the matters of the setting of the Monument in question. Historic England have stated:

We confirm our view that the proposed development will result in harm to the significance of the adjacent scheduled monument through development within its setting. This is given the close proximity of the development to the (newly designated) scheduled monument. We consider the harm would be less than substantial.

The policy tests in the NPPF for the historic environment state that, when deciding whether or not to grant planning permission, the Local Planning Authority will need to have considered two main elements - whether the scheme can justify the harm to the significance of the designated heritage asset (paragraphs 199 and 200) and whether the application can deliver any additional public benefit (paragraph 202). In relation to justification, this is a matter for the Council to consider with reference to the submission, and with reference to local and national planning policies and local planning need.

With regards to the case for public benefit for the historic environment, we consider this would be delivered by removal of the scheduled monument from arable agriculture to managed grassland, and we welcome the revised indicative site layout that has been submitted in October 2021.

Therefore Historic England have not recommended a refusal but have requested that the LPA weigh up the less than substantial harm to the setting of the Monument with the planning benefits of the scheme.

A will be set out below, the very real need for low carbon power generation is a significant public benefit. It is also held that this scheme delivers heritage benefits in the shape of the removal of the Monument from agricultural production to become managed grass land with an interpretation panel located nearby, both of which will enable the public to appreciate the Monument more clearly.

Therefore on balance it is held that the less than substantial harm to the Monument is outweighed by the public benefits of the scheme.

16.7 The Need/Climate Crisis

There is a significant and quantifiable need for the deployment of solar farms and other renewable energy generation, which is being driven by government at local and national level in the UK.

In June 2019 the Government raised the UK's ambition on tackling climate change by legislating for a net-zero greenhouse gas emissions target for the whole economy by 2050. Decarbonising the power sector is integral to achieving this goal and requires major investment in proven technologies, such as solar, which are supported by planning policy at local and national level.

In October 2021, the Government published the 'Net Zero Strategy, Build Back Greener', which sets out its vision to end our contribution to climate change, and reverse the decline of our natural environment, leading the world to a greener, more sustainable future. The policy paper sets out that we need to act urgently and reduce emissions globally to limit further global warming. The sooner we act on climate change the lower the costs will be. Globally, the costs of failing to get climate change under control would far exceed the costs of bringing greenhouse gas emissions down to net zero. Delaying action would only serve to put future generations at risk of crossing critical thresholds resulting in severe and irreversible changes to the planet, the environment, and human society. On the other hand, early and ambitious action would help protect lives and livelihoods, while maximising the co benefits for people, society, the environment, and the economy.

This Strategy commits to take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, bringing forward the Government's commitment to a fully decarbonised power system by 15 years, and it explicitly seeks to accelerate deployment of low-cost renewable generation, including wind and solar. It also notes that our exposure to volatile gas prices shows the importance of our plan for a strong home-grown renewable power sector to strengthen our energy security into the future. The Net Zero Strategy was published in advance of the COP26 summit held this month in Glasgow, which will bring parties together to accelerate action towards the goals of the Paris Agreement and the UN Framework Convention on Climate Change.

In addition to the above, the Government is currently consulting upon Draft National Policy Statement for Renewable Energy Infrastructure (EN 3) which sets out that:

"Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large- scale solar is now viable in some cases to deploy subsidy-free and at little to no extra cost to the consumer. The Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low cost decarbonisation of the energy sector."

Once designated, NPS EN-3 may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended) and although it carries limited weight at present, the direction of travel of Government policy is clear.

The National Infrastructure Commission ('NIC'), the official advisor to the Government on infrastructure provision, produced a report (in March 2020) setting out the infrastructure required in order to meet the 2050 net zero

target, including the amount of new renewable energy development that would need to be deployed.

Importantly, the NIC recommends the generation mix is up to around 90% renewables. At page 18 the report recommends that across all scenarios significant solar, onshore wind, and offshore wind, with between 129–237 GW of renewable capacity is in operation by 2050, including:

- **56 – 121 GW of solar;**
- 318 – 27 GW of onshore wind; and
- 54 – 86 of offshore wind.

The above NIC figures require a monumental increase in installed capacity, including up to 9x more solar than is currently installed in the UK, which is presently around 13 GW. The figures illustrate the need for large scale solar projects to come forward across the country, with all local planning authorities sharing responsibility in delivering this.

It is also relevant that Colchester Borough Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.

The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is estimated that the solar panels would generate enough electricity to power approximately 16,581 homes. This is a very significant benefit of the scheme.

16.8 Loss of Agricultural Land

On a development of this scale, it is important to consider the impact the scheme will have on agricultural land.

The applicants commissioned an agricultural land classification (ALC) survey for the site (see Appendix 2A: Agricultural Land Classification Survey Report (ES Volume II) for the full report). The report concludes that the Site predominantly has clay soils and soils over gravel, with a land quality of subgrade 3b agriculture land by wetness (approximately 76% of land within the Site). There are also sections of loamy soils of subgrade 3a quality land within the northern half of the Site (approximately 22% of the Site). The other 2% of the Site is not considered to be arable land and was excluded from the survey.

As 22% of the site is higher category 3b land, Natural England were consulted on this matter. They had no objection. Natural England have clarified their comment with the following:

To clarify as the solar farm is a temporary structure, in the terms of soils this is short term and therefore will not result in the permanent loss of over 20ha of BMV land.

The scheme is therefore held to be acceptable on that basis.

16.9 Design and Design Flexibility

The DAS set out how construction work on the proposed development, assuming planning permission is granted, would not commence until a final investment decision has been made by the Applicant and a contractor appointed. Following the award of the contract(s), the appointed contractor would carry out a number of detailed studies to inform the layout and design before starting work at the Site.

It follows that it has not been possible for the Applicant to fix all of the design details at this stage. The Applicant has therefore sought to incorporate sufficient design flexibility. This relates to the dimensions and layout of structures forming part of the proposal, including the precise layout of the site and the height of the solar panels.

In order to ensure a robust assessment of the likely significant environmental effects of the Proposed Development, the assessments that form part of the planning application have been undertaken adopting the principles of the 'Rochdale Envelope'.

The approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and the visual impact as being a maximum of 2.8 high, which is the worst-case but in practice they may be lower. A condition is therefore suggested limiting 2.8m as the maximum permissible height.

The approach also involved defining development zones, rather than having a defined layout. This allows the future contractor to optimise the layout of the solar farm following any grant of planning permission, rather than being bound to a precise layout.

The zones define where certain infrastructure should be located within the Site, but there is flexibility, in terms of the layout within each zone. The infrastructure that is proposed within each zone is as follows:

- Development Zones 1 – 6 and 8 – 12: solar panels, inverters and associated infrastructure; and

- Development Zone 7: substations, solar panels, inverters and associated infrastructure.

A condition is therefore suggested to enable the LPA to agree precisely what will be located where, but that flexibility will only be within the development zones as set out in the supporting plans. Outside of the development zones there is an expectation that only landscaping and or ecological mitigation will be proposed.

16.10 Impact on Amenity

Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

Whilst the scheme is large in scale, for the most part the scheme consists of solar panels sitting on the land. They will have very limited impact on neighbouring amenity as they are inanimate structures.

In terms of sound impact, the solar panels are silent but are isolated from neighbours by buffer zones and planting. Generally, noise levels associated with solar farms, which considered relatively benign as there are no moving parts, are very minimal and well below the levels required by the British standards for rating and assessing industrial and commercial sound. Inverters, situated away from the site boundaries make an audible sound, but this drops to ambient levels at the site boundaries, in part muffled by the solar panels. Given the distances between the inverters and the nearest residential properties there is unlikely to be any noticeable noise at all.

Glint and Glare must also be considered. Glint and glare are essentially the unwanted reflection of sunlight from reflective surfaces. Glint is a "*A momentary flash of bright light*" whereas Glare is a "*A continuous source of bright light*".

The applicants argue that Glint and glare is really not an issue with modern solar panels such as those proposed at this site which are low in reflection. It was more of an issue with the older solar farms built circa 10 years ago however technology has significantly moved on since then.

To ensure that this matter was dealt with in a wholly satisfactory manner and on the basis of evidence, the applications were asked to commission a Glint and Glare assessment. This has been carried out by Neo Environmental and specifically by an engineer who is trained in and specialises in making such assessments.

This concluded that Solar reflections are possible at 30 of the 36 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at 27 receptors, including four residential areas, Low at three receptors, including two residential areas, and None at the remaining six receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at six receptors, including one residential area, Low at seven receptors, and None at 23 receptors, including three residential areas. Once mitigation measures were considered, impacts for all receptors reduced to None.

Solar reflections are possible at 32 of the 36 road (i.e. points on the public highway) receptors assessed within the 1km study area. Upon reviewing the actual visibility of the receptors, glint and glare impacts remain High at 12 receptors and reduce to None at the remaining 24 receptors. Once mitigation measures were considered, impacts reduce to None for all receptors.

The report states that no Glare impacts are predicted on aviation receptors at Earls Colne Aerodrome. Therefore, the impacts are None.

The proposed mitigation includes hedgerows to be infilled/gapped up and maintained to a height of 3-4m along Birch Road on the southern boundary of the Northern Array and along the southern boundary of the Southern Array in the Proposed Development. Also, native tree belts to be planted and infilled along the southern and eastern boundaries of the Northern Array and along the western and eastern boundaries of the Southern Array in the Proposed Development, as well as hedgerows gapped up/infilled along the western Boundary of the Southern Array of the Proposed Development. This is all included within the mitigation planting proposals.

In conclusion, the effects of glint and glare and their impact on local receptors has been analysed in detail and the impact on all receptors is predicted to be ‘not significant’ as long as the mitigating planting is installed.

Whilst some of the representation received have noted concerns about glare and noise from the inverters, both matters have been carefully considered by officers and is not held to warrant the refusal of this scheme. Further, Environmental Health and the Highway Authority who have also consider the Glint and Glare report, have no objection to the scheme subject to the mitigation the report suggests.

The impact upon horses and the horse-riding community has also been considered. As the panels will be well screened by buffer planning, it is not held that the potential for the panels to ‘spook’ horses is a matter that cause a level of harm that would warrant a refusal of a scheme of this nature.

The Project (including its inverters and cable route) will not disrupt existing electrical supply to the surrounding area. The Applicant has confirmed the project has a connection offer accepted with the local network operator, UK Power Networks. The connection offer is made up of commercial and technical parts, with the technical focused on compliance with the

Distribution Code or 'D Code'. D Code standards are managed by the Electrical Networks Association who support all of the network operators along with National Grid.

The Applicant notes that detailed electrical studies will be completed to ensure the required standards are met. The electrical studies are supplied to UK Power Networks and signed off as part of the connection process. UK Power Networks need to be satisfied that project will be compliant with all D Code requirements before the project is energised. On energisation, a connection agreement is put in place between the project and UK Power Networks with obligations on both parties to continue to meet the requirements of the D Code.

16.11 Highways

Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).

The scheme has been carefully assessed by the Highway authority who have no objection to the scheme subject to conditions.

The assessment and consideration of the transport arrangements for the Proposed Development is set out in the Transport Report that forms part of the planning application submission. Due to the nature of the development, once constructed and operational it would only generate a limited number of trips associated with servicing and maintaining the equipment.

Approximately 4 vehicles (car or transit van type vehicles) would be expected to visit the site each week, generally spread out across multiple days. In the event that a new or replacement item for equipment is required, it is estimated that 1 HGV trip may occur per annum. No abnormal loads are anticipated. This is therefore a low intensity use in highway terms.

The transport report also looks at the construction phase. It states that the number of construction vehicle trips during the construction phase is also expected to be relatively limited, with approximately 6-8 HGV deliveries expected typically across each working day, over a 16-week period. The number of construction vehicle trips is expected to be quite limited and there should not generally be a build-up of trips at any particular point in the programme, or construction traffic related congestion.

In terms of access points, the swept path analysis has been proved to show that the existing Church Road access (the southernmost access to the main southern parcel) is acceptable. It has been improved in recent years.

The access to the southern parcel from the north (and access to the substation) is also using an existing access point. It is an oblique access angle but once again but its use is supported by swept path justification and it makes sense to utilise an existing access point.

The proposed access for the Northern Parcel is an existing access located along Birch Road. The existing access will require some localised widening within the adjacent verge on the southern side of the bell-mouth, in order to facilitate turning movements of construction vehicles to and from the northern parcel. The access is currently constructed of a bound surface but the widening and over-runnable area is planned to be reinforced.

The northern parcel west of the footpath will be served by a new access point in the same position as the existing field access and that is held to be acceptable.

Representations have noted the disturbance/inconvenience the roadworks to facilitate the cable run would bring. This have been carefully considered but as long as it is dealt with in a sensitive manner, it is not considered to cause material harm to the highway network in terms of safety or efficiency.

16.12 Trees

The scheme has been assessed by the in-house Arboriculture Planner who has asked for the buffer zones between trees and solar panels/infrastructure to be conditioned. This is in line with the advice from the Forestry Commission. This should ensure the woodlands close to the site have at least 15m of buffer between them and the proposed solar panels. The standard tree protection condition will as be imposed to ensure all trees that are already on site and not shown to be removed on the drawings are protected in line with the current British Standard.

16.13 SuDS/Flood Risk

Representations have noted the implications of the scheme in terms of run off from rainfall.

The Council undertook a Level 2 Strategic Flood Risk Assessment to support the development of the current adopted Local Plan. The assessment does not consider the Site to be included within one of the critical drainage areas.

The adopted Local Plan sets out policy DP20 “Flood Risk and Management of Surface Water Drainage” which states: ‘All development proposals shall incorporate measure for the conservation and sustainable use of water. These measures shall include appropriate SuDS for managing surface water runoff within the overall design and layout of the site and measures to conserve water within individual building designs. The size of SuDS will be particularly important as part of greenfield development to manage surface

water run-off rates, and in areas close to underground aquifers and landfill sites to reduce the risk of pollution'

The entirety of the Site is located within Flood Zone 1, the zone with the lowest risk of flooding according to the Environment Agency (EA).

The overwhelming majority of the built form in this application will be the introduction of the solar panels. The panels are clearly impermeable and in a rain event water will roll off of them onto the ground below. The retention of grass between and underneath the solar panels should maintain the original greenfield runoff rates within the Site. It is notable that the solar panels are spiked onto the ground, rather than being placed on impermeable concrete (or similar) foundations. The impermeable areas associated with the proposed development are therefore very limited.

The FRA concludes that the Site is generally considered to be at low risk from surface water flooding and advises that impermeable components, such as inverters, are positioned to avoid surface water flows. This has been factored into the design of the proposal. As part of the Proposed Development a suitable drainage system, employing Sustainable Drainage System (SuDS) where possible, will be designed to deal with surface water within the Site. It is proposed that the detail of this is secured by a pre-commencement planning condition.

Runoff rates for surface water are unlikely to increase as a result of the Proposed Development (due to existing ground conditions, the small area of the Site in hardstanding and the existing drainage system); hence, impact on the surrounding area is not expected. The drainage strategy is the FRA recommends that swales/filter drains should be located around the proposed buildings, such as the inverters and substations. Runoff would be directed into the swales from the hardstanding areas into existing drains.

The LLFA are satisfied with the scheme and have recommended conditions. This matter is therefore held to be acceptable.

16.15 Land Contamination

Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land.

The scheme has come with a report *'TerraConsult, Layer Solar Project, Phase 1 Desk Study and Preliminary Risk Assessment Report, Ref 10589/R01, Issue 1, dated September 2020'* which has identified some potential contaminative uses of the site, where there is the possibility of contamination, and has recommended all groundworks/excavations for the development are placed within greenfield areas.

The Contaminated Land Officer has assessed the scheme and is satisfied that as long as the applicant ensures that the development does not encroach on the areas of potential concern identified on Drawing 10589/2/001 it is satisfactory from a contaminated land point of view.

A condition has been suggested that will deal with any unexpected contaminated that may be found during the construction phase.

16.16 Biodiversity Net Gain (BNG) and Canopy Cover

The emerging Section 2 Local Plan 2017-2033 has a requirement for 10% biodiversity net gain and 10% increase in canopy cover for all major applications.

This scheme has come with a BNG assessment that utilises the BNG metric 3.0 which is held to be the most up to date and relevant metric to use. This is the metric that will be mandatory two years after the Environment Bill reaches Royal Ascent, albeit a potentially updated version by that time.

In terms of Habitats Units, Based on the completed Metric 3.0 calculations, the Proposed Development (inclusive of on-site intervention) would result in an **84.86% net gain** in habitat units.

The percentage of net gain is held to be significant, and is due to Solar farm installations requiring only very minor areas of built development which would otherwise fully and permanently remove existing habitats returning no biodiversity units (habitats can be retained or created under solar panels).

Also, over the whole area of panel coverage and along the margins of the solar panels, grazed pasture (Modified Grassland) and wildflower swards (Neutral Grassland) are to be sown and converted over arable land which per Ha are worth more biodiversity units. There is, therefore, a clear 'trading up' of habitat types over an expansive area of the Proposed Development.

In terms of Hedgerow Units Based on the Biodiversity Metric 3.0 calculations, the Proposed Development (inclusive of on-site intervention) would result in an **36.66% net gain** in hedgerow units.

This is also a very healthy percentage net gain and that is due to no hedgerows are to be removed to facilitate the Proposed Development but approximately 3km of hedgerows (with trees) would be planted or enhanced.

It has therefore been demonstrated that the scheme will provide significant biodiversity net gain.

Canopy Cover

In terms of canopy cover, no trees are proposed to be removed as set out above. The applicants are proposing the planting 0.72ha of **new** broadleaf tree belt planting. This is on top of the existing 0.52ha of existing canopy cover, equating to a **135.86%** increase compared to the baseline. As around 3km of new hedgerows with trees are to be planted, the emerging requirement of an increase in 10% on site canopy cover is well exceeded.

16.17 Site Selection

There is no formal requirement to undertake any sequential assessment of alternative sites. In an appeal at Westerfield Farm, Carterton, Oxfordshire (APPD3125/A/14/2214281) the Inspector observed, at para. 43, that: "It is not local or national policy for a developer to be required to prove that there is no better alternative location for a development before planning permission may be granted." Notwithstanding this, the Applicant has undertaken and submitted an Alternative Site Assessment ('ASA') of sites within a 4.5 km radius of the connection point to the substation at Layer de la Haye. The assessment considers previously developed land and lower grade agricultural land.

The Applicant noted that the ASA search area featured a lot of heavily constrained land in its northern extent, located in and around Colchester, in addition to Abberton Reservoir to the south west. The remainder comprised predominantly agricultural land a number of previously developed and strategic sites in and around the urban area but all (with the exception of one) were too small to be considered as feasible alternatives to the Proposed Site. The vast majority of the agricultural land was unconstrained, but due to the presence of physical features such as roads, woodland and residential areas much of this agricultural land was divided into plots too small to be considered as feasible alternative sites. On the basis of the above, the Applicant considered that none of the other considered sites provided a more feasible alternative to the one proposed.

16.18 Equality and Diversity

The matter of Equality and Diversity has been considered. It is not held that this scheme would materially impact upon the special protected characteristics of neighbours or third parties.

17.0 Conclusion

17.1 The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts, and there are no technical objections to the proposal.

17.2 The NPPF and local policy seeks to approve sustainable development. The NPPF 2021 sets out three strands in its definition at paragraph 8:

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

This scheme will have a modest **economic** benefit from the jobs created during construction and the fact the scheme will be run as a commercial operation once fully operational. A scheme of this scale comprises a significant infrastructure investment in the Borough.

This scheme will have a neutral **social** benefit.

This scheme will have a strong **environmental** objective. Whilst it is accepted that the proposed development will have a degree of visibility from some viewpoints the impact has been demonstrated not to be significant

once mitigated with planting. As set out in the report it will cause less than substantial harm to the setting of non-designated and designated Heritage Assets, including a recently designated Schedule Ancient Monument.

The Project will actively and tangibly contribute to the Borough's climate crisis by providing low carbon energy for over 16,000 homes, whilst helping to make sure the UK has a secure energy supply. The Project could be argued to be the most significant step towards fighting climate change the Borough has been offered to date. It will also result in large scale additional hedge and tree planting as a further contribution towards ecological interests to ensure biodiversity net gain significantly in excess of policy requirements.

When assessed as an overall package, officers consider that the planning balance tips strongly in favour of a temporary approval of this scheme, subject to the following conditions:

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. Time Limit - 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. Temporary Permission – Within one year of the site ceasing power production or 40 years of the date of this permission (whichever is the least), the site shall be cleared of all infrastructure, panels, cables, fencing and all associated paraphernalia in accordance with a scheme that will have been agreed in writing by the Local Planning Authority. The Scheme shall set the methodology that will be followed to decommission this site in its entirety and ensure the land be returned to beneficial agricultural use and the approved methodology shall be carried out in full prior to the expiration of the 40 years.

   Reason: This scheme is a temporary one and this condition is needed to ensure the site is decommissioned in an appropriate manner.

3. Plans Condition - The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

   Layer Solar Farm – Development Zones Plan – LCS022-DZ-01_Rev.09

   Layer Solar Farm – Indicative Site Layout Plan – LCS022-PLE-01_Rev.06

   Layer Solar Farm – Site Location Plan - LCS022-PL-01 Rev.05

   Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

4. Detailed Layout Plans – Prior to their installation, a set of detailed drawings showing the precise locations of the solar panels and all other on site infrastructure, including the substation and associated infrastructure, including all access points, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be carried out in complete accordance with the approved drawings.

   Reason: As the submitted application does not contain sufficient details on such matters. It is assumed that the final approved detailed drawings will with be broadly in accordance with the indicative approved drawings noted above.

5. Approval of Type of Panels and other Structures - Prior to their installation, drawings showing the precise type, size and manufacturer of the solar panels and inverter cabins shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be carried out in complete accordance with the approved drawings.

   Reason: As the submitted application does not contain sufficient details on such matters.

6. Power Output – The scheme hereby permitted shall at no point generate more than 49.9MW peak power output.

   Reason: This is the basis on which the application was made and is the basis on which it has been assessed.

7. Archaeology - No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:
a. The programme and methodology of site investigation and recording.
b. The programme for post investigation assessment.
c. Provision to be made for analysis of the site investigation and recording.
d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
e. Provision to be made for archive deposition of the analysis and records of the site investigation.
f. Nomination of a competent person or persons/organisation to undertake the works.
The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

8. Landscape - No works shall take place above ground level until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

• Finished levels or contours, where notable changes are proposed.
• Means of enclosure.
• Car parking layouts and other vehicle and pedestrian access and circulation areas.
• Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.).
•Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
• Planting plans.
• Written specifications.

• Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
•Implementation timetables and monitoring programs.
Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

9. Landscape Management Plan - Prior to the first operation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules the whole site, including the area of and surrounding the Scheduled Ancient Monument be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

   Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to ensure the public benefit of the correct landscaping and management of the Scheduled Ancient Monument.

10. Glint and Glare - No solar panels shall be erected on site until such time as the Landscape Management Plan (required under the condition above) has been confirmed to support and align with the conclusions set out in the approved Glint and Glare Assessment (September 2021). Written evidence from a suitably qualified person to demonstrate this compliance shall be submitted to and approved in write by the Local Planning Authority.

    Reason: To ensure the mitigation suggested by the Glint and Glare Assessment is included within the Landscape Management Plan and is therefore carried out on site in the interests of amenity and highway safety.

11. Tree Buffer - Prior to the installation of any structures on site, drawings showing the precise location and depth of an at least 15 meter deep no-build buffer to afford protection to existing boundary and hedges shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall also show how all trees that are not shown to be removed on the plans shall be protected by fencing in line with the relevant British Standard during the construction phase. The scheme shall then be carried out in complete accordance with the approved drawings.

    Reason: As the submitted application does not contain sufficient details on such matters to ensure appropriate mitigation is delivered.

12. Ecology - ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Chapter 7 of the Environmental Statement (AECOM, November 2010) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."
Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

13. Ecology - PRIOR TO COMMENCEMENT: FARMLAND MITIGATION STRATEGY

"A Farmland Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss of any farmland bird territories. This shall include provision of the evidenced number of Skylark nest plots, to be secured by a condition of any consent, on land labelled as 'skylark mitigation area' as on identified on the approved Indicative Site Layout Plan ref. LCS022-PLE-01 Rev.06 prior to commencement.

The content of the Mitigation Strategy shall include the following:
a) Purpose and conservation objectives for proposed Skylark nest plots;
b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
c) locations of the Skylark plots by appropriate maps and/or plans;
d) persons responsible for implementing the compensation measure.
The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years."
Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

14. Ecology - PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.
a) Risk assessment of potentially damaging construction activities.
b) Identification of “biodiversity protection zones”.
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.
i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

15. Ecology - PRIOR TO OCCUPATION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN

“An Landscape Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:
a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organisation responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.
The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

16. Ecology - PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:
a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) timetable for implementation demonstrating that works are aligned with any proposed phasing of development;
e) persons responsible for implementing the enhancement measures;
f) details of initial aftercare and long-term maintenance (where relevant).
The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

17. Ecology - PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other

external lighting be installed without prior consent from the local planning authority."
Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

18. Environmental Protection

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

19. Environmental Protection

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

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.

20. Environmental Protection

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, SMALL VILLAGE OR DARK URBAN AREAS.

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

21. Contaminated Land

In the event that unexpected land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The submitted report: *'TerraConsult, Layer Solar Project, Phase 1 Desk Study and Preliminary Risk Assessment Report, Ref 10589/R01, Issue 1, dated September 2020'* has identified some potential contaminative uses of the site, where there is the possibility of

contamination and has recommended all groundworks/excavations for the development are placed within greenfield areas.

22. SuDS

No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

Any formal connections into watercourse, drains or ditches should be limited to the 1 in 1 year Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change storm event. It will also have to be shown that the base of any infiltration feature is a minimum of 1m from the highest annual average ground water level and that all infiltration features are 5m from any foundations.

Final modelling and calculations for all areas of the drainage system. It should be shown that the site is in no circumstances increasing the discharge rate.

Suitable mitigation against channelisation. Detailed plans should be provided. All areas of the site should have the vegetation beneath and around the solar arrays maintained.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, and ground levels, and location and sizing of any drainage features. The drainage plan should additionally detail exactly how channel creation mitigation is proposed to be done in line with site characteristics.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring

during rainfall events and may lead to increased flood risk and pollution hazard from the site.

23. SuDS

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. 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 topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

24. SuDS

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. It should be noted that all crushed aggregate roads will have to be suitable maintained to avoid compaction throughout their lifetime. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

25. SuDS

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

26. SuDS

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

Reason: Soil compaction can cause increased run-off from the site. Therefore a soil management plan should show how this will be mitigated against. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

27. Highways

No development shall take place, including any ground works until a Construction Management Plan (CMP) has been submitted to and approved in writing by, the local planning authority. The approved plans shall be adhered to throughout the construction period. The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors
ii. loading and unloading of plant and materials
iii. storage of plant and materials used in constructing the development
iv. wheel and under body washing facilities
v. HGV Routing plan
vi. The locations of local direction signage for large construction vehicles delivering during the construction phases

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

28. Highways
No development shall take place, until the locations of any temporary access and or haul roads have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

29. Highways
No construction activities whatsoever shall take place alongside or adjacent to Public Footpaths Nos 20 (Layer De La Haye) or 24 (Birch) until suitable physical barriers / fencing are erected on the proposed development side of each footpath, maintaining the correct width of each footpath.
Reason: To ensure the continued safe passage of pedestrians on the definitive right of way.

30. Highways
The public's rights and ease of passage over Public Footpaths No. 20 (Layer De La Haye) and 24 (Birch) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpaths.
Reason: To ensure the continued safe passage of pedestrians on the definitive right of way.

31. SAM Interpretation Panel

Prior to the site becoming operational, a scheme to show an interpretation panel highlighting the designated monument on site and its history and context including the size, shape and proposed location of the panel, shall be submitted in and agreed in writing by the LPA. The interpretation panel shall then be erected at a suitable location (in agreement with Colchester Borough Council and Historic England), which is in a publicly visible position, where it shall be retained permanently.

Reason: Part of the public benefit of this scheme is the potential to increase the public's knowledge of the monument that runs through the northern part of the site. This condition is needed to ensure the interpretation panel is of an acceptable quality and is provided on site.

19.0 Informatives

19.1 The following informatives are also recommended:

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. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. ZTB - Informative on Any Application With a Site Notice

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.

4. Highway Authority Informative

The Highway Authority strongly recommends that banksmen are provided when and where articulated delivery vehicles cross (Birch Road) from the southern section to the northern section of the proposed development site or return, together with MoT standard temporary advance warning traffic signs alerting highway users that slow moving vehicles may be in the carriageway ahead at appropriate locations either side of each access points and are maintained throughout the duration of construction and deliveries

5. **Land Contamination Informative**

The submitted report: *'TerraConsult, Layer Solar Project, Phase 1 Desk Study and Preliminary Risk Assessment Report, Ref 10589/R01, Issue 1, dated September 2020'* has identified some potential contaminative uses of the site, where there is the possibility of contamination, and has recommended all groundworks/excavations for the development are placed within greenfield areas. The applicant is therefore advised to ensure that the permitted development does not encroach on the areas of potential concern identified on Drawing 10589/2/001.

The applicant's specialist advisers have identified some potential sources of contamination within the site boundary and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from these use(s) of land in this locality. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

6. Landscape Informative

Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link)'.