



REGULATORY SERVICES COMMITTEE

18 December, 2014

REPORT

Subject Heading:

P1249.14 – Clay Tye Farm, Clay Tye Road, Upminster.

Installation of a solar farm with an output of approximately 16MW on land associated with Clay Tye Farm.

Ward:

Upminster

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application proposes the installation of a solar farm on land at Clay Tye Farm, which would generate 16MW of electricity for the National Grid. The proposal would involve the siting of solar arrays across approximately 35ha of land; the erection of a control building, substation building, and inverter buildings; the erection of fencing and CCTV masts; the creation of a nature conservation area, public viewing area, and public information point. On balance, officers consider the proposal to be acceptable, subject to the completion of a legal agreement and adherence to planning conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into and completing a Section 106 Legal Agreement pursuant to Sections 106 and 106A of the Town and Country Planning Act 1990 to secure the following:

- Adherence to a community benefit scheme, involving the fitting of domestic solar equipment to neighbouring properties, to be submitted to and approved in writing by the Local Planning Authority.
- Payment of the Council's reasonable legal fees for completion of the agreement, to be paid prior to the completion of the agreement irrespective of whether or not it is completed.
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than 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 Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

3. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. Boundary Treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

5. Wheel Cleaning - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and

approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

6. Landscape Management Plan - No development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the proposed maintenance to be employed throughout the site. The approved details shall be implemented prior to the point in time that the solar farm is brought into operation, and shall be retained for the life of the development.

Reason:

In the interests of visual amenity and biodiversity, and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

7. Commencement - The Local Planning Authority shall be notified in writing within 7 days of the date that the development is fully installed, or within 7 days of the date that a connection is made between the proposed solar panels and the national grid.

Reason:

To ensure the temporary time limit imposed on the development is complied with.

8. Restoration - All buildings and man-made structures associated with the approved development shall be removed from the site within 25 years of the date communicated to the Local Planning Authority in accordance with condition 7, in accordance with a restoration scheme to be approved by the Local Planning Authority prior to the commencement of development. The submitted restoration scheme shall detail the site's restoration to greenfield land.

Reason:

In the interests of visual amenity and the openness of the Green Belt, and in accordance with Policies DC45 and DC61 of the Development Control Policies Development Plan Document.

9. Restoration - If electricity is not exported to the national grid from the solar farm hereby permitted, after development (excluding landscaping works) is commenced, for a period in excess of six months, the solar panels and all associated development hereby approved, shall be removed and the site restored in accordance with the restoration scheme approved as part of condition 8, within 3 months of the trigger date.

Reason:

In the interests of maintaining the openness of the Green Belt, and in accordance with Policy DC45 of the Development Control Policies Development Plan Document.

10. Construction Method Statement - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. Highways - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of development.

Reason:-

In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

12. CCTV - No development shall take place until details of the proposed CCTV equipment and mountings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. Materials – No development shall take place until details of the proposed cladding materials and colour schemes of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Biodiversity Enhancements – No development shall take place until a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. The details shall include information about the proposed grass-seeding and habitat creation measures to be implemented throughout the site. The approved measures shall be provided prior to the approved solar farm being brought into operation, and shall be retained for the life of the development.

Reason:

In the interests of biodiversity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC59.

15. Public Seating and Information Area – No development shall take place until details of the proposed public seating and information area have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the solar farm being brought into operation and shall be retained for the life of the development.

Reason:

In the interests of visual amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. Construction Compound – No development shall take place until details of the proposed construction compound, including a timetable for its subsequent removal, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

17. Site Clearance – No development shall take place until all plant, containers, material, and vehicles currently located at the site have been removed. Thereafter, no material or other items shall be stored at the site unless expressly required for the operation of the solar farm, and with the written approval of the Local Planning Authority.

Reason:

In the interests of visual amenity and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. The developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. Under the terms of the Water Resources Act 1991, and the Thames Byelaws 1981 prior written consent of the Environment Agency is required for works within 8 metres of a main river. The applicant should contact The Environment Agency to apply for consent for any works within 8 metres of the top of bank of the West Branch Mardyke, which runs to the south of the site, which is classified as a main river.

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a 30ha area of land located around 500m to the east of the M25. The site comprises a number of sub-divided fields separated by hedgerows, each of which is in agricultural use.
- 1.2 The site's western extent is located approximately 100m to the east of Clay Tye Road and in close proximity to buildings associated with Clay Tye Farm. Residential properties located along Clay Tye Road are located within around 85m of the site's western boundary. The western boundary generally runs alongside open fields located between the site and Clay Tye Road, and is formed by hedgerows. The site's southern boundaries, which are also demarcated by hedgerows, adjoin a private access track separating the site from open fields, along with a large National Grid electricity substation, which dominates the local landscape.
- 1.3 The site's eastern boundary runs alongside agricultural land and an area containing agricultural buildings and a dwelling (Grade II listed) at Bury Farm. The site's northern boundary runs alongside open agricultural land and a woodland, designated as a Site of Nature Conservation Importance, known as Clay Tye Wood. Electricity pylons and overheads lines cross two areas of the site. The north eastern area of the site is designated as a

Countryside Conservation Area; areas at the northern end of the site are located within Flood Zones 2 and 3. The site as a whole is located within the Green Belt and the Thames Chase Community Forest. A public right of way runs across the south western area of the site.

- 1.4 The site's boundaries, and significant areas within the site, are bounded by well established hedgerows and trees. The site is generally characterised by flat, open grassland, used for grazing livestock. Parts of the site are in an untidy condition, being used for the storage of steel containers, plant, and material.
- 1.5 Vehicular access is via an unadopted track running south from St Mary's Lane.

2. Description of Proposal

- 2.1 This planning application proposes the installation of a solar energy farm at the site, generating approximately 16MW of electricity for the national grid. The proposal would comprise the following elements:
 - a) 60,100 solar panels, each measuring 1.6m x 1.0m, mounted on galvanized steel frames driven into the ground. The steel frames would hold the panels at a 25 degree angle, in a south-facing direction. The lower end of the panels would be set above ground level at a height of approximately 0.8m, whilst the panels would be set around 2.4m above ground level at their highest points. The arrays of panels would be sited in east-west orientated rows, separated from one another by around 3.5m.
 - b) A control building measuring approximately 5m x 5.5m in area and approximately 4.4m in height, to be located at the eastern side of the site.
 - c) A substation building measuring 1.7m x 2m in area and approximately 2.5m in height, to be located at the eastern side of the site.
 - d) 13 inverter buildings measuring approximately 3.1m x 9.8m in area and approximately 3.5m in height, to be sited at various locations throughout the site.
 - e) CCTV cameras sited on 6 masts measuring 3m in height.
 - f) A 2.4m high perimeter fence within the site boundaries, enclosing the solar panel arrays.
 - g) The retention of a public right of way through the south eastern part of the site, to be separated from the solar farm by fencing and new hedgerows.

- h) A public viewing area associated with the aforementioned right of way, which would include seating and interpretation signage.
- i) The creation of a nature conservation area in the south eastern part of the site, including the establishment of a wildflower area, reptile refuge, and insect habitats.
- j) A community benefit scheme that would involve the fitting of domestic solar equipment to properties in close proximity to the site, with the agreement of relevant occupiers.

2.2 It is anticipated that the development would have a life of 25 years. The site would be accessed by a private lane running to the south of St Mary's Lane. Vehicle movements during the operational period of the development are expected to be minimal and would only arise when maintenance is required. It is anticipated that the construction phase would last for 3-4 months, with around 100 HGV loads being required, which would be staggered throughout the period of construction. Following the 25 year life of the development, it is anticipated that the decommissioning process would take around 1-2 months, with a further 3-4 months being required to restore the land to agricultural use.

2.3 A temporary construction compound, including a site office and storage, would be employed during the construction of the proposal.

3. Relevant History

3.1 There are no previous planning decisions of particular relevance to the proposal.

4. Consultations/Representations

4.1 The application has been advertised by the Council by means of site notices and a press advertisement. Neighbour notification letters have been sent to 116 local addresses.

4.2 3 letters of support have been received from local residents stating that the proposal would:

- Be good use of spare land;
- Provide a sustainable source of electricity;
- Would benefit the area.

4.3 3 letters of objection have been received. The following comments have been made:

- The proposal would be harmful to the Green Belt and local character;
- The access track that serves the site also serves 9 residential properties, and access problems may arise during the construction phase;
- The proposal would result in a loss of farm land.

4.4 2 further letters make the following comments:

- The land could not look any worse than it does at the moment;
- The proposal should not prevent people maintaining their hedges;
- The proposal may cause access problems if emergency vehicles are unable to pass on the access road to the farm.

4.5 Comments have also been received from the following consultees:

Environment Agency – No objections;

Natural England – No objections.

English Heritage - No objections; condition recommended.

National Grid – No objections.

Energy Strategy Team – No objections.

Highway Authority - No objections; condition recommended.

Environmental Health – No objections; conditions recommended.

Thames Water - No objections.

Essex and Suffolk Water – No objections.

Essex Wildlife Trust – No objections; landscape management scheme should be adopted.

Thurrock Council – No objections.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant:

Policy 5.7 - Renewable Energy

Policy 7.16 - Green Belt

5.3 Local Planning Policy

DC32 - Road Network

DC45 - Appropriate Development in the Green Belt

DC48 - Flood Risk
DC50 - Renewable Energy
DC58 – Biodiversity and Geodiversity
DC61 - Urban Design

In addition, the Landscaping SPD, Sustainable Design and Construction SPD, and the Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

- 6.1 The main issues in this case are considered to be the principle of development, visual impact, impact on amenity, highway safety, ecology, flood risk, agricultural land, and whether very special circumstances exist that outweigh any identified harm to the Green Belt, and other harm.

7. Assessment

7.1 Principle of Development

7.1.1 Policy 5.7 of the London Plan states that:

"The Mayor seeks to increase the proportion of energy generated from renewable sources."

7.1.2 Policy DC50 of the LDF states that renewable energy facilities will be considered acceptable subject to certain criteria.

7.1.3 This planning application proposes building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will be granted for development in the Green Belt that is for given purposes. The purposes listed do not include renewable energy development.

7.1.4 National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.5 In terms of Green Belt policy, this application proposes building operations. Paragraph 89 of the NPPF states that building operations may constitute appropriate Green Belt in given instances, however, these do not include renewable energy development. Paragraph 91 refers specifically to renewable energy development in the Green Belt, stating that:

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

7.1.6 It is considered that the proposal would constitute inappropriate development in the Green Belt. A statement of very special circumstances has been submitted by the applicant, which will be considered later in this report.

7.2 Visual Impact

7.2.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC50 states that renewable energy facilities will be considered acceptable provided their design is not detrimental to the character of the surrounding area, and no visual harm would arise.

7.2.2 In assessing the harm that the proposal might cause to visual amenity and the character of the area, it is necessary to consider the nature and character of the site presently; the relationship between the site and its surroundings, in terms of its visibility and how it contributes to the character of its surroundings; and how the site would appear following the completion of the development, having regard to the scale, design, and visibility of the proposed development.

7.2.3 The proposal includes a number of elements. Several of these, including the security fencing, small-scale plant and buildings, and security cameras, could appear as generally minor additions within the large, open context of the site that, through the use of planning conditions, could be designed in such a way as to minimise their visual impact in relation to the site's surroundings. By far the most significant element of the proposal would be the proposed solar arrays, which would dominate the site. If viewed from a distance, the proposed arrays would have a generally flat, monochrome appearance; they would follow the contours of the site, and would not rise above ground level by more than 2.4m. Although, in reality, there would be very limited opportunities for viewing the proposal from beyond the site, owing to the flat nature of the site, the design of the proposed equipment, the surrounding topography, and existing vegetation in and around the site. The proposal's potential visibility would be greatest in relation to those neighbouring properties located beyond the site's eastern boundary.

- 7.2.4 The application site constitutes several sub-divided areas of flat, open grassland, separated by hedgerows, and mainly dominated by a single species of grass used for feeding livestock. Visually, the site is considered to be of limited interest and character value, even though the north eastern part of the site is designated as a Countryside Conservation Area. Parts of the site, particularly at its eastern end, are in a somewhat unsightly condition, containing stockpiled material, a number of large, steel containers used for storing livestock feed, and redundant equipment. The site is crossed by large scale electricity power lines and pylons, and adjoins a large national grid electricity substation, which dominates the local landscape.
- 7.2.5 The presence of dense vegetation along the site's boundaries and the topography around the site are such that the site is not particularly visible beyond its boundaries. With the potential for further landscaping enhancements, it is considered that the proposal, given the limited heights involved, would not result in any significant visual impacts beyond these boundaries. It is considered unlikely that members of the public would generally be unaware that the development exists. Within the site itself, the impact of the proposal needs to be balanced against the limited, existing character value and the opportunities for enhancing aspects of the site's existing appearance.
- 7.2.6 Given that the proposal would be located on land that is not of particular visual interest; that the site is well screened on all sides, and could receive additional landscaping treatment to the currently most exposed (eastern) boundary; and that the proposal would have a generally low and flat profile following the contours of the land, and constitutes a type of development that does tend to occur in rural areas, it is considered, in these respects, that the proposal would not result in significant visual harm.
- 7.2.7 The extent to which the proposal would result in visual intrusion within the wider landscape would be limited by its low profile, the presence of screening, the surrounding topography, and conditions controlling the use of landscaping, materials, and colour schemes. Landscaping works, particularly along the site's eastern boundary and along the boundaries in the south western corner, could make use of heavy measures planting to ensure that the required screening is achieved as soon as possible. Further conditions could ensure the life of the development is limited to 25 years, and the site restored afterwards. Conditions can also be employed to ensure the removal of the existing material, containers, and equipment, and for the approval of details in relation to the proposed boundary treatment, CCTV, along with the public viewing and information area.
- 7.2.8 Policy DC58 of the LDF states that the individual quality and character of Countryside Conservation Areas will be protected. In this particular case, it is not considered that the character of the site would be significantly harmed by the proposal.

7.2.9 Subject to the use of the afore mentioned conditions, it is considered, on balance, that the proposal would not be significantly harmful to the visual amenities of the Green Belt, and in this regard, would be in accordance with Policies DC50, DC58, and DC61 of the LDF.

7.3 Residential and Local Amenity

7.3.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy DC50 states that renewable energy facilities will be approved where, amongst other things, they are not harmful to residential amenity.

7.3.2 The proposed development is passive in nature and would not generate significant noise that would be audible in relation to any sensitive land uses located in the vicinity. The nearest dwellings would be located at least 50m from the proposed equipment.

7.3.3 The Council's Environmental Health officers have recommended a condition, should planning permission be granted, controlling the emission of noise from the site. In light of the above comments, this condition is not considered to be necessary.

7.3.4 Given the proposal's low-lying nature and siting in relation to neighbouring properties, and the presence of vegetation between the two, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers. In terms of its impact on amenity, the proposal is considered to be in accordance with Policies DC50 and DC61 of the LDF.

7.4 Access Arrangements

7.4.1 Policy DC32 of the LDF states that development will only be approved where it does not significantly harm the functioning of the road network.

The proposal would generate very few vehicle movements during its operational life time, being an unmanned facility that would only require maintenance over time. During the 3-4 month construction phase, it is anticipated that around 100 HGVs would visit the site.

7.4.2 The Council's Highways officers have raised no objections to the proposal, subject to the use of a condition to prevent the tracking of mud into the public highway. Should consent be granted, it is recommended that further conditions be imposed requiring the approval of a construction method statement and wheel washing details to be implemented during the construction phase of the development.

7.4.3 Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in significant adverse impacts on highway safety or amenity, and that it would be in accordance with Policy DC32 of the LDF.

7.5 Other Considerations

7.5.1 Policy 5.7 of the London Plan states that:

"All renewable energy systems should be located and designed to minimise any potential adverse impacts on biodiversity, the natural environment and historical assets, and to avoid any adverse impacts on air quality."

Ecology

7.5.2 The site does not form part of a designated nature conservation area, although Clay Tye Woods, which is a Site of Nature Conservation Importance, adjoins the site's northern boundary. The application is accompanied by an ecological appraisal, which concludes that the site is currently of low ecological value owing to the use of artificial fertilizers and the planting and subsequent harvesting of aggressive grass species. The existing hedgerows are considered to be of value as they support birds and bats. The proposal would result in a number of biodiversity enhancements including the planting of hedgerows, the creation of a wildflower field, and the installation of reptile and insect habitats. It is considered that significantly more ecological enhancements should be sought, and would be achievable, through the use of planning conditions.

7.5.3 Essex Wildlife Trust supports the proposal but recommends that an ecological management plan should be approved to ensure that the use of artificial fertilizers is kept to a minimum and that following the sowing of a wild flower seed mix, a regime of grazing or mowing be implemented to prevent dominance by the existing grass species. A condition can be imposed, should planning permission be granted requiring the approval of details in relation to the proposed ecological enhancement measures and a subsequent management scheme to be employed for the life of the development. This might include the use of grazing animals, which would be able to roam freely amongst the installed apparatus.

Heritage Assets

7.5.4 Policy DC67 of the LDF states that proposals will only be granted approval where they do not adversely affect a listed building or its setting. The guidance contained in the NPPF states that heritage assets, including listed buildings and their settings, should be protected from significant harm unless there are substantial public benefits to allowing a development.

7.5.5 A Grade II listed building is located approximately 50m beyond the site's eastern boundary. Given the low-lying nature of the proposed development, its distance from the listed building, and the presence of vegetation between the two, which could be enhanced by additional tree planting should planning permission be granted, it is considered that the proposal would not result in significant harm to the setting of the listed building.

Flood Risk

- 7.5.6 The north eastern part of the site, along with other patches along the site's northern boundary, is located within Flood Zone 3, and is therefore considered to be at high risk of flooding. The Environment Agency has been consulted about the proposal with no objections being raised following a consideration of the submitted Flood Risk Assessment.

Agricultural Land

- 7.5.7 The submitted information states that the site comprises mainly Grade 3b agricultural land, being of moderate fertility and therefore suitable for growing grass. Planning guidance aims to protect the best and most versatile agricultural land (grades 1, 2, and 3a.) The proposal would not prevent the land being used for grazing and would not result in any significant or permanent harm to the soils, which are, in any case, not considered to be "most versatile."

Community Fit-for-Free Scheme

- 7.5.8 The application proposes the installation of domestic renewable energy equipment, free of charge, to properties located around the site. It is recommended that this scheme be secured through the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 so that local residents are offered and can benefit from this proposed scheme.

Green Belt - Very Special Circumstances

- 7.5.9 The proposal is considered to constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should be resisted except where very special circumstances are demonstrated that clearly outweigh the harm, by reason of inappropriateness, and any other harm. No other harm has been identified in this case. The applicant has submitted the following very special circumstances:

- a) *The proposal would generate renewable energy, providing enough electricity to power 4779 typical homes. The proposal would make a contribution towards the UK's energy security.*
- b) *The proposal would result in a reduction of around 8000 tonnes of carbon per annum compared to the use of fossil fuels.*
- c) *The proposed solar panels would be low in height, and given the flat nature of the site, and the surrounding landscape, would have a negligible visual impact.*

d) *50% of the borough is designated as Green Belt; there are very limited opportunities to undertake such development outside the Green Belt.*

7.5.10 It is also noted that the proposal has the potential to significantly increase the ecological value of the site, through the planting of wildflowers throughout the site, and the use of habitat enhancements including bird and bat boxes, hedge and tree planting, and the creation of reptile and insect habitats, the details of which could be agreed through the use of conditions. The Essex Wildlife Trust has stated its support for the scheme, noting that the biodiversity and landscape value of the existing site are very low, and could be enhanced through the appropriate use of conditions. Natural England have also advised that proposals such as the one under consideration offer opportunities to enhance biodiversity.

7.5.11 Not only is the site considered to be of low landscape value in its present condition, but the proposal, which would be temporary, would not generally be visible from beyond the site's boundaries, owing to the surrounding topography, landscaping, and low lying nature of the proposed equipment. Moreover, the proposal would offer an opportunity to improve the existing vegetation at the site through the use of tree and hedge planting.

7.5.12 A further consideration is that the proposal would offer public benefits in the form of a public viewing and information area, and a community renewable energy scheme that would offer free solar equipment and fitting to those living in closest proximity to the site.

7.5.13 The Council's Energy Strategy Team has stated its support for the proposal, making the following comments:

"Havering Council views renewable energy as part of the solution to reducing our energy consumption and our dependence on polluting fossil fuel energy. Havering Council has adopted its own Climate Change Action Plan (2014-2017) to reduce our energy use within the Council and borough-wide, promote renewable energy and deal with the impacts of climate change... Borough-wide, Havering residents and businesses have accepted and adopted renewable energy... The UK currently imports more than 60% of the fuel it needs to generate electricity, making us vulnerable to the rising costs in global energy markets..." The proposal would provide *"significant contribution towards the UK's energy security and reducing our dependence on fossil fuels."*

7.5.14 Officers consider that there are very special circumstances in this case that outweigh the harm to the Green Belt by reason of inappropriateness. Policy DC50 states that in assessing proposed renewable energy development:

"... the benefits of achieving diverse and sustainable energy supplies and reducing greenhouse effects will be balanced against any harm arising from the development."

7.5.15 The harm in this case concerns the harm to the Green Belt by reason of the proposal's inappropriateness. However, the Green Belt guidance contained in the NPPF does state that the environmental benefits of renewable energy development can constitute the very special circumstances needed to outweigh the harm by reason of inappropriateness. The proposal would make use of land that is of low ecological and agricultural value, and of limited landscape interest. The proposal would be temporary in nature and could involve landscaping enhancements that would limit any visual harm arising from the proposal, along with ecological enhancements that would significantly improve the site's biodiversity value. The proposal would involve public benefits including a viewing and information area, and a community renewable energy scheme that could benefit residents who live in close proximity to the proposal.

8. Conclusion

- 8.1 Subject to the use of those conditions recommended, it is considered that the proposal would not result in any significant visual intrusion within the landscape or harm to the character of the area. No significant harm has been identified in relation residential amenity, highway safety, or the best and most versatile agricultural land. The proposal could significantly improve the biodiversity and landscape value of the site though the use of conditions. The proposal would provide renewable energy for the national grid and provide community renewable energy benefits. It is considered that very special circumstances exist in this case that outweigh the identified harm to the Green Belt.
- 8.2 The proposed development is considered to be acceptable having had regard to Policies DC32, DC45, DC48, DC50, and DC61 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Environmental Impact Assessment in support of planning application P1249.14.