

AGENDA ITEM NO. 8/2(c)

Parish:	South Wootton	
Proposal:	Erection of an up to 49.99 MR Solar PV Array and circa 15 MW battery storage, comprising ground mounted solar PV panels, battery storage, vehicular access from the site entrance with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, client storage containers and grid connection infrastructure, including transformer and substation buildings and off-site cabling.	
Location:	Estuary Farm Edward Benefer Way King's Lynn Norfolk PE30 2HY	
Applicant:	NS Solar 01 Limited	
Case No:	21/01432/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 6 October 2021 Extension of Time Expiry Date: 10 December 2021

Reason for Referral to Planning Committee – Operational Area exceeds 1 hectare and Referred by Sifting Panel

Neighbourhood Plan: Yes

Case Summary

The application seeks full planning permission for a 49.99MW Solar PV array and 15MW battery storage with off-site cabling to connect to King's Lynn substation (Austin Street Primary) and Recipharm [formally known as Bepak] and comprises:

1. Ground mounted solar PV panels
2. Fixed mounting structure
3. Battery storage
4. String combiner boxes
5. String inverters
6. Vehicular access and internal access tracks
7. Landscaping
8. Associated infrastructure including:
 1. Transformers
 2. Substation buildings
 3. Temporary Site Compound

The site measures 56.81ha and is located in open countryside c.0.9km west of the village of South Village, within South Wootton Neighbourhood Plan Area and just north of the development boundary for King's Lynn and North Lynn Industrial Estate.

The application has been submitted following preapplication advice and a public consultation exercise.

Key Issues

1. Principle of Development
2. Visual Impact
3. Protected Sites and Species
4. Highway Safety and PROW
5. Flood Risk and Drainage
6. Historic Environment
7. Crime and Disorder
8. Other Considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning permission for a 49.99MW Solar PV array and 15MW battery storage with off-site cabling to connect to King's Lynn substation (Austin Street Primary) and Recipharm [formally known as Bepak] and comprises:

- Ground mounted solar PV panels (92,519 bi-facial photovoltaic modules with a power rating of 550Wp which convert the solar radiation into direct current)
- Fixed mounting structure (which supports the PV modules)
- Battery storage (x5)
- String combiner boxes (which consolidate the output of the strings of photovoltaic modules before reaching the inverter)
- String inverters (which convert DC from the solar field to AC)
- Vehicular access and internal access tracks
- Landscaping

Associated infrastructure including:

- Transformers (x 20) (1,000MVA power transformers (which raise the voltage level from low to medium))
- Substation buildings (which collect all solar power and feed into the grid after stepping up voltage to distribution level (33kV in this case))
- Temporary Site Compound

Eleven trees within the line of broadleaved trees and mixed woodland in the central western section of the site are proposed to be removed.

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The habitat remaining (including and ecological mitigation area in the north-east of the site) will be managed to provide foraging and sheltering opportunities for species including overwintering birds. A seed mix will be incorporated into the site design to provide an enhanced food source for wintering bird species.

The key phases of construction are proposed to be:

1. Building of site access tracks, installation of temporary compound area and erection of the fence surround the plant. Access tracks are kept to a minimum to allow access to sub-sections of the site and not to every single row of modules. Fence equipment will be driven into the ground.
2. Excavation of cable trenches to install the main cables. Trenches will be filled immediately following the cable laying.
3. Installation of mounting structure and panel frames. The frame legs are driven into the ground the frames subsequently assembled and installed at the approved inclination angle.
4. Building of foundation for transformers and substation units and battery store units and subsequent delivery of equipment on site.
5. Installation onto the frames and wiring together of solar panels.
6. Installation onto the back of the frames of string inverters and subsequent connection of string of modules to each inverter.
7. Finalisation of all electrical connections (inverters to transformers, transformers to client substation)
8. Site commissioning.

The construction phase is initially scheduled to start in March 2022 and last for approximately six months. An indicative programme accompanied the application.

Working hours are proposed to be 6am to 8pm Monday to Friday and if necessary 8am to 1.30pm on Saturday. No works are proposed on Sundays.

The development would have a lifespan of 40 years at the end of which the facility will be decommissioned and all the associated equipment removed.

The application was accompanied by the following supporting documents:

- Design and Access Statement
- Preliminary Ecological Appraisal
- Ecological Impact Assessment
- Information for Habitat Regulations Assessment
- Breeding Bird Survey Report
- Wintering Bird Survey Report
- Ground Level Tree Assessment
- Highway Statement and Construction Traffic Management Plan
- Noise Impact Assessment
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Archaeological Desk Based Assessment

- Built Heritage Setting Assessment
- Statement of Community Engagement.

The site measures c.56.81ha and is located in open countryside c0.9km west of the village of South Wootton, within South Wootton Neighbourhood Plan Area and just north of the development boundary for King's Lynn and North Lynn Industrial Estate.

Larkfleet Homes application site (permitted under application 17/01151/OM) lies approximately 405m to the east of the site.

The site is relatively flat and comprises a series of agricultural fields (Grade 2 and 3) separated by hedgerow boundaries that include localised lines of trees, ditches and areas of dense scrub. A PRoW (South Wootton FP1) runs from north to south through the eastern part of the site.

The site is bounded by countryside to all sides and is not subject to any statutory designations for landscape quality or ecology.

However, the following protected sites are within close proximity to the site:

- The Norfolk Coast AONB (920m to the north of the site)
- The Wash (1.47km to the West)
- The Wash Ramsar, SSI, SPA (2.48km to the Northwest)
- The Wash and North Norfolk Coast SAC (2.48km to the West)

The site lies within Flood Zones 2 and 3 as depicted on the Local Authority's Strategic Flood Risk Maps and within the Environment Agency's Tidal Breach Hazard Mapping Area.

Access to the site is proposed off an existing access from Kilham's Way that connects to the A1078 (Edward Benefer Way). The existing access is also used for a waste and recycling facility currently located at premises at Estuary Farm.

Supporting information states that, based on the assumption that a household has an average annual consumption of electricity of 3.7MWh/year in England, the project could potentially provide power for 13,500 households every year.

SUPPORTING CASE

None received at time of writing report.

PLANNING HISTORY

21/00010/PREAPP: Possibility of Approval: 24/03/21 - PRE-APPLICATION FULL (WITH CONSULTATIONS AND A MEETING): Proposed 49.99mw Solar PV Array - Estuary Farm

20/01370/AG: AG Prior Notification - NOT REQD: 30/09/20 - Agricultural Prior Notification: Agricultural general-purpose building

RESPONSE TO CONSULTATION

Parish Council: SUPPORT - the Application provided that any mitigation regarding Heritage and Ecology are carried out.

Local Highway Authority (NCC): NO OBJECTION - The development comprises ground mounted solar PV panels with vehicular access from Kilham's Way, a private road that connects to Edward Benefer Way to the south.

During construction, the developer will undertake traffic management at the access to the public highway to ensure no conflicts occur between incoming and outgoing vehicles. The dominant type of material arriving at the site will be the solar panel modules, which will arrive via a single transport provider and at a rate that matches the rate of installation to avoid stockpiling.

We are advised that constructing in the above manner would result in roughly 8 HGV's a day, with 14 HGV's a day at its peak. To achieve this, there will be up to 60 workers on site, from site set up to construction (total of 6 months) with the associated main construction activities stretching across a 16-week programme.

Once operational, the site will be unmanned and only encounter low levels of traffic with a maximum of one or two visits a week for regular maintenance and inspection purposes only.

The application is accompanied by a transport statement, which includes a Construction Traffic Management Plan (CTMP) in turn incorporating a routing agreement that HGV's must follow.

Norfolk County Council, as local highway authority, has no objection to this development subject to traffic complying with the CTMP.

However, we note this proposal also includes placing longitudinal apparatus in the public highway.

The public highway is reserved for statutory undertaker's equipment and Highway Authorities do not allow private individuals / companies / developers etc. to place longitudinal apparatus in highway land.

Whilst there is a right of appeal against a refusal to cross the highway at 90 degrees, there is no right of appeal against a refusal by the highway authority to allow longitudinal apparatus in a public highway.

Accordingly, before this development can be connected to the national grid, the developer will need to provide evidence that the cable will be adopted by a statutory undertaker. Until this is obtained, the developer runs the risk of constructing the solar farm but being unable to connect it to anything.

Should your authority decide to grant consent a condition relating to Construction Traffic Management and an informative relating to works in highway land are requested to be appended to any permission granted.

PROW (NCC): NO OBJECTION - However, we would request that the applicant use the Highway Boundary plan submitted to accurately plot out the alignment and extent (width) of the Public Right of Way on the ground and have this checked by a member of the NCC PROW team prior to any works being carried out on the ground. As the Public Footpath is

undefined within an open field it is important for both the applicant and the Highway Authority to ensure that the PROW is unaffected by the works to avoid any issues in the future.

We note that the applicant intends to both fence and hedge either side of the PROW. The full legal extent must remain open and available for use at all times, consequently the planting must be set back sufficiently to allow for the hedge growth to not encroach on this. Again, this must be agreed with the NCC PROW team prior to any boundary treatments being installed.

Should any of the construction / implementation works affect the route of the footpath, the route may need to be closed on H&S grounds and a Temporary Traffic Regulation Order will be required from NCC in advance of works.

Open Space Society: OBJECT - As Britain's oldest national conservation body, we have great concern for common land, public paths, open spaces, and the public's ability to enjoy the natural beauty of the countryside. The development site is located in a highly sensitive position, the landscape of which is intrinsically related to the Wash/Great Ouse estuary system, with the Norfolk Coast AONB boundary only a short distance away.

Significantly, a very historic public path passes directly through the site. The Norfolk County Council's Definitive Statement of Public Rights of Way indicates that both the King's Lynn Footpath No.35 and the South Wootton Footpath No.1 run along the historic Old East Sea Bank, which, according to the "Norfolk Heritage Explorer" was probably constructed during the seventeenth or early eighteenth century.

Recent inspection of the site found the public path difficult to identify and locate on the ground – it was beset by substantial interference by agricultural crops, and by neglect by the local highway authority in terms of their duty to enforce against crop and other interferences, to maintain the path, and to signpost it clearly along its route. However, this state of affairs should be disregarded as a temporary circumstance, and the path instead considered as though in proper order, along its legal width and across its legal width. It may be noted that the path is directly accessible by public transport, including by the high-profile "Coastliner" 'bus service³, and that the public are currently provided with no information whatsoever on site as to the historic nature of the Great Ouse Estuary, or of the Old East Sea Bank; (even the path's small wooden finger signpost, from Edward Benefer Way, is extremely difficult to spot!)

The application seems to pay no respect, whatsoever, to its sensitive location. The proposed solar array, and associated infrastructure, would alter what are currently undeveloped and very largely unspoilt rural views, available from the public path, to something beyond recognition – a solar array, with associated infrastructure, in place of the currently undeveloped agricultural fields through which the path passes! One has to question if this really is an appropriate site for a development of this type and scale, at all, bearing in mind the severely detrimental visual impact upon publicly available views of the countryside, with their important heritage links.

If your council does go on grant approval, in spite of these concerns, then we would certainly support the views expressed by the Norfolk County Council (in the letter of 4th August from their Green Infrastructure Officer), that the full extent of this historic public path must remain open and accessible for the duration of the development and subsequent occupation. The legal width of the path, now, will be no less than the width of the path which ran along the Old East Sea Bank.

That alone, however, does not go far enough. In the event that the development was approved, the public would still be faced with considerable disadvantage, in terms of their

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enjoyment of the historic public path, and of the surrounding countryside, being significantly harmed on account of the very adverse visual impact.

If your authority is minded to approve, then we would suggest that it should on no account contemplate doing so without expecting the applicant to provide some form of betterment, to the public, thus bringing about at least some form of compensation. Such a betterment might include the dedication / creation of an additional public path linking with the statutory open access land in North Wootton parish (marked "The Gongs" on the Ordnance Survey "Explorer" map), and/or to the Marsh Road in North Wootton (although it must be borne in mind that a public-right-of-way may already exist along the continuation of the Old East Sea Bank into North Wootton parish, despite not currently being recorded on the Norfolk County Council's Definitive Map), and/or the dedication of additional bridleway rights over the path, thus providing additional access to the countryside here to equestrians and pedal cyclists. It may be noted that the applicant for planning permission would not be constrained to land within their direct control in negotiating and securing such measures.

Natural England: NO OBJECTION - This is in addition to our letter dated 13th August 2021 (our reference: 360502) which advised no objection subject to mitigation.

Natural England's advice: It has come to Natural England's attention that land directly south of the development is not within ownership of the applicant and therefore cannot be retained and enhanced as previously recommended in sections 2.2 and table 2 of the applicants Habitats Regulations Assessment (HRA). We recommend that the HRA is updated to reflect these changes.

Winter Bird Survey Report: The Winter Bird Survey Report explains that three designated features of interest were recorded during the surveys, Eurasian curlew, common shelduck and pink-footed goose.

"A peak count of 102 Eurasian curlew were recorded, equating to approximately 2.7% of the baseline population of wintering curlew at The Wash (estimated at 3,700 individuals). The survey visits also recorded counts of 3 and 1 curlew present. A peak count of 10 shelduck used the Site, equating to approximately 0.06% of the baseline population of wintering shelduck at The Wash(estimated at 16,000 individuals)....no pink-footed geese were observed using the Site or adjacent habitat within 100m; all records were of flocks commuting overhead".

The report concludes that the impact of the proposed development to designated interest features to be negligible due to a lack of suitable habitat on site and sufficient suitable habitat in the adjacent landscape. We note that the Winter Bird Survey Report is based on a four-visit single season winter bird survey and on this basis, recommend that a thorough desk study is undertaken to confirm survey results and conclusions. This should reference bird records from key sources including the BTO, WWT and RSPB. Should the desk study produce significantly different results, specifically an increase in the recorded number of interest features within the development footprint, we would recommend that this is considered and appropriately assessed by the Local Authority to inform decision making.

Equally, should the desk study support the conclusions of the Winter Bird Survey Report, Natural England would have no objection to the proposal, subject to the delivery of the mitigation measures outlined below.

Mitigation: We support the mitigation and enhancement measures proposed in section 5 of the Winter Bird Survey Report, specifically:

- Retention and enhancement of ditch habitats

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- Retention of trees
- Sowing of winter seed mix all around the solar park and annual management of the seed mix
- Areas to provide food for wintering birds and small mammal prey species the inclusion of the proposed species rich grassland / ecological mitigation area and native hedgerows as shown in the Landscape Master Plan
- Construction works should be completed outside of the wintering bird season to avoid impacts to qualifying features. As explained in the Ecology Report, any works requiring disturbance to vegetation and arable land on site should be implemented outside of the breeding bird season (March to August inclusive) to ensure that active nests are not damaged or destroyed as in line with the Wildlife and Countryside Act (as amended). If construction commences during the breeding season works should be preceded by nesting bird surveys, this should be undertaken by a qualified ecologist. If active nests are found works should cease until chicks have fledged.
- Completion of breeding bird surveys to identify appropriate mitigation measures where necessary and the implementation of those measures implementing best practice methods to protect soil during development.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Protected Species: Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and Most Versatile Agricultural Land or Minerals and Waste reclamation: Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 56.44 ha of BMV agricultural land. We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land.

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and

should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

Environment Agency: NO OBJECTION - The site is located within flood zone 3 (high risk) of our flood map. It is also within a Flood Hazard Zone (at risk of inundation if defences were to breach or overtop).

We would consider the development to be classed as less vulnerable. Given the scale and nature of the proposed development we have no objection to this application.

IDB: NO OBJECTION - subject to the Boards Bylaws being complied with where necessary.

LLFA (NCC): NO OBJECTION Generally with a solar farm proposal, a portion of the site will comprise of proposed solar (PV) panels and energy storage facilities, whilst the remainder of the site comprises of the existing grassed spacing between rows and field margins. The design of photovoltaic (PV) panels means that the area represented by the proposed panels is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable.

This common setup means sites are usually considered 95% permeable, but associated infrastructure like battery storage units, solar stations, substations, internal roads should be considered as fully impermeable.

It should also be noted however that panel arrays can sometimes be very long and also pitched together which needs to be assessed differently and may require a different drainage strategy. Also, some panel types have wide pad foundations which can affect overall PIMP of the site.

Rainfall will drain freely off the panels onto the ground beneath the panels where the surface remains permeable. Thus, the total surface area of the photovoltaic array is not considered to act as an impermeable area and the impact is assumed to be nil. However, the nature of the underlying groundcover and antecedent conditions can have a demonstrable influence on the surface water run-off characteristics of a site, i.e. if the ground cover beneath panels is proposed as bare earth which is susceptible to hardening in summer months, then peak discharges can increase significantly. As such, it should be ensured as part of any proposed scheme that grass or wildflower cover will be well-maintained across the site to ensure that such proposed schemes will not increase the surface water run-off rate, volume or time to peak compared to the pre-development situation. This will also help provide net biodiversity gain.

You should satisfy yourself that the applicant has demonstrated compliance with:

The National Planning Policy Framework ("NPPF") paragraphs 155 - 165 by ensuring that the proposal would not increase flood risk elsewhere and will incorporate sustainable drainage systems. The applicant should also demonstrate how the proposal accords with national standards and relevant guidance. If the proposal does not accord with these the applicant should state their reasoning and the implications of not doing so. The key guidance available is set out below:

To ensure that development is undertaken in line with Paragraph 163 and 165 of the NPPF the LLFA recommends that LPAs satisfy themselves of the following considerations prior to granting permission for major development below LLFA thresholds:

1. Is the development site currently at risk of flooding? The application submission should include a site-specific assessment of the risk of flooding to the development site from all sources. The risk of flooding on the current site should be acknowledged using national flood

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risk datasets such as the EA's Risk of Flooding from Surface Water maps. If any areas at risk of flooding are identified, development should avoid these areas in line with NPPF. Where this cannot be achieved a robust strategy should be provided that includes adequate flood resilience measures incorporated in the design. This may require an emergency flood plan where appropriate.

2. How does the site currently drain? The method through which the site currently drains should be described, such as whether there are existing infiltration features, ordinary watercourses within or at the boundary of the development, or existing surface water sewer infrastructure. Land drains are common, especially in previously agricultural land, and do not comply with good SuDS practise.

3. Restrict vehicular movements on site to designated access tracks. In doing so, the risk of soil compaction is minimised and limited to specific locations. The applicant should design the vehicular access tracks to be permeable (e.g. gravel medium) to mimic the existing surface conditions.

4. Rutting during the operation phase is also another common problem with solar farm sites, especially during intense storms at the foot of the panels. This can alter natural flow paths and should be avoided where possible.

5. Specify what type of vegetation will be planted across the site and how will it be managed/maintained in perpetuity. The ideal situation is that vegetation is grassed and is kept reasonably high or grazed by livestock. Good vegetation cover will limit the transfer of sediments and slow the flow of water.

6. Where required a Drainage strategy should be provided for any large impermeable substation and compound areas.

7. If there are any concerns with residual risk, due to concentrated rainfall (flash events etc.), then simple shallow features (e.g. 0.6m deep) like linear swales or filter drains could be proposed along the lowest parts of the site to capture any exceedance. No runoff should leave the site up to the 1% AEP+CC storm.

8. A Construction Environmental Management Plan (CEMP) should also be provided.

Following the submission of additional information by the applicant the LLFA would not comment further. As such the LA's Community Safety and Neighbourhood Nuisance team (CSNN) were asked to comment. Their response is covered below.

CSNN (BCKLWN): NO OBJECTION - The applicant has provided acceptable details of predicted construction and operational noise and associated controls within the Noise Impact Assessment and the Construction Traffic Management Plan. Therefore, it is important to ensure that the development proceeds in accordance with these predictions. I therefore request conditions are appended to any permission granted requiring the development be carried out in accordance with the Noise Impact Assessment and Construction Traffic Management Plan.

In relation to drainage the concerns raised by the LLFA have been addressed in the flood risk assessment that accompanied the application and supplementary information provided on the 20th August.

I therefore have no objection subject to the development being carried out in accordance with the FRA and supplementary information.

Environmental Quality (BCKLWN): NO OBJECTION - Having reviewed the information in the application and our files, we have no comments with regard to contaminated land.

Historic Environment Service (NCC): NO OBJECTION - HES can confirm that we have received and reviewed both the archaeological desk-based assessment and the report on the geophysical survey.

Despite the disappointing results of the geophysical survey we are in a position to make recommendation in relation to this application.

The archaeological work carried out so far in relation to the above application has highlighted potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigation work to be secured by condition.

Norfolk Coast Partnership: NO OBJECTION - The site is outside of the AONB and in terms of impact I believe the visual impact would be neutral and would not impact the special qualities of the AONB.

External lighting for security etc. could however cause an impact when viewed towards / from the AONB and therefore we would like to see an external lighting condition appended to any decision notice.

Conservation Officer: NO OBJECTION - I have looked at the layout, location and height of substations etc., and conclude that this proposal will cause negligible harm if any to the setting of the listed Old Hall.

However, I was surprised that the Build Heritage Assessment did not assess The Old Hall, only the Grade II* Church adjacent. Notwithstanding this, the impact will be less than The Old Hall and I therefore raise no objection.

Arboricultural Officer: NO OBJECTION - The proposed tree removal will not be an issue, the majority are being removed for health & safety reasons. I can confirm that I have no objections.

Norwich Airport Safeguarding Team: NO OBJECTION - We note that the development lies below or beyond the volume of protected airspace that surrounds Norwich Airport and that it does not lay within the bird circle shown on the aerodrome safeguarding map.

Therefore, from a safeguarding viewpoint, this development will not provide a significant collision risk to aircraft operating in the vicinity of Norwich Airport; or interference with our surveillance systems. We do not need to be a statutory consultee for any future planning applications on this particular site unless wind turbines become part of the design.

Anglian Water: NO OBJECTION - We have no comments.

Civil Aviation Authority: NO OBJECTION - No comments received at time of writing report.

REPRESENTATIONS

ONE letter of **Objection** was received from a third party stating: *'I object to the Built Heritage - Setting Assessment.*

I object in that the document precludes any assessment of the impact on The Old Hall because of "intervening development and the modest scale of the house".

In fact, the proposed development area is clearly visible from The Old Hall, which is of 3 storeys and would impact on its setting.'

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS06 - Development in Rural Areas

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM3 - Development in the Smaller Villages and Hamlets

DM15 – Environment, Design and Amenity

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM20 - Renewable Energy

NEIGHBOURHOOD PLAN POLICIES

Policy E2 - Sustainable Drainage

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues in the consideration of this application are:

- Principle of Development
- Visual Impact
- Protected Sites and Species
- Highway Safety and PROW
- Flood Risk and Drainage
- Historic Environment
- Crime and Disorder
- Other Considerations

Principle of Development

Renewable Energy is supported at both national and local level with Planning Practice Guidance stating that planning has an important role in the delivery of new renewable and low carbon energy infrastructure.

The PPG makes it clear that in relation to ground-mounted solar photovoltaic farms the main issues for consideration are visual impact (the effect of the development on the landscape) and impacts from potential glint and glare.

The applicant has stated that the site was picked due to its open, rural location that is not shaded by any nearby features in the landscape, along with its proximity to the coast (which receive higher levels of sunshine when compared to the country as a whole) together with the available grid infrastructure and capacity and potential third party connections (to Recipharm).

However, both National and local planning policy and guidance seek to retain the countryside for its amenity value, intrinsic character and beauty and agricultural provision.

Paragraph 174 of the NPPF, 2021 states: '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...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and ...'

Development Plan Policy CS01 seeks to protect the countryside beyond the villages for its intrinsic character and beauty, the diversity of its historic environment; landscapes; geodiversity and biodiversity...

With DPP CS06 expanding upon this by stating that *Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.*

However, national and local planning policy and guidance also place significant importance on renewable energy.

Paragraph 155 of the NPPF states: *To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

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.*

DPP CS08 states: The Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.

Renewable projects should be assessed accordingly (where necessary by project level Habitat Regulation Assessment) to ensure minimal ecological impact and should undergo a detailed cumulative impact assessment.

DPP DM02 acknowledges that some development may be required outside of the development boundaries within countryside stating The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including...

- Renewable energy generation (under Policy DM20 of the rural economy or to this Plan)

DPP DM20 states Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for

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offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:

- Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites
- The surrounding landscape and townscape
- Designated and non-designated heritage assets, including the setting of assets; ecological interests (species and habitats)
- Amenity (in terms of noise, overbearing relationship, air quality and light pollution)
- Contaminated land
- Water courses (in terms of pollution)
- Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks), and
- Tourism and other economic activity.

In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

a) There is a significant loss of agricultural land; or

b) Where land in the best and most versatile grades of agricultural land (grades 1, 2 and 3a) are proposed to be used.

Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

As such there is some conflict between these two overarching aims (protection of the countryside / high grade agricultural land and provision of renewable energy), and a balance is required.

In this regard, given the nature of the development and the fact that the development is reversible together with the site's backdrop of the industrial estate to the south and southwest suggests the benefits of providing renewable energy outweigh the harm.

VISUAL IMPACT

A Landscape and Visual Appraisal was submitted with the application with the objective of identifying, predicting and evaluation potential key effects arising from the proposed development. The assessment was carried out based upon recommendations contained within 'Guidelines for Landscape and Visual Impact Assessment' (GVIA3) (Third Edition, 2013) which was linked back to the Development Plan and principally Policies CS06, CS07, CS08, CS12 and DM15 and King's Lynn & West Norfolk Borough Landscape Character Assessment, 2007.

The LVA states that the existing vegetation along the A1078 (Edward Benefer Way) will block all the views of the site from the south. To the north, there are views of the site across the flat, open landscape up to the edge of the AONB. To the east there are views from the edge of the villages of South and North Wootton and the open flat landscape between. To the west there are views across the open flat landscape until the higher ground along the banks of the River Great Ouse.

The receptors most affected by the development would be the users of the road, PRoW and properties closest to the site. The majority of receptors would have a slight or negligible residual level effect as a result of the development. The exception to this is one short section of South Wootton FP1.

The LVA suggests the following impacts:

PROWS:

- Norfolk Coast AONB - neutral. This is supported by neither Natural England nor the Norfolk Coast Partnership raising an objection in relation to the impact on the AONB
- North Wootton Landscape Character Area – slight
- The Fens National Character Area negligible
- King's Lynn FP2 – negligible
- King's Lynn BOAT1 - negligible
- Clenchwarton FP5 – negligible
- South Wootton FP3 – negligible
- Castle Rising FP12 – neutral
- Marsh Common – negligible

Properties

- Along the Eastern edge of North and South Wootton villages including development permitted under application 17/01151/OM - negligible
- Along Marsh Lane – negligible
- In North Lynn - negligible
- Along the northern edge of King's Lynn Port – negligible

Roads

- A1078(Edward Benefer Way) – negligible
- Marsh Lane and Kilham's Way – negligible

Commercial Premises

- North Lynn Industrial Estate – negligible
- King's Lynn Port and Riverside Industrial Estate – negligible

It is considered that the proposed creation of boundary hedgerows around the site will assist in reinforcing visual screening of the development from the users of the local roads, PROWs and residential properties.

The proposal would therefore be in accordance with the NPPF, Development Plan Policies CS06, CS07, CS08, CS12 and DM15 and King's Lynn & West Norfolk Borough Landscape Character Assessment, 2007.

Protected Sites and Species

Protected Sites

The site was screened at pre-application stage and it was concluded that the development did not require an Environmental Statement (i.e. it is not EIA development.)

Habitat Regulations Assessment (HRA): Changes have been made to the Conservation of Habitats and Species Regulations 2017 (as amended) (2017 Regulations). The changes are made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (2019 Regulations).

The 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives).

The Regulations require the competent authority (in this instance the LPA) to ascertain the impacts of a plan or project not directly connected with or necessary to the management of a protected site that may impact on the site.

The competent authority must be satisfied that the project would not adversely affect the integrity of a protected site or, where there is no alternative solution that the project must be carried out for imperative reasons of overriding public interests.

The protected sites are known as Natura 2000 and consist of SACs, and SPAs. Ramsar sites, candidate SACs (cSACs) and potential SPAs (pSPAs) are treated the same as SAC and SPAs for the purposes of the Habitat Regulations Assessment (HRA).

Whilst it is the responsibility of the competent authority to undertake the HRA, it is the responsibility of the applicant to supply the information required to undertake the assessment.

The HRA is a staged process. Stage 1 (Screening) considers the scope for likely significant effects to occur based on a broad scale assessment taking into account factors such as the spatial relationship between impact sources and designated site. Screening for likely significant effects considers the project both alone and in-combination with other projects.

Stage 2 (Appropriate Assessment) if stage 1 identifies likely significant effect an assessment of the implications of the project for the site(s)'s conservation objectives is carried out.

Stage 3 if Stage 2 concludes that the project will adversely affect the integrity of the sites or when adverse effects cannot be ruled out, an assessment of alternatives for the project must be considered. Should no alternative be available 'Imperative Reasons of Overriding Public Interest' (IROPI) must be justified and compensatory measures identified.

The following Natura 2000 sites were considered:

- The Wash NNR (1.47km to the West)
- The Wash Ramsar, SSI, SPA (2.48km to the Northwest)
- The Wash and North Norfolk Coast SAC (2.48km to the West)

Full details of the site's qualifying features and conservation objectives accompanied the application.

Stage 1 – screening of potential likely significant effects on the protected sites for construction, operation and decommissioning.

The HRA screening had to be redone due to an inaccuracy in the initial submission which has resulted in the loss of an area of land to the south of the site. The loss of this area resulted in the need for a further desk study to be undertaken in relation to bird use of the footprint of the site from other information sources (i.e. in addition to what was actually recorded on site during the four surveys.)

The conclusion of the desk study is that there are no bird records from the actual footprint area of the site. Therefore, the Desk Study results do not add additional bird value to that which is detailed in the ADAS (2021) Wintering Bird Survey Report.

It is considered that the Desk Study has been undertaken in accordance with the requirements of Natural England, and consider that due to the fact that no additional bird records exist for the site area, the detailed Desk Study did not produce different results from the conclusion of the Winter Bird Survey Report.

Stage 1, including the desk study, has identified that significant effects on the protected sites are unlikely to occur as a result of any phase of the development alone or in combination.

It is not therefore necessary for the LPA to carry out an Appropriate Assessment, and in accordance with Natural England's response, subject to the development being carried out in accordance with appropriate mitigation, the development would not have an adverse impact on The Wash SPA and Ramsar or the interest features of The Wash SSSI. This can be suitably covered by condition.

Protected Species

The surveys that accompanied the application can be summarised as follows:

Birds: The site has potential to support ground nesting birds, nesting birds (in scattered trees) and shelter / forage for wintering birds. A number of bird species were recorded on site. Further surveys are required.

Best Practice Mitigation: Any development, including site clearance, should be implemented outside of the breeding bird season (March to August inclusive). Where this is not possible, a nesting bird and a ground nesting bird check by a suitably trained ecological should be undertaken at least 48 hours prior to works.

Bats: The majority of the site is open ground lacking ideal habitat for bats. There is some potential for bats to use lines of trees on site for commuting, foraging and roosting opportunities. Further surveys required.

Badgers: No signs were recorded during the initial survey (Nov. 2020) however, two active setts were observed in both January and April 2021 on the site and immediately outside the site. Further surveys required.

Hazel Doormouse: The habitats are considered sub-optimal and lacked in connectivity to woodland. No further surveys required.

Water Vole: Suitable habitats were present on site for water voles in the form of the ditches and drains. Further surveys will be required if the ditches and impacted by the development.

Otter: The site provided connectivity for otters within an arable landscape via the ditches with the possibility for otters to use woodland on site for holt creation. Further surveys required.

Reptiles: The field margins provided the greatest suitability for reptiles on site. However, it is considered unlikely reptiles would be on site due to the lack of connectivity to suitable reptile habitats and lack of reptile records / observations. No further surveys required.

Amphibians: The site does not provide suitable habitat for great crested newts due to lack of ponds and hibernacula. Common amphibians may use ditches on site. However, it is considered unlikely due to low suitability of terrestrial habitat. No further surveys required.

White-clawed crayfish: The site's ditches were not considered suitable for supporting this species. No further surveys required.

Non-native invasive plants: No invasive plant species were recorded within the site, but invasive plant species were recorded in the wider area. Further surveys required as initial surveys were not carried out during optimal timeframes.

General Enhancement Opportunities: Prior to the instalment of solar panels on the site there is an opportunity to enrich and diversify the site by sowing a wildflower seed mix to the arable land which will attract a great number of insects and as a result birds.

Landscaping: As part of the proposed landscaping, the existing trees at the north of the site will be retained (with a small number being removed for health and safety reasons) as well as existing ditches to the centre of the site. In addition to this, native hedging will be planted along the north part of the eastern boundary and southern part of the western boundary. To the north east of the site will be a species rich grassland / ecological mitigation area.

All these aspects can be suitably conditioned if permission is granted.

Protected Species (PS) have full protection 2017 Regulations. It's an offence to deliberately capture, injure or kill, or deliberately disturb PS. These requirements are enforced in the 2017 Regulations and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the 2017 Regulations. However, if a development proposal could potentially result in a breach (i.e. a licence is known to be required), the LPA must form a view on the likelihood of a licence being granted under the regulations by NE in order to fulfil its own obligation.

As a licence is not known to be required the LPA does not need to undertake the tests of derogation.

If the further surveys required as outlined above suggest a licence would be required it will therefore be covered under the NE's regulations.

The development is therefore considered to be in accordance with the Regulations, the NPPF and Development Plan Policy CS12.

Highway Safety and PROW

Highway Safety

The site will be accessed from an existing access onto Edward Benefer Way.

The Local Highway Authority (LHA) has confirmed that the existing access of Kilham's Way with Edward Benefer Way is suitable for construction and maintenance vehicles and that, once the development becomes operational, the development will create very little additional traffic.

They therefore raise no objection to this aspect (the solar array itself) of the application in terms of highway safety subject to construction works being carried out in strict accordance with the Construction Traffic Management Plan that accompanied the application. This will be conditioned if permission is granted.

However, the LHA have also confirmed that separate consent will be required in relation to placing longitudinal apparatus in the public highway that it is reserved for statutory undertakers' equipment. They have stated that they do not allow private individuals / companies / developers etc. to place longitudinal apparatus in highway land. They also go on to make it clear that, unlike applications that seek to cross the highway at 90 degrees (i.e. crossing Edward Benefer Way) that can be appealed, there is no right of appeal against a refusal of the LHA to allow longitudinal apparatus in the public highway (i.e. the cable route.)

As such there is a risk that the solar farm will not be able to be connected to the national grid. Whilst there is little risk that the solar farm would actually be constructed without receiving such a permission, there is a risk that planning permission may be granted that could not be carried out. LPA's should avoid such circumstances where it can. However, LPA's should also not without / delay granting planning permission that accords with an up-to-date Development Plan on the basis of issues that are covered under other legislation.

The applicant is fully aware of this risk and has undertaken further discussions with NCC who have confirmed that they would need to submit two formal Section 50 applications for the two cable routes which run to the south of the site and ultimately will need to cross / run under the highway.

However, the applicant has confirmed that they wish to secure planning permission before entering into the consenting process with the LHA. This approach is understood and is generally normal in larger developments (i.e. securing planning permission before securing other consents / easement / Bylaws) as this speeds up the application process and also gives assurance that it is worth pursuing other consents.

PROW

Whilst there were some initial discussions regarding diverting the PROW(s) that cross the site under a diversion application (S257) the PROWs are to be retained in their current position. If it is proposed to change the route in the future then both a diversion application and amendment to the planning permission via an appropriate planning application will be required.

The existing PROWs (the northern part of King's Lynn Footpath No.35 (north of Edward Benefer Way) and the greater part of South Wootton Footpath No.) runs through the eastern part of the site.

NCC have confirmed they have no objection to the proposed development subject to prior to commencement of development the existing route is marked out on site and is agreed by the PROW team. This can be suitably addressed by condition if permission is granted.

NCC also acknowledges that they have neglected their duties with regard to the existing path due to its low priority given the path seemingly gets little or no registered use across it

due to it being a dead end and therefore a circular route though large generally featureless fields.

Comments from the Open Space Team (OSS) clearly concur with these findings stating that: 'Recent inspection of the site found the public path difficult to identify and locate on the ground – it was beset by substantial interference by agricultural crops, and by neglect by the local highway authority in terms of their duty to enforce against crop and other interferences, to maintain the path, and to signpost it clearly along its route.'

The proposed scheme would clearly result in a more legible route, and in this regard, whilst its route would be visually different, it may be used more as it will be more legible. This has to be considered a positive rather than a negative or at the very least a status quo (what is being lost on the one hand (nature of land around PROW) is being gained on the other (a legible and walkable PROW)).

Whilst both NCC and the OSS wish to see betterment in terms of connecting this route to the wider network, the land is not in the applicant's ownership and is therefore not something that the LPA can control.

In relation to the comments raised specifically by the OSS, the applicant responded as follows: the following enhancements were suggested:

- The dedication/creation of an additional public path linking with the statutory open access land in North Wootton parish (marked "The Gongs" on the Ordnance Survey "Explorer" map), and/or to the Marsh Road in North Wootton.
- The dedication of additional bridleway rights over the path, thus providing additional access to the countryside here to equestrians and pedal cyclists.

However, these enhancements are not necessary to make the development acceptable in planning terms, as it is already compliant with the policy in the King's Lynn and West Norfolk Core Strategy (2011) and the National Planning Policy Framework (NPPF). They do not directly relate to the development, nor are they proportionate to the scale and kind of development that is being proposed on the site. In this regard, the suggested enhancement would not meet the statutory test in CIL regulation 122 (as amended by the 2011 and 2019 Regulations)

Furthermore, the matter of ownership has also been overlooked when referring to potential off-site enhancements. I would highlight that the land immediately surrounding the application site, is not under the ownership of our client and we are ultimately not in a position to develop on third party land.

As part of the proposed layout, we have sought to keep the PROW in its existing location and have sought betterment through other means. This includes hedgerow planting either side of the existing PROW route which will delineate it and assist in reinforcing visual screening of the development from those walking down the route. Furthermore, following completion of the development, the section of the PROW cutting through the site, will span a larger width than currently exists.'

Taken all the above points into consideration, it is not considered that the impact on the PROW, given that the statutory body itself raises no objection, is sufficient to warrant refusal.

The proposal therefore complies with the NPPF and Development Plan Policy CS11.

Flood Risk and Drainage

The site lies within an area designated by the EA as defended Flood Zone 3, outlined to have a chance of flooding of 1 in 100 or greater (less than 1.0%) in any year.

Background

Sources of flood risk to the development site are outlined in the flood risk assessment that accompanied the application. The sources of existing flood risk are described in Section 4, this shows the greatest source of flood risk is outlined to be from a flood wall breach event during a 1 in 200-year (0.5% AEP) flood risk scenario.

Flood depths for the breach scenario are provided in Appendix C of the FRA report. Further correspondence has been undertaken with Environment Agency since the submission of this report to better detail the maximum flood levels for the breach scenario, the results of this mapping exercise were provided in supplementary information that was commented upon by the LA's CSNN team.

Flood mitigation measures are outlined in Section 5 of the FRA, the design details provided within this section are shown on the elevation drawings of the relevant critical components in Appendix E of the FRA. The flood resilience measures have been agreed with the Environment Agency following preapplication consultation (Appendix B of the supplementary information) and following this no objection has been raised by the Environment Agency as a statutory consultee.

1. The existing hydrology of the site is outlined in Section 2.1.3 of the FRA, which details the ordinary watercourses on the site boundaries as part of two separate hydrological catchments. The applicant has also confirmed that the site is underlain with clay pipes that have been installed as field drainage; the location, age and condition of these pipes are not specified. There are no other known artificial drainage features on site and the existing drainage is thought to be via overland flow and baseflow towards the ordinary watercourses, enhanced with the clay pipe field drains.

2. The applicant has confirmed they will have vehicular tracks through the solar farm. For the construction period they expect to use temporary roadways built with a composite mat system similar to Dura-Base. For the operation phase, they will have gravel near the access point and the substations. The internal roads won't have any gravel. Therefore, vehicular tracks are considered to be kept permeable.

3. Rutting is touched upon within Section 7.4.1.1 of the FRA, it is specified that extreme flows should be intercepted by SuDS such as swales or interception ditches to mitigate against the potential to increase peak runoff rates from the site from the existing condition. Rutting will also be mitigated by allowing vegetation to grow below solar panels which can improve soil structure and intercept water droplets.

4. Vegetation will be permitted to grow below solar panels as outlined in Section 7.4.1.2 of the FRA.

Following additional consultation with the developer, it is confirmed that grass and wildflower mixes, such as winter bird and pollinator mixes, will be sown on site for ecological benefits.

5. Approximate impermeable areas of compounds are outlined in Table 7.2 of the FRA. The drainage strategy for these areas of impermeability are discussed in Section 7.4.2 of the FRA.

In summary, it is outlined that surface water runoff from these areas can be attenuated within gravel filled trenches. Approximate sizing of the trenches is outlined in this section to provide attenuation for the 1 in 100 year plus 40% climate change storm event. It is expected these trenches will allow infiltration of runoff to the surrounding ground and mimic existing conditions.

6. As stated above, attenuation will be provided for the 1 in 100-year storm plus 40% climate change.

Flood Risk

This type of development is classified as 'Essential Infrastructure' in Annex 3 of the NPPF. However, the EA have suggested it falls within 'Less Vulnerable'. Regardless, both classifications are considered acceptable in areas at risk of flooding subject to passing the Sequential and Exception Tests.

In relation to the former, the LPA is satisfied that there are no available, appropriate sites at a lower risk of flooding. This is on the basis of the size of the land required and its proximity to potential third-party users and a national grid connection.

The following critical elements are to be raised as follows:

- DNO Substation: To be raised 1.8m above the existing ground level, shown to be approximately 3.13mAOD from topographic information (overall height 5.1m)
- Client Substations: To be raised 1.8m above the existing ground level. 1no. at the site access road which an approximate existing site level of 3.04mAOD from topographic information. And 2no. in the south-west corner of the site, the existing ground level is unspecified (overall height 5.3m)
- Battery Storage Station: 5no. to be raised 1.8m above the existing ground level, shown to be approximately 3.0mAOD from the topographic information (overall height 4.4m)
- Transformer Station: 40no. to be raised 1m above the ground level at various points across the site (overall height 2.9m)
- Modules: To be set a minimum of 0.709m above the ground level. It is noted these components have a level of ingress protection (overall height 2.3m)

A Flood Risk Assessment has satisfied the Environment Agency that the development can be made safe for its lifetime and would not increase flood risk elsewhere.

In relation to the raising of some of the structures above flood risk, given their low height, they will still be low structures in the landscape. Furthermore, the LVA has taken account of these over heights in its assessment of impact.

Drainage

In relation to the IDB's comments of the 11 August 2021, the applicant responded to acknowledge the comments raised and the potential need for Bylaw consent stating: As the Board has rightly stated, should infiltration not be a viable means of surface water drainage then surface water discharge to the nearest watercourse may be required.

Should discharge to a watercourse prove necessary for the surface water drainage of the application then it is acknowledged that discharge will be subject to the conditions of Byelaw 3, payment of the Surface Water Development Contribution fee and consent of the Board.

If discharge to a watercourse is required then, in relation to Byelaw 3 – Control of Introduction of Water and Increase in Flow or Volume of Water, the drainage strategy will

seek to limit discharge from the area of impermeability to the equivalent Greenfield Runoff Rates, therefore providing no increase in flow or volume to the watercourse.

The outline drainage strategy in the flood risk assessment has provided maximum attenuation volumes required for each impermeable unit on the development without an outflow, therefore providing evidence of the feasibility to attenuate on site for the 1 in 100 year plus climate change scenario. Should these attenuation drains exceed their capacity then it is expected that exceedance flows will naturally drain into the ground as overland flow, further limiting reliance upon drainage to a watercourse.

It should also be noted that the drainage strategy in the flood risk assessment identified that impermeable surfacing on the site will be limited given the nature of the development, additionally those areas of impermeability are likely to be raised above ground level on stilts or plinths (as shown on elevation plans), thereby further reducing the net loss of permeability of the site as a result of the proposed development.’

This acknowledgement of the drainage issues of the site has satisfied the LPA that surface water drainage can be suitably conditioned if permission is granted.

Given the outline drainage strategy and flood risk assessment that accompanied the application it is considered that it is appropriate to condition surface water drainage.

The proposal therefore complies with the NPPF and Development Plan Policies CS01 and CS08.

Historic Environment

The Built Heritage Setting Assessment concluded that, whilst the towers or steeples of three Listed Buildings (LBs) are visible from the site The Chapel of St Nicholas, The Church of All Saints and The Church of St Mary), the site itself and any view of these LBs do not contribute to their significance. It goes on to state that the intervening distance ensures that the architectural detail of any LB is not discernible and the surrounding development and vegetation around east LB also ensures that the site is not visible from them. Existing development, vegetation and the long distances also ensure that there is no opportunity to see the site and the LBs together easily to the naked eye.

It concludes that, overall, solar development at the site will not harm any heritage asset through any change to their setting.

The cable route comes closer to a number of designated and non-designated assets than the main site itself. However, given that the cable route involves development underground, it is concluded that there will be no long-term material impact.

The Conservation Officer raises no objection to the proposed development on the grounds of its impact on the historic environment, and whilst acknowledging the lack of assessment of the Old Hall would have been welcomed, could not substantiate an objection given the development is not likely to result in any harm to any LB including the Old Hall given its proximity to the Listed Church.

The development is therefore in accordance with the NPPF and Development Plan Policies CS12 and DM15.

Other Considerations

A number of service providers / statutory undertakers are likely to have assets in the vicinity of the proposed new cable route given its extensive length. However, as with highways consents, IDB consents for example, not gaining these permissions should not be a reason for delaying / not granting planning permission as they are dealt with under separate legislation.

If for whatever reason the permitted route is not acceptable due to utilities an amended scheme will need to be submitted for consideration by virtue of a new planning application.

Crime and Disorder

There are no specific Crime and Disorder issues with this application.

CONCLUSION

The main considerations in determining the impact of solar arrays are visual impact and glint and glare. Neither Natural England nor the Norfolk Coast Partnership raise objections in relation to the impact on the AONB, protected sites and other landscape designations. In relation to glint and glare Norwich Airport Safeguarding raises no objection. RSPB did not comment on the application. It is therefore concluded that the impacts on visual amenity and from glint and glare are acceptable.

Other key considerations in relation to this specific proposal are impacts on the historic environment, countryside and PROW(s), flood risk and drainage, highway safety and protected species. As outlined above all these impacts can be suitably addressed.

No objections have been received from statutory consultees although there are a number of additional consents / agreements that will need to be secured before development can commence.

It is therefore considered, given the nature of the development and the fact that the development is reversible together with the site's backdrop of the industrial estate to the south and southwest suggests the benefits of providing renewable energy outweigh any harm.

It is therefore recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

EF-GM001 Rev.L Site Location Plan
EF-GM002 Rev.C Main Site Location Plan
EF-GM100 Rev.K Site Layout Plan
EF-GM200A Rev.F Solar Module Framework
EF-GM200B Rev.D Solar Module Framework LE
EF-GM202 Rev.C Client Substation Elevations
EF-GM203 Rev.E Client Storage Elevations
EF-GM204 Rev.E Battery Storage Elevations
EF-GM205 Rev.B Transformer Station Elevations
EF-GM220 Rev.C Boundary Fence Typical Detail
EF-GM230 Rev.C CCTV Pole
SC H-B-25-2021 Version B DNO Substation Elevations
1051038-NAM9001-EST-L-007 Rev.03 Landscape Masterplan

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. 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 and
 - f) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 3 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 4 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 3 and any addenda to that WSI covering subsequent phases of mitigation.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 5 Condition: The development shall not be put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 3 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 6 Condition: Prior to the commencement of development hereby permitted the full alignment and extent (width) of the existing PROWs that cross the site shall be accurately plotted on site and be agreed in writing by the Local Planning Authority.

Notwithstanding the approved Landscape Masterplan, no planting shall be planted along the confirmed route(s) of the PROW(s) without being approved in writing by the Local Planning Authority. Planting adjacent to the existing PROW(s) shall be carried out in accordance with the approved details prior to the first use of the development hereby permitted.

In relation to planting adjacent to the PROWs any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 6 Reason: To ensure correct identification of the existing PROW(s) and ensure that planting adjacent to them is appropriate in accordance with the NPPF and Development Plan.
- 7 Condition: Other than in relation to planting adjacent to the PROW(s) that is covered under Condition 6 of this permission, all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 7 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 8 Condition: The construction phase of the development hereby permitted shall be carried out in full accordance with the Construction Traffic Management Plan that accompanied the application (Ref: 663057 dated June 2021).
- 8 Reason: In the interests of highway safety and the amenity of the locality in accordance with the NPPF and Development Plan.
- 9 Condition: Notwithstanding the information already submitted, no works shall commence in relation to surface water drainage until full details of the surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 9 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 10 Condition: The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment & Outline Surface Water Drainage Strategy that accompanied the application (Ref: 882279-R1(01)-FRA dated June 2021) and supplementary information contained in a letter and appendices dated 20th August 2021 Ref: 882279-L1(00)-FRA unless otherwise agreed in writing by the Local Planning Authority. Your attention is drawn to Informative 1 of this decision notice that relates to this condition.
- 10 Reason: To reduce the risk associated with flooding in accordance with the NPPF and Development Plan.

11 Condition: Before the first use of the development hereby permitted, a detailed ecological planting and management plan shall be submitted to and agreed in writing by the Local Planning Authority in relation to the ecological mitigation area shown on the approved Landscape Master Plan and the field margins within the site. The development shall be carried out and managed in accordance with the approved details.

11 Reason: In the interests of protected species and sites in accordance with the NPPF and Development Plan.

12 Condition: The development hereby permitted shall be carried out in full accordance with the:

Summary of Further Survey or Actions and Ecological Opportunities and Recommendations contained within the 'Preliminary Ecological Appraisal (Rev.2 dated 28.05.2021)

Conclusion of the 'Information to Inform Habitat Regulation Assessment' (Rev.1 dated October 2021) and

Summary of Further Survey or Actions and Recommendations and Actions contained within the 'Wintering Bird Survey Report' (Ref: BXT69105-751 (00) REV 1 dated October 2021)

Recommendations contained within the 'Ground Level Tree Assessment' (dated May 2021) and

Landscape Masterplan drawing No. 1051038-NAM9001-EST-L-007 Rev.03.

Additionally, all construction works should be carried out outside of the wintering bird season.

Your attention is drawn to the fact that a number of these requirements are pre-commencement and require the submission of additional information that the development must be carried out in accordance with.

Your attention is also drawn to Informative 3 of this permission in relation to this condition.

12 Reason: To reduce the impacts on protected sites and species in accordance with the NPPF and Development Plan.

13 Condition: The development hereby permitted must adhere to the predicted construction and operational noise levels stated in sections 6 to 8 (including appendices 3 and 4) of The Noise Impact Assessment (Ref: 298127-RSK-RP-001-(00) dated June 2021) that accompanied the application. Any variations that exceed these levels must be agreed immediately in writing by the Local Planning Authority.

13 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan.

14 Condition: Prior to the installation of any external lighting associated with the development hereby permitted, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation / angle of the luminaries, the spacing and

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height of the lighting columns, the extent/ levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed. This condition should be read in conjunction with Informative 2 of this permission.

- 14 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 15 Condition: Within six months of the cessation of electricity generation by the solar facility hereby permitted, all above ground infrastructure shall be dismantled and removed from the site. The site shall be restored to its condition prior to the implementation of the planning permission or in line with a scheme, the details of which shall be submitted to and be approved in writing by the Local Planning Authority no later than three months following the cessation of power production.
- 15 Reason: To ensure satisfactory restoration of the site in accordance with the NPPF and Development Plan.