

PLANNING COMMITTEE
3 October 2022

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA AND ERRATA**

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Councillor Ryves: The officer recommendation on this medium sized solar farm application seems confused and gives undue preference to the views of Natural England and the Norfolk Coastal Partnership both of whom merely record no objections whilst the detailed response of CPRE who do object are discounted. Additionally, the view of SPC [Sedgeford PC] is "finely balanced"

The brief of NE is "... help to protect and restore our natural world" and indeed their main interest would be to consider the impact of solar farms on birds, bats and general ecology. Their response then goes on to say

" Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks"1,

The view of the Norfolk Coastal Partnership is summarised in the report, but the original response to which reference is made has not been published!! The purpose of NCP is " to manage the Norfolk Coast Area of Outstanding Natural Beauty and this site is outside the AONB!

It also concerns me that the views of the planning committee with reference to Walpole 21/01442/FM have not been considered.

1. I would like to know if either of these two consultees have actually been to the site please,
2. When will the Borough will set out a coherent policy on such farms?
3. Is there a landscape and visual impact assessment report available please?

RSPB: This application has been brought to our attention, but neither the RSPB nor NWT were consulted.

As a result, potential impacts on protected species have been overlooked. Specifically, this case was flagged to us by the Wash Wader Research Group who had recorded curlew in the fields of the application site.

We won't engage in every case, but it would be great if they could be sent to us. We understand the consultation date has passed, but flag this because unfortunately this is not an isolated occurrence. We have registered our contact details for consultations, and queried this before, but it seems the process is not working. Is there any way we can ensure that the RSPB is automatically consulted in future? Any assistance in this matter would be greatly appreciated.

Assistant Director's Comments: With regard to Cllr Ryves comments, more weight is given to Natural England's and the Norfolk Coast Partnership's (NCP) comments than the CPRE's because Natural England is the statutory consultee, and in their response they suggest the LPA seeks the view of the local AONB Partnerships; in this instance the NCP.

Natural England vary rarely comment on protected species or surveys submitted in relation to ecology. In this instance ecology was fully considered and informed by an Ecological Appraisal that accompanied the application.

Impact on the setting of the AONB has been fully considered in the Environmental Statement and detailed Landscape and Visual Impact Assessment that accompanied the application, both of which were key documents in the consideration of the application and would have been the basis on which the statutory consultee (Natural England) and NCP (together with local knowledge) based their assessment and reached their recommendation of no objection.

NCP's comments are fully covered in the officer report.

Natural England's comments have been summarised to their main comment. Based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on designated sites and has no objection.

NE's further comments relate to:

- Agricultural Land and concludes that the development falls outside of the scope;
- AONB – needs considering (which we have done, and NE's overarching comment suggests there will be no adverse impact because the AONB is a designated site), and should consult the relevant AONB partnership; NCP raise no objection;
- Solar Parks Technical Information Note – all issues covered by Environmental Statement and other supporting documentation e.g. Ecology Appraisal.

Comments raised on a completely different application would not be considered under this application that has to be determined on its own merits.

With regard to the comments of the RSPB, neither the RSPB nor NWT are statutory consultees for such applications. Furthermore, the site is not in the vicinity of any County Wildlife Sites which is a trigger for consultation.

Given that the RSPB identify the recorded presence of curlews within the field network of the application site, it is **recommended that this application be DEFERRED to allow the applicant to investigate and respond**. Additionally, officers will identify the best way to ensure that these bodies are consulted on similar applications going forward.

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Third Party: ONE letter of objection regarding the following matters:

1. Privacy issues with the new property having direct access to view into our garden, living room, bedrooms and bathroom.
2. The original application form states that there are no trees or hedges on the land, this is totally inaccurate. There are numerous trees which are used annually by nesting birds such as Goldfinch, Robins, Dunnock, Song Thrush and Blackbirds. Dunnock and Song Thrush are both on the endangered lists and also protected species in the UK.
3. There are also Bats present which again are seen to use those trees, has a Bat survey been completed?
4. Also the plans are not clear on how the sewage will be dealt with and how this might impact the existing use by existing properties.
5. We are also concerned that the plan shows a large loft that could later be converted and in doing so would have direct line of sight into the upstairs rooms, this should not be permitted.

Assistant Director's Comments: Issues regarding loss of privacy have been covered in the report. The Arboricultural Officer has confirmed that whilst the loss of trees is regrettable, they are not worthy of a tree preservation order. Replanting will also be conditioned if the application is

approved, along with details on drainage. The trees on site include a Sycamore, Hornbeam and Holly are not considered to be damaged, host to loose bark and are not covered in dense ivy. These are qualifying features for bat roosts within trees as stated within Natural England's standing advice, therefore, a bat survey was not requested. The Arboricultural Officer has also confirmed that the trees are unlikely to be suitable for bat roosting. However, bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), therefore, it is the responsibility of the applicant to appropriately act if are bats are found during construction should the application be approved.

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CORRECTIONS:

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Condition 2 is amended as follows:

2 The development hereby permitted shall be carried out in accordance with the following approved plans- (Drawing Nos. 2120-1-01 Location Plan (received 20 Sept 22)
2120 1-02 ~~D~~ **E** Site Plan and Section (received ~~23~~ 20 Sept 22)
2119-(A)2-01 Rev A Type A Floorplans (received 20 Sept 22)
2119-(B)2-02 Rev B Type B Floorplans (received 20 Sept 22)
2119-(A)3-01 Rev A Type A Elevations (received 20 Sept 22)
2119-(B)3-02 Rev B Type B Elevations (received 20 Sept 22)
2120 3-01 B Proposed Street Elevations (received 20 Sept 22)
2120-1-03 B Proposed Alteration to Access Road (received 23 Sept 2022)).

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Condition 6 is amended as follows:

6 The development hereby approved shall be constructed in strict accordance with the recommendations of the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan (**Rev B dated 23.09.22**) and Dwg 9220-DAIA **Rev B** prepared by Haydens Arboricultural Consultants dated **23.09.22** ~~15/ 17-Dec-2024~~.